

December 2, 2020
6:30 PM Regular Meeting
Virtual SRPEDD Commission Meeting
*to be convened online, allowing for remote participation via workstation, laptop,
smartphone, or landline (audio only)*

<https://us02web.zoom.us/j/86545007684?pwd=aWdBbVFBU1FablINMGIBTXJvWUY2UT09>

AGENDA

1. Call to Order, Introductions, and Welcome
2. Approval of Minutes – October 28, 2020* *(Vote requested)*
3. Reports
 - a. Chair
 - b. Executive Director
4. Consent Agenda
 - a. Regional Reviews* *(Vote to receive and place on file)*
To view projects of local and regional interest, please visit MEPA's
Environmental Monitor <http://eeaonline.eea.state.ma.us/eea/emepa/emonitor.aspx>
 - b. Contracts* *(Vote to receive and place on file)*
5. Committee Reports
 - a. Finance Committee **(Vote to receive report and place on file)*
 - FY'20 Annual Audit- Final Report
 - b. Joint Transportation Planning Group/MPO* *(Vote to receive and place on file)*
6. Grant Awards, Funding Availability Notifications/Grant-Writing Authorizations, and Letter of Support Requests
 - a. DHCD, MassDOT, EOHED and DCS Funding Opportunities*
 - b. MassBike/Central NH Bicycle Coalition letter of support request on behalf of Market Basket covered bike parking – New Bedford location
7. Old Business
 - a. Technical Assistance* *(Vote to receive and place on file)*
 - b. Regional Housing Services initiative update
 - c. HB48 Update*
8. New Business
9. Roundtable: Opportunity for Commissioners to provide updates on local topics, projects or matters of regional interest
10. Adjourn

FUTURE MEETINGS: January 27, 2021; February 24, 2021; March 24, 2021;
April 28, 2021; May 26, 2021 (Annual Meeting)

NOTE: An Exec. Cmte Meeting will be convened in the absence of a Commission quorum.

*Attached

AGENDA ITEM: Minutes, # 3

SRPEDD Commission Minutes- Draft
October 28, 2020
Via Zoom

Present:**Commissioners:**

B. Maki, Carver	S. Taylor, Dartmouth	J. Carvalho, Dighton	R. Espindola, Fairh.
R. Fleurent, Jr. Fair	B. Mancovsky, Lakeville	A. Horowitz, Mansfield	J. Robbins, Mattap.
L. Dalpe, Middleb.	L. Bradley, Middleboro	L. Pirnie, No. Attle.	M. Clarner, No. Attle.
K. Bryan, New Bedford	S. Ollerhead, Norton	M. Andrade, Raynham	W. Costa, Rehoboth
G. Hartley, Rochester	S. Starrett, Rochester	S. D'Amico, Seekonk	P. Dunn, Seekonk
L. Mendes, Somerset	R. Fenstermaker, Som.	G. Hovorka, Swansea	W. Roth, Taunton
A. Slavin, Wareham	M. King, Wareham	S. Ouellette, Westport	J. Whitin, Westport
J. Pecinni, Taunton A/L			

Guests/Staff:

E. Arbeene, SRPEDD	S. Brown, SRPEDD	G. King, SRPEDD	P. Mission, SRPEDD
K. Porter, SRPEDD	S. Royer, SRPEDD	J. Walker, SRPEDD	

Absent:

H. Young, Acushnet	G. Ayrassian, Attleboro	J. Callahan, Berkley	S. Leary, Berkley
J. Walsh, Carver	K. Melo, Dartmouth	W. Kenney, Fall River	J. Ferreira, Fall River
C. McKay, Freetown	D. DeManche, Freet.	N. Hills, Marion	R. Burgmann, Mattap.
J. Ponte, New Bedford	S. Hornsby, Norton	C. Yarworth, Plainville	C. Sullivan, Raynham
G. Schwall, Rehub.	J. Hansen, Swansea	R. Tith, F.R A/L	P. Sullivan, NB A/L

1. **Call to Order:** The meeting was virtually called to order by Chairman Alan Slavin at 6:30 P.M. A roll call was taken by municipality. The meeting was recorded.
2. **Approval of Minutes:** A motion was made to approve the September 23, 2020 minutes with one abstention. VOTED UNANIMOUSLY.
3. **Reports:**
 - a. **Chair:** Chairman Slavin reported on the latest COVID-19 updates for Massachusetts.
 - b. **Executive Director:** Mr. Walker mentioned that he had a few grant items to discuss further in the agenda.
4. **Consent Agenda:**
 - a. **Regional Reviews:** Chairman Slavin mentioned that there were no Regional Reviews this month. Mr. King mentioned with the Commissioner's permission, moving forward, rather than continuing to catalogue and list projects in the region that are already available in full detail-- via the Mass Environmental Policy Act Office (MEPA)'s *Environmental Monitor*:

<http://eeaonline.eea.state.ma.us/eea/emepa/emonitor.aspx> , project database:
<http://eeaonline.eea.state.ma.us/eea/emepa/searcharchive.aspx> , or other online resources:
<https://www.mass.gov/orgs/massachusetts-environmental-policy-act-office>-- he indicated that staff would prefer to focus on and bring to the Commission those projects involving multiple SRPEDD communities, on which the agency is commenting on, and/or identified to be of regional significance. In many cases, he indicated there is a time lag problem, owing to the monthly Commission meeting schedule, where staff is reporting on projects that have already been through the process. He encouraged Commissioners to sign up to receive notifications regarding latest editions of, and/or continue to visit the *Environmental Monitor* online, to see if there are projects of interest to you and your community. Mr. Mendes asked if SRPEDD could put an active link on the agenda for the Environmental Monitor website in the Commission future agenda.

b. **Contracts:** Chairman Slavin presented the seven contracts below.

Be it resolved that the SRPEDD Commission authorizes the Chairman, Treasurer, Officers and Executive Director, as appropriate, to negotiate and execute the following contracts:

1. With the town of Marion for assistance with developing a Housing Production Plan for an amount not to exceed \$8,000.

The motion was made and seconded to accept the seven contracts as written above. VOTED UNANIMOUSLY.

5. Committee Reports:

- a. **Finance Committee:** Mr. Horowitz referred the Commission to the Finance Committee report which met on Sept. 21, 2020 via Zoom. The September 16, 2020 Finance meeting minutes were approved. The Treasurer's Report for October 2020 received, and a warrant for expenses in the amount of \$93,975.40.

The Committee reviewed OPEB statement for August 2020 included in the packet along with September 2020 month-end general journal entries.

The Committee received a preliminary draft FY'20 audit report received from agency accounting firm Melanson.

The FY'21 Q1 Budget Update was also presented, and following discussion, accepted for forwarding to the full Commission at its upcoming next meeting on October 28, 2020.

Mr. Walker referred the Commission to the FY'21 Q1 Budget Update that was sent to the Commission prior to the meeting, providing additional highlights.

A motion was made and seconded to approve the FY'21 Q1 Budget update as presented to the Commissioner. VOTED UNANIMOUSLY.

A motion was made and seconded to approve the Finance report and place on file. VOTED UNANIMOUSLY.

- b. **Joint Transportation Planning Group/MPO:** Mr. Mission reported that the JTPG and SMMPO met this month. He stated at the past meetings the members have started the discussion of projects for the Transportation Improvement Program and consider projects for the future year element. He mentioned at the last MPO meeting there was an amendment to the UPWP to do an Access Management Study of Route 103 Corridor in Somerset that was presented at the meeting which was requested by Nancy Durfee, the Somerset Town Planner. The project is out for public review and comment for 21 days. It will be considered at the November meeting for approval and addition to the UPWP. Secondly, SRPEDD received a request for a study of Route 6 in Westport as well as a portion of Dartmouth. Staff will be putting together an amendment for the MPO's consideration to be included in the work program for next month. This work will be for a safety study of the Route 6 corridor from approximately the Fall River line in Westport in an easterly direction to the intersection of Cross Road in Dartmouth. This is going to be a similar effort to the study that was done for Fairhaven, Marion, Mattapoisett and Wareham about a year ago. There was some follow up discussions regarding that study, and related projects currently being considered. Mr. Mission mentioned he will keep everyone updated. Lastly, SRPEDD is preparing for another federal certification through Federal Highway and Federal Transit, in advance of the next Regional Transportation Plan update. The agency is waiting to receive a formal letter concerning the timing of the certification process, along with introductory questions, as in past years, with respect to the organizational structure and Policy Board involvement for the MPO, Regional Transportation Plan development, Transportation, Improvement Plan (TIP) development, efforts with public outreach with those documents, and compliance with federal regulations for Title VI Non-Discrimination, Environmental Justice, ADA and Limited English Proficiency. He indicated that SRPEDD Congestion and Safety Plans completed over the last four years since the last certification review will also be included under Performance Base Planning and Management, together with an evaluation of Intermodal and Transit Planning. Mr. Mission stated that SRPEDD will be having a series of meetings, one with a JTPG and one with the MPO that discuss the process and discuss the efforts with representatives and members of each of those boards. There will be an opportunity for the public as well as the SRPEDD Commission to weigh in on the planning process, if they would like to do so. Those meetings are scheduled for a series of meetings to be held over the course of the week of January 25th. Mr. Mission mentioned as soon as he has final dates for the meetings he will let the Commission know. He reiterated that the meetings are open to the public.

A motion was made and seconded to approve the JTPG/MPO report. VOTED UNANIMOUSLY.

6. Grant Awards, Funding Availability Notifications/Grant-Writing Authorizations, and Letter of Support Requests

- a. **EDA Grant Award to Support Commercial Fishing Industry in NB Opp Zone:** Mr. Walker referred Commissioners to the press release included in the agenda packet announcing the \$16 million award on behalf of the New Bedford Port Authority, for key infrastructure that not only holds the promise of significant new jobs and further private investment, but the capacity advance the City of New Bedford and broader region.

He stated that SRPEDD staff is continuing to chase a number of very promising other funding possibilities as well, on which it is hoped to hear back shortly. In addition to EDA funding, staff has been busy pursuing state level funds under the recent CARES grant-enabled technical assistance and recovery-related expansion. He indicated that meetings were underway with communities across the region, and to please do not hesitate to reach out with project needs and requests for assistance.

7. Old Business: None

- a. **Technical Assistance:** Mr. King referred the Commission to the technical assistance page and mentioned that projects are still moving forward.

The motion was made and seconded to approve the Technical Assistance report and placed on file.
VOTED UNANIMOUSLY.

- b. **Wareham EDA Decas School Update:** Chairman Slavin and Mr. King provided an update on the Wareham EDA Decas School update. Chairman Slavin provided some background on the project. He mentioned that this project has been going on for 10 years and they are using whatever assets they have. He stated that Wareham looked at the State grant programs and decided to work with SRPEDD to look for EDA grant possibilities along with using the drone program. He mentioned that all communities are encouraged to similarly reach out as well.

Mr. King mentioned, as included in the packets, that a copy of the presentation is available the SRPEDD website for any who might be interested and posted a link to the presentation via Chat as well. He mentioned that staff had recently delivered the presentation to the Wareham Redevelopment Authority. He indicated that working with Chairman Slavin, the Redevelopment Authority, the town planner and others. the market study had identified a range of plausible development types that that could take place on the site. He also stressed the importance of District Local Technical Assistance funding and the town's Municipal Assistance hours to the study. In this case, it was a 50:50 match of EDA, DLTA and Municipal Assistance funding.

8. New Business: None.

9. **Roundtable: Opportunity for Commissioners to provide updates on local topics, projects or matters of regional interest:** Mr. Hovorka mentioned that the town of Swansea has a new Town Administrator, Mallory Aronstein.

Ms. Dalpe mentioned that Middleboro is at level red for Covid-19 cases for the second week in a row and if it goes to three weeks then the town will go back a step. Mr. Pirnie mentioned the same goes for N. Attleborough as well.

Mr. Espindola thanked Mr. Walker for sending the Climate Change link around to the Commission.

Mr. Taylor asked if anyone knows of a Cost of Community Service Study that is available. Mr. Walker mentioned that he is familiar with such studies done in Virginia. Mr. Taylor stated that he come across some compelling Virginia CoCS examples in his research and would be interested in any further information people might be able to provide. Mr. Espindola mentioned that the MA Department of Revenue has a lot of information on spending by category and rank of community.

10. **Adjourn:** The meeting was adjourned at 7:20 PM. The next Commission meeting will be on Wednesday, December 2, 2020 at 6:30 P.M., to be held virtually.

Respectfully submitted,

[11/23 Taunton River Water Alliance (TRWA) letter on revised Final Environmental Impact Report and Comprehensive Wastewater Management Plan (FEIR)]

November 23, 2020

Michael Andrus, PE
Project Manager
Beta Group, Inc.
MAndrus@BETA-Inc.com
Via email

Dear Mr. Andrus,

Thank you for your email of October 22, 2020 informing TRWA of the revised Final Environmental Impact Report and Comprehensive Wastewater Management Plan (FEIR) that you were submitting for review by MEPA, relevant state agencies and stakeholders.

TRWA would like to go on record as strongly in favor of this upgrade and for the state agencies providing a swift project review and approval. MassDEP continuous monitoring at two locations in Mount Hope Bay clearly demonstrates the need for this facility and the other wastewater treatment plant upgrades in the Taunton River watershed to address nutrient pollution. As indicated in our comments attached MassDEP continuous monitoring found that DO standards are violated 20 to 30% of the time even using a criterion less stringent than the current standard.

We believe this plant upgrade and sewer system capacity expansion is too important for further delay. Consequently, we offer the comments attached for clarification and summarization of our understanding of the report only. In the interest of time, we are not requesting that the report be revised. We do not want this project which is already projecting a Phase 1 (TN 5 mg/l) completion date of 7/01/2022 vs an NPDES permit compliance date of 7/01/2021 (i.e. one year behind schedule) to be delayed any further. Keeping the completion date for this upgrade as the Spring of 2022 will keep it consistent with the scheduled TN upgrades for other watershed WWTF upgrades (Brockton – 4/01/2022 and Bridgewater – 5/01/2022) resulting in the next increment of improvement in Taunton estuarine health.

Thank you for considering our comments.

Sincerely,



Joseph Callahan
President, TRWA

ccs (via email):

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ATTACHMENTS - TRWA Comments and Summary of Final FEIR Highlights:

Final Environmental Impact Report (FEIR) and Final Comprehensive Wastewater Management Plan (CWMP) – City of Taunton, April 2020 Revised October 2020 prepared for the City of Taunton Department of Public Works by BETA Group, Inc.

The Taunton River Watershed Alliance (TRWA) appreciates the opportunity to comment on the FEIR and CWMP prepared by BETA Group, Inc. for the City of Taunton. TRWA strongly supports the City's efforts to upgrade the Taunton Wastewater treatment plant and expand the sewer systems capacity to convey wet weather flows to the treatment plant, reduce infiltration inflow, and reduce the frequency and volume of wet weather overflows of untreated wastewater to the Taunton River.

We believe this plant upgrade and sewer system capacity expansion is too important for further delay. Consequently, we offer the comments below for clarification and summarization of our understanding of the report only. In the interest of time, we are not requesting that the report be revised. We do not want this project which is already projecting a Phase 1 (TN 5 mg/l) completion date of 7/01/2022 vs an NPDES permit compliance date of 7/01/2021 (i.e. one year behind schedule) to be delayed any further.

Summary:

I. Page 5-1 Section 5 Needs Analysis

Wastewater Treatment Facility (WWTF) was built in 1950 with the last significant upgrades in 1978 and 2000. Due to the facilities age and the age of its equipment the WWTF is overdue for a major upgrade. The upgrade is needed to replace obsolete equipment, expand flow for wet weather and CSO abatement, and nitrogen removal.

II. Page 5-1 Section 5.2 Discharge Permit

This section of the report makes the following statement: "The City of Taunton is required by the permit to achieve an interim total nitrogen limit of 5 mg/l, with a final limit of 210 pounds per day (3 mg/l at a flow rate of 8.40 MGD). However, MassDEP is considering a revision to the salt water Dissolved Oxygen criteria established in the Massachusetts Surface Water Quality Standards (314 CMR). The current standard for dissolved oxygen for water with an SB classification is 5.0 mg/l. The proposed standard, which has been adopted by most states along the eastern seaboard, ranges from 2.9 mg/l to 4.6 mg/l depending on water body characteristics, and whether the condition is acute or chronic. This lower standard could result in a less stringent total nitrogen requirement in the permit. Should the standard be changed, the City will likely apply for a permit modification. In addition, in August 2019 a technical memorandum¹ was issued by the University of Massachusetts School for Marine Science and Technology (SMAST). The memorandum provided updated information and analysis on the relationship between nitrogen discharged to the Taunton River and dissolved oxygen levels in the river and in Mount Hope Bay. The findings of this report could also result in a less stringent total nitrogen discharge requirement for the Taunton WWTF."

We believe the statement in quotes above is outdated and no longer accurate. The standards revision methodology cited above is over 20 years old and not recognized as protective of habitat, particularly foraging habitat for the Atlantic Sturgeon a federally listed endangered species or other sensitive species such as Winter Flounder and Sea Run Brook Trout which inhabit the Taunton estuary. MassDEP has been considering if it should revise the Commonwealth's salt water DO criteria, however, it has never considered a chronic criterion lower than the current DO criterion of 5.0 mg/l. Based on continuous monitoring in Mount Hope Bay from 2017 through 2018 (see Attachment A summary) MassDEP has advised the City of Taunton in letters of July 29, 2019 and November 23, 2018 that due to measured low DO levels

measured during weeks at a time, a significant change to less stringent DO criteria for Mount Hope Bay that would impact the City's effluent limits is unlikely. The information and analysis in the SMAST technical memorandum do not appear to be materially different than information already available in the Administrative record of the permit and the City's appeals to the EPA Environmental Appeals Board and First Circuit Court of Appeals and therefore does not appear to warrant a permit limitation change. According to the City's response to a Save the Bay request for information under the MA Public Records Act (M. G. L. Chapter 66, Section 10) dated September 30, 2019 the City spent over \$700,000 on its permit appeal losing before both the EPA Environmental Appeals Board and First Circuit Court of Appeals (see link to First Circuit Decision and Important Quotes from the Judicial Decision included as Attachment B). At low flow (7-day 10-year low flow) the river at the point just below the City's WWTF discharge can be over 50% treated effluent (from Taunton and upstream WWTFs) hence it is unrealistic to speculate that there is a significant likelihood that the City's summer or dry weather effluent limitations will change in the future.

III. Page 6-14 **Recommendations**

Nitrogen Removal – Alternative 1; 4 stage Bardenpho

This is a standard treatment technology for achieving the effluent TN levels required by the City's permit

Total Capital Cost - 36,140,000

20-year, 0% loan (SFR loan rate for TN facilities) – Annual Cost 2,100,000 (includes added O and M)

After loan paid off added O and M is 300,000 per year

Cost to Upgrade Obsolete and Undersized Treatment Facilities

Total Capital Cost – 28,500,000

20-year, 2% loan (SRF loan rate for other needed facilities) – Annual Cost 1,742,966 per year

Additional O and M for new facilities 200,000 per year

Total Capital and O and M Annual Cost 1,942,966 per year

Total of new Annual WWTF Costs – 4,042,966 per year (52% TN related and 48% obsolete equipment upgrade/flow increase related)

Combined Sewer Overflows (CSOs)

- No overflow events in 2017

- 2 overflow events in 2018 (wet year)

CSO Abatement Plan is to upgrade WWTF flow capacity and Main lift station included in above and also continue I/I reduction program

- Pipes and manholes 3 M/year on-going existing program (part of I/I work)

- Upgrade 3 pump stations 1.5 M (total capital cost)

- Evaluate frequency of discharge and size of storm that triggers a CSO event after Main pump station and WWTF capacity upgrades are complete to see what, if any, further work is needed

Sewer System Expansion

- 26 miles, 1 pump station, 9 areas

- Total cost 59.3 M (if all done by 2037, most likely will be done over longer time period)

- Paid for by betterment charges when majority of residents in an area want sewer tie-in

- WWTF capacity expansion for increased flow and some additional pipeline and pump station capacity increases needed to accommodate increased flow from new areas are included in the current upgrade program cost estimate.

IV. **Upgrade schedule** Figure 7-1 of report

- Complete Phase 1 (meet 5 mg/l monthly average TN permit limit) **6/30/2022** (12 months later than original permit schedule date of 7/01/2021)
- Complete Phase 2 (meet final 12-month seasonal rolling average TN limit of 210 lbs/day) **12/31/2022** (3 ½ years earlier than original permit schedule date of 7/01/2026)
- Other watershed major dischargers have completed TN upgrades early or are on schedule:
 - Middleboro – completed 2/01/2018 (1 year ahead of schedule)
 - Mansfield/Norton/Foxboro – completed 12/01/2018 (1 year ahead of schedule)
 - Brockton – On schedule to meet TN limits of 450 lbs/day seasonal rolling average 4/01/2022
 - Bridgewater – On schedule to meet TN limits of 60 lbs/day seasonal rolling average 5/01/2022

The Taunton River and Mount Hope Bay are water quality limited waters where each major discharger has been given a TN wasteload allocation needed to meet water quality goals. A combined effort with all facilities meeting their effluent limitations is needed to restore the biological integrity of the river and estuary. Currently Taunton, Brockton and Bridgewater all scheduled for **completion in June 2022**.

V. Page 7-8 **Financial Plan** – Table 7-2 **User Fee Impacts – Average Single-Family Taunton Residence in Year 2026**

Single Family based on 76 HCF/year (7,600 cubic feet per year water use or 56,852 gal/year)

Based on current wastewater flows user communities will pay flow proportionate share of upgrade costs

- Raynham – 15.5%
- Norton – 7.1%
- Dighton – 0.6%

Total Paid by user communities – 23.2%

User Fee Impact **2026 for Taunton Resident** (cost above current user fee) based on Table 7-2 of FEIR

Project	Annual Total User Fee Impact	Monthly Total User Fee Impact
Improvements to Existing Sewers and Pump Stations	82	6.83
Sewer System Extension – Needs Areas	52	4.33
WWTF Upgrade		
• TN Related (52%)	131	10.92
• Equipment Rehab/Flow Increase (48%)	121	10.08
Total Cost	386	32.16

The estimated monthly user cost increase of \$32 per month in 2026 is not excessive nor is the \$11 per month attributed to TN removal costs.

VI. Page 6-22 **6.5 COMPLIANCE FOR FLOWS ABOVE 8.4MGD**

6.5.1 ANTI-DEGRADATION ANALYSIS

TRWA supports the City's proposal to conduct an antidegradation analysis to determine if flows greater than those currently permitted may be permitted during times of higher river flow and dilution (non-seasonal TN limit months)

without impairing water quality. Since this study includes ambient water quality monitoring TRWA believes that this study should only be conducted after the plant is upgraded and operating at a steady state meeting all effluent limitations. The analysis should include multi-year monitoring to assess effluent variability during dry and wet years.

Attachment A - MassDEP Mount Hope Bay Continuous Monitoring

Location and Parameters Measured at Mouth of Taunton and Cole Rivers

Taunton River

Class SB water: Continuous monitoring (every 15 minutes) for dissolved oxygen, nitrate-N, chlorophyll-a, blue green algae, temperature, pH, specific conductivity and salinity at 1 meter below the surface and 0.5 meter from the bottom.

Cole River

Class SA water: Continuous monitoring (every 15 minutes) for dissolved oxygen, nitrate-N, chlorophyll-a, blue green algae, temperature, pH, specific conductivity and salinity at 1 meter below the surface and 0.5 meter from the bottom.

Taunton River MassDEP Continuous Monitoring Results

Dry year (e.g. 2017) Dissolved Oxygen (DO) violates water quality standards (even the less stringent DO criteria MassDEP was considering) over 30% of time concurrent with high algae and chlorophyll-a levels.

Wet Year e.g. (2018) Dissolved Oxygen (DO) violates water quality standards over 20% of time concurrent with high algae and chlorophyll-a levels.

Per MassDEP Letters of:

July 29, 2019 <https://savethetaunton.org/wp/wp-content/uploads/2019/08/MassDEP-Response-to-5-21-19-Letter-from-Taunton-WQS-Violated-in-2017-and-2018.pdf>

November 23, 2018 <https://savethetaunton.org/wp/wp-content/uploads/2019/04/MassDEP-Letter-of-11-13-2018-Not-Supporting-DO-Criteria-Revision.pdf>

Google Map of MassDEP (gray tear drops) and TRWA (red tear drops) monitoring locations:

<https://www.google.com/maps/d/u/0/viewer?amp%3Busp=sharing&mid=19sGW1ayfrkuE08cW9wmccZE3BLo&ll=41.879736585309885%2C-71.06071578301356&z=10>

Other Monitoring Results

The Taunton River Watershed Alliance (TRWA) monitors approximately 20 locations throughout the Taunton River watershed once a month during the summer season. These results frequently measure levels of nitrate above EPA and MassDEP's target value for the waters of the watershed.

Taunton River Watershed Alliance (TRWA) monitoring results available at:

<https://savethetaunton.org/>

ATTACHMENT B - IMPORTANT QUOTES FROM THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT CITY OF TAUNTON V. EPA CASE NO. 16-2280

(For full decision see:

[https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/A568248B44D1C63785258053005AEDD0/\\$File/Opinion%207.9.2018%20\(46%20pages\).pdf](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/A568248B44D1C63785258053005AEDD0/$File/Opinion%207.9.2018%20(46%20pages).pdf))

After considering all of the City's challenges, both procedural and substantive in nature, we uphold the EPA's permitting decision.

NPDES permits "must control all pollutants or pollutant parameters" that the EPA "determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." 40 C.F.R. § 122.44(d)(1)(i). The EPA has interpreted "reasonable potential" to mean "some degree of certainty greater than a mere possibility." *In re Upper Blackstone Water Pollution Abatement Dist.*, 14 E.A.D. 577, 599 n.29 (EAB 2010). "Narrative" water quality criteria are qualitative, rather than numerical, in nature. See 40 C.F.R. §§ 131.3(b), 131.11 (b).

Massachusetts classifies the Taunton Estuary and the eastern portion of Mount Hope Bay as "Class SB" waters. Per state regulations, Class SB waters "are designated as a habitat for fish, other aquatic life and wildlife . . . and for primary and secondary contact recreation." 314 Mass. Code Regs. § 4.05(4)(b). They "shall have consistently good aesthetic value." *Id.* Class SB waters must also meet the numeric water quality criterion of a minimum of 5.0 mg/l of dissolved oxygen. *Id.* § 4.05(4)(b)(1). So too must they satisfy the following narrative water quality criterion:

Unless naturally occurring, all surface waters shall be free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses Any existing point source discharge containing nutrients in concentrations that would cause or contribute to cultural eutrophication . . . shall be provided with the most appropriate treatment . . . to remove such nutrients to ensure protection of existing and designated uses. *Id.* §4.05(5)(c).

When issuing NPDES permits for states that employ narrative criteria, the EPA must translate those criteria into a "calculated numeric water quality criterion" that the EPA "demonstrates will attain and maintain applicable narrative water quality criteria and will fully protect the designated use." 40 C.F.R. § 122.44(d)(1)(vi)(A). The EPA may arrive at that numerical criterion by using "a proposed State criterion, or an explicit State policy or regulation interpreting [the State's] narrative water quality criterion, supplemented with other relevant information" *Id.* Massachusetts has not prescribed specific methodologies for deriving numeric nitrogen limitations that correspond to its narrative criteria. It therefore fell to the EPA to do so here.

The EPA may arrive at that numerical criterion by using "a proposed State criterion, or an explicit State policy or regulation interpreting [the State's] narrative water quality criterion, supplemented with other relevant information" *Id.* Massachusetts has not prescribed specific methodologies for deriving numeric nitrogen limitations that correspond to its narrative criteria. It therefore fell to the EPA to do so here. The EPA looked to an interim report prepared for the Massachusetts Department of Environmental Protection (MassDEP) known as the Critical Indicators Report." See Massachusetts Estuaries Project, Site-Specific Nitrogen thresholds for Southeastern Massachusetts Embayments: Critical Indicators, July 21, 2003, [https://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/Verity%20View/DE93FF445FFADF1285257527005AD4A9/\\$File/Memorandum%20in%20Opposition%20...89.pdf](https://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/Verity%20View/DE93FF445FFADF1285257527005AD4A9/$File/Memorandum%20in%20Opposition%20...89.pdf) nitroest.pdf (last visited June 14, 2018). As the EPA explained in the response to comments, "[w]hile MassDEP has not adopted the Critical Indicators Report as a specific policy, it has afforded the document technical and scientific weight, [and] has explicitly relied on the report" in other regulatory contexts.

The purpose of that report is to provide a "translator" between Massachusetts's narrative water quality standard and corresponding numeric nitrogen thresholds that would ensure compliance with those standards. Id. at 2. To that end, the Case: 16-2280 Document: 00117311567 Page: 26 Date Filed: 07/09/2018 Entry ID: 6182465 -27- report listed various criteria, or "indicators," to guide assessments of the present health of a given body of water, including the amount of oxygen, nitrogen, and chlorophyll present in that body. 12 Id. at 11. In this sense, those indicators "serve as factors to consider when assessing how healthy a body of water is. The interim report also provided what it describes as "straw man" threshold levels -- to be "further refined with the collection of additional data and modeling." Id. at 3. For example, per those thresholds, Class SB waters are not impaired when, among other things, "oxygen levels are generally not less than 5.0 mg/l," chlorophyll-a levels are between 3-5 µg/l, and nitrogen levels are between 0.39-0.50 mg/l. Id. at 22. "Moderately impaired" SB waters have oxygen levels that "generally do not fall below" 4.0 mg/l, chlorophyll levels that may reach 10 µg/l, and nitrogen concentrations above roughly 0.5 mg/l. Class SB waters are "significantly impaired," according to the report, at around 0.6-0.7 mg/l of nitrogen. Id.

The EPA then looked to data from a three-year water quality monitoring study that the School for Marine Sciences and Technology at University of Massachusetts Dartmouth (SMAST) had carried out. The study involved taking monthly water samples from 22 sites across the Taunton Estuary and Mount Hope Bay from 2004 to 2006. The study revealed that all of these sites were suffering from excessive algae growth; each site had an average chlorophylla concentration of over 10 µg/l during the study's three-year period. All 22 monitoring stations also had an average dissolved oxygen concentration below 5.0 mg/l during that period. And in the case of 16 monitoring stations, the average nitrogen concentration exceeded .5 mg/l -- where the Critical Indicators Report drew the line for "clearly impaired" waters. Those monitoring stations located in the Taunton River tended to have the highest nitrogen concentrations. The monitoring station closest to the Facility's discharge point showed a particularly high nitrogen concentration -- ranging from 0.66 to 0.99 mg/l during the course of the study.

The EPA also considered data from another monitoring station in Mount Hope Bay, operated by the Narragansett Bay Water Quality Network. That data showed that the dissolved oxygen Case: 16-2280 Document: 00117311567 Page: 28 Date Filed: 07/09/2018 Entry ID: 6182465 -29- concentration at that site fell below 4.8 mg/l on multiple occasions in 2005 and 2006. On two such occasions, the dissolved oxygen concentration remained below 2.9 mg/l for two days, resulting in "hypoxic conditions," or "levels of dissolved oxygen below what is needed by aquatic organisms to breathe," Upper Blackstone, 690 F.3d at 12. The data also showed multiple events "of chlorophyll-a concentrations exceeding 20 µg/l. Moreover, the data from the monitoring station indicated that the site continued to suffer from elevated chlorophyll-a concentrations and persistent dissolved oxygen concentrations below 5 mg/l in 2010. The EPA then applied the SMAST and Mount Hope Bay data to the Critical Indicators Report. This led it to conclude that "cultural eutrophication due to nitrogen overenrichment in the Taunton River Estuary and Mount Hope Bay has reached the level of a violation of both Massachusetts and Rhode Island water quality standards for nutrients and aesthetics, and has also resulted in violations of the numeric [dissolved oxygen] standards." According to the City, this conclusion was the product of various errors.

We agree that the EPA did not use the Critical Indicators Report improperly. The City's objections to the EPA's reliance on the "straw man" thresholds in the Critical Indicators Report are ultimately inapposite, as the EPA relied not on those thresholds, but rather on the Report's indicators in reaching its conclusion about nutrient impairment. Of course, had the EPA been able to rely on threshold levels not subject to future refinement, then its analysis may have benefitted from greater scientific certainty. But, it was not required to delay its decision until such information became available, and its conclusions are not invalid because they are the product of employing the indicators set out in the Critical Indicators Report to analyze the SMAST data. "As in many science-based policymaking contexts, under the CWA the EPA is required to exercise its judgment even in the face of some scientific uncertainty." Upper Blackstone, 690 F.3d at 23. Using those indicators to determine that the Taunton Estuary was nutrient impaired for purposes of Massachusetts's narrative criteria, see 314 Mass. Code Regs. § 4.05(4)(b), comported with the regulations

that govern translating narrative criteria in the absence of an official state-sanctioned methodology, see 40 C.F.R. § 122.44(d)(1)(vi)(A), and was not arbitrary or capricious.

But, as the EAB correctly determined, the EPA did not need to show causation -- for example, through a statistical regression analysis -- to support its conclusion that the Taunton Estuary was nutrient impaired. Rather, the EPA needed only to conclude that the further discharge of nitrogen had the "reasonable potential to cause, or contribute to an excursion above any State water standard." 40 C.F.R. § 122.44(d)(1)(i) (emphasis added see also 314 Mass. Code Regs. § 4.05(4)(b)(1) (establishing the numeric criterion that Class SB waters have a minimum of 5.0 mg/l of dissolved oxygen), (5)(c) (establishing the narrative criterion for Class SB waters that "[u]nless naturally occurring, all surface waters shall be free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses"). We further note that the words "contribute to" also indicate that nitrogen need not be the sole cause of any potential violation of a state standard, further undercutting the suggestion that the EPA needed to prove causation. Moreover, in upholding the "reasonable potential" determination here, the EAB observed that under the NPDES regulations, the permitting authority has a "significant amount of flexibility in determining whether a particular discharge has a reasonable potential to cause an excursion above a water quality criterion." See also National Pollutant Discharge Elimination System, 54 Fed. Reg. 23,868, 23,873 (June 2, 1989). The City's arguments thus miss their mark; it is incorrect that the EPA needed to show a causal relationship between high concentrations of nitrogen and low concentrations of dissolved oxygen. The absence of an analysis of this sort from the EPA's "reasonable potential" determination, therefore, cannot have made that determination arbitrary or capricious.

To calculate that total nitrogen threshold, the EPA -- employing what is known as a "reference-based" approach -- looked to one of the monitoring stations in the SMAST study, MHB16, that "consistently met dissolved oxygen standards." As the EPA detailed in the response to comments, MHB16 was, among all of the unimpaired sites in the SMAST study, the site with the highest nitrogen concentration. The nitrogen concentration at MHB16, 0.45 mg/l, also fell within the range that the Critical Indicators Report held out as consistent with unimpaired conditions (0.35-0.5 mg/l). The EPA further explained in the fact sheet that this nitrogen threshold was consistent with "total nitrogen concentrations previously found to be protective of [acceptable dissolved oxygen levels] in other southeastern Massachusetts estuaries [which] have ranged between 0.35 and 0.55 mg/l." Mindful that all of the sites in the SMAST study with a nitrogen concentration above 0.45 mg/l suffered from nutrient impairment, the EPA explained in the response to comments that "there is simply no evidence that a higher target [total nitrogen] concentration would be sufficiently protective in the Taunton River Estuary." The EPA therefore selected 0.45 mg/l as the target nitrogen concentration that would serve as the basis for the effluent limitations the permit would impose on the Facility.

Our standard of review, once more, does not deputize us to second-guess the EPA's choice of data, so long as the agency acts "with a reasonable basis" in selecting and applying it. *Upper Blackstone*, 690 F.3d at 26. And here, as the EAB explained, the agency had good reason for relying on the SMAST data, which drew from 22 different monitoring stations: the more recent studies -- such as that of the Narragansett Bay Water Quality Network -- were "limited in terms of location and parameters monitored and thus were insufficient to form the basis for an alternative analysis of the Taunton Estuary." Moreover, the EPA did not ignore that recent data, but rather found that it was "consistent with [its] analysis of the SMAST data and indicated continued adverse water quality impacts."

Further, we have recognized that "neither the CWA nor EPA regulations permit the EPA to delay issuance of a new permit indefinitely until better science can be developed, even where there is some uncertainty in the existing data." *Id.* at 22; see also *Massachusetts v. EPA*, 549 U.S. 497, 534 (2007) (explaining that the EPA cannot avoid its statutory obligation to regulate greenhouse gases by "noting the uncertainty surrounding various features of climate change" when "sufficient information exists to make an endangerment finding"). Thus, we think that the EPA was well-entitled to use the SMAST data in the manner that it did here.

Having considered all of the City's protestations to the contrary, we find that in calculating the Permit's effluent limit, the EPA neither relied on impermissible factors nor failed to consider a crucial aspect of the problem, and that its explanation for that limit neither flaunted the evidence in the record nor is "so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n*, 463 U.S. at 43. As the EPA's detailed explanation of how it calculated the permit's nitrogen limit of 3.0 mg/l reveals, that limit falls within the "zone of reasonableness," and so we do not see fit to second-guess it. See *Upper Blackstone*, 690 F.3d at 28; see also *Solite Corp. v. EPA*, 952 F.2d 473, 488 (D.C. Cir. 1991). As a result, we leave undisturbed this well-reasoned exercise of the EPA's delegated authority to administer the CWA.

None of the City's procedural or substantive challenges having merit, the decision of the EAB is affirmed.

AGENDA ITEM: Grant/Contract Approvals, # 4.b.

Be it resolved that the SRPEDD Commission authorizes the Chairman, Treasurer, Officers and Executive Director, as appropriate, to negotiate and execute the following contracts:

1. With the town of Plympton for the assistance with the development of a Winnetuxet River Corridor Open Space Assessment for an amount not to exceed \$56,247, of which SRPEDD's portion will be \$26,616.
2. With the town of Somerset Board of Water and Sewer Commissioners to provide project management/administrative services related to the Somerset Water and Sewer Inflow and Infiltration (I&I) project for an amount not to exceed \$74,118.
3. With the town of Lakeville for the assistance with the development of a Assawompset Pond Complex and Nemasket River Watershed Management and Climate Action Plan for an amount not to exceed \$118,236, of which SRPEDD's portion will be \$28,457.
4. With the town of Norton for the assistance with the development of a Water Access Point Plan for an amount not to exceed \$19,500.
5. With the MassDOT Office of Transportation Planning in support of the FFY 2021 Unified Planning Work Program (UPWP) for an amount not to exceed \$1,416,346.

AGENDA ITEM: Finance Committee Report # 5.a.

The Finance Committee met on Nov. 18, 2020 via Zoom. The Oct. 21, 2020 Finance meeting minutes were approved, the Treasurer's Report for October 2020 reviewed, and a warrant for expenses in the amount of \$37,026.84 likewise approved.

Cash & Funds: Oct. 1, 2020	\$ 566,357.28
Cash Receipts: Oct. 1 – 31, 2020	<u>\$ 305,664.21</u>
Total Cash Accounted for:	\$ 872,021.49

Disbursements: Oct. 1 – 31, 2020	\$ 224,066.71
Cash & Funds: Oct. 31, 2020	<u>\$ 647,954.78</u>
Total Cash Accounted for:	\$ 872,021.49

The Committee reviewed OPEB statement for Sept. 2020 included in the packet along with October 2020 month-end general journal entries.

Lastly, the Committee received a detailed presentation and copy of the FY'20 final audit report from Melanson CPAs, which it accepted for forwarding to the full Commission at their next upcoming meeting.

DRAFT Minutes of the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO)**Meeting Held on****Tuesday, November 17, 2020 at 1:00 PM****Held Remotely via Zoom due to the Covid-19 State of Emergency in Massachusetts****The following members were in attendance:**

Steve Woelfel	Representing Stephanie Pollack, MassDOT Secretary and CEO, Chair
Bob Wheeler	Representing Jonathan Gulliver, MassDOT Highway Div. Administrator
Jamie Ponte	Representing Jon Mitchell, Mayor of New Bedford
Bill Roth	Representing Shaunna O'Connell, Mayor of Taunton
Shawn McDonald	Town of Dartmouth
Julie Boyce	Town of North Attleborough
Holly McNamara	Town of Somerset
Alan Slavin	SRPEDD Commission Chair
Shayne Trimbell	Representing Erik Rousseau, Administrator, SRTA
Mark Sousa	Administrator, GATRA

The following were also present:

Paul Mission, SRPEDD
Lisa Estrela-Pedro, SRPEDD
Lilia Cabral-Bernard, SRPEDD
Jackie Jones, SRPEDD
Cassie Ostrander, FHWA
Andrew Reovan, FHWA
Ben Muller, MassDOT
Barbara Lachance, MassDOT
Lee Azinheira, Town of Attleboro
Nancy Durfee, Town of Somerset
MaryEllen DeFrias, Mass Development
Barbara Stone, New Bedford Port Authority
Kevin Dumas, Town of Mansfield

Handouts:

SMMPO Meeting Draft Minutes October 20, 2020
FFY 2021 UPWP Amendment for Route 103 Corridor Study
FFY2020 UPWP Proposed Amendment for Route 6 Study
FFY2021-2025 Proposed TIP Amendments #1

AGENDA:**1. Call to Order and Roll Call-**

Chairman Woelfel welcomed attendees to the SMMPO meeting. Ms. Lilia Cabral-Bernard called the roll:

MassDOT Chair	Yes
MassDOT Administrator	Yes
City of New Bedford	Yes
City of Taunton	Yes
Town of North Attleborough	Yes
Town of Dartmouth	Yes
Town of Somerset	Yes
Town of Middleborough	Yes
SRPEDD Commission Chair	Yes
SRTA	Yes
GATRA	Yes

2. Public Comments - Opportunity for the public to address the SMMPO-

Chairman Woelfel invited members of the public to make any comments. None were presented.

3. Approval of Minutes – October 20, 2020 (Materials Attached and Roll Call Vote needed)

Chairman Woelfel requested a motion to approve the minutes from the SMMPO meeting from October 20, 2020. The motion was made by Alan Slavin, the SRPEDD Commission Chair and seconded by Shawn McDonald of Dartmouth. Ms. Cabral-Bernard called the roll:

MassDOT Chair	Yes
MassDOT Administrator	Yes
City of New Bedford	Yes
City of Taunton	Yes
Town of North Attleborough	Yes
Town of Dartmouth	Yes
Town of Somerset	Yes
Town of Middleborough	Yes
SRPEDD Commission Chair	Yes
SRTA	Yes
GATRA	Yes

THE MOTION PASSED UNANIMOUSLY

4. SMMPO Regional Transit Authorities (RTAs) Report – Opportunity for RTAs to address the SMMPO

Shayne Trimbell from SRTA stated that there was not too much to update from last month, and that they are doing what they've been doing, and it seems to be working.

Mark Sousa from GATRA stated that they are continuing to move forward with trying to see how they can be more efficient, and having their routes reviewed. He informed the group that they are starting a pilot program on December 1 with National Express for the Franklin area, it's a pilot program that they're doing here and in Arizona. It's a micro transit project.

5. Unified Planning Work Program (UPWP) –

a. Discussion on proposed FFY 2021 UPWP Amendment for Route 103 Corridor Study (**Materials Attached and Roll Call Vote needed to approve**)

Paul Mission explained that there was amendment presented to the MPO at the last meeting that was released for 21-day public comment period in regards to a study of the Route 103 corridor for access management purposes. A public meeting was held remotely on November 10 and there were no comments as a result of the meeting or submitted during the 21-day public comment period. The study itself is to review safety issues associated with driveway access along the Route 103 corridor from the interchange with Lee's river Avenue easterly to Brayton Point Road. The study was requested by the town planner Nancy Durfee, of the town of Somerset, to help with some of their development needs.

Mr. Woelfel asked for a motion to accept this study into the FFY 2021 UPWP before entertaining any questions. Nancy Durfee thanked SRPEDD and Holly McNamara thanked Nancy Durfee for her hard work.

Mr. Woelfel asked for a motion. Holly McNamara made the motion and it was seconded by Kevin Dumas of Mansfield.

Mr. Mission interrupted and stated that we needed clarification on who seconded the motion because Mr. Dumas is not a voting member of the SMMPO and cannot second a motion.

The Chair asked for another second to Holly McNamara's motion and Alan Slavin seconded the motion. Ms. Cabral-Bernard called the roll:

MassDOT Chair	Yes
MassDOT Administrator	Yes
City of New Bedford	Yes
City of Taunton	Yes
Town of North Attleborough	Yes
Town of Dartmouth	Yes
Town of Somerset	Yes
Town of Middleborough	Yes
SRPEDD Commission Chair	Yes
SRTA	Yes
GATRA	Yes

THE MOTION PASSED UNANIMOUSLY

b. Discussion on proposed FFY 2021 UPWP Amendment for Route 6 Corridor Study (**Materials Attached and Roll Call Vote needed to release for public comment**)

Mr. Mission explained that there was a proposed amendment to the FFY 2021 UPWP to the Management Systems task, which will not change the overall budget, concerning the Route 6 corridor in Westport and into Dartmouth to Cross Road. Attached in the materials distributed is a scope of work for inclusion with this task.

Mr. Mission continued by explaining that this is a safety study because there have been several fatalities along the Route 6 corridor and speed may be a factor. This will be a two-phase study beginning in the spring, and throughout the summer, and hopefully beyond the effects of the pandemic, to begin data collection efforts.

The second phase, which is an evaluation and future projections of possible traffic conditions will take place in the next work program, beginning October 1, and that would be for fiscal year 2022. It would include recommendations, work with the communities, and a public outreach effort.

Mr. Woelfel asked for a motion and a second to send the amendment out for public comment. A motion was made by Shawn McDonald of Dartmouth and was seconded by SRPEDD Commission Chair Alan Slavin. Mr. Woelfel asked if there were any questions. Hearing none, Ms. Cabral-Bernard called the roll:

MassDOT Chair	Yes
MassDOT Administrator	Yes
City of New Bedford	Yes
City of Taunton	Yes
Town of North Attleborough	Yes
Town of Dartmouth	Yes
Town of Somerset	Yes
Town of Middleborough	Yes
SRPEDD Commission Chair	Yes
SRTA	Yes
GATRA	Yes

THE MOTION PASSED UNANIMOUSLY

6. FFY2021-2025 TIP Proposed Amendment (Materials Attached and Roll Call Vote needed to release for public comment)

Lisa Estrela-Pedro presented the FFY2021-2025 TIP amendment which includes both highway and transit amendments that will need a vote to release to a 21-day comment period. The highway amendment concerns the Taunton-Interchange Improvements at Routes 24 and 140. These funds were obligated earlier, due to a redistribution exercise conducted at the end of fiscal year 2020, which is triggering this amendment to remove the funds from federal fiscal year 2021. On the transit side for GATRA are three separate line items, one for a feasibility study for a parking garage at the TOD area at the Commuter Rail station, and the other two are for engineering and construction of a pedestrian walkway on Fourth Street. The proposed amendment for SRTA is for additional operating assistance.

Mr. Woelfel asked for a motion and a second. The motion was made by Bill Roth of Taunton, and the motion was seconded by Shayne Trimbell of SRTA. Mr. Woelfel asked the group if anyone had any questions. Hearing none, he asked Ms. Cabral-Bernard to call the roll:

MassDOT Chair	Yes
MassDOT Administrator	Yes
City of New Bedford	Yes
City of Taunton	Yes

Town of North Attleborough	Yes
Town of Dartmouth	Yes
Town of Somerset	Yes
Town of Middleborough	Yes
SRPEDD Commission Chair	Yes
SRTA	Yes
GATRA	Yes

THE MOTION PASSED UNANIMOUSLY

7. MassDOT Proposed Calendar Year 2022 Performance Measure Congestion Targets (Roll Call Vote needed to approve and adjust in TIP)

Mr. Ben Muller presented the performance measures congestion emissions targets for the Boston urbanized area. He informed the group that these were presented in October for MPO consideration and today require a vote to adjust those into the Southeastern Mass TIP. Mr. Muller continued by explaining that the performance measure in question is a percentage of non-single occupancy vehicle travel, and this is a four-year target that was set back in 2018. They've had the opportunity to revisit this target two years into it, and the new data shows that the targets are doing better than estimated. The projection that was made two years ago was 35.1% and the new data shows that the percent of non-single occupancy vehicle travel and the urbanized area is increasing faster than was predicted, and so a revision of the target was made, up to 35.8%. This may seem minor, but it's covering the entire Boston urbanized area, and that 0.7% is somewhere between 12,000 and 15,000 additional people estimated to choose some method of getting to work other than a single occupancy vehicle. This data also includes telecommuting, which may rise as well.

The other target being looking at is the emissions reductions target, which covers emissions reductions by CMAQ funded projects in non-attainment, municipalities in the Commonwealth, but this particular target doesn't impact southeastern Massachusetts.

The Chairman made a motion and a second to accept these new targets. A motion was made by Holly McNamara from Somerset, and a second was made by Jamie Ponte from New Bedford. Ms. Cabral-Bernard called the roll:

MassDOT Chair	Yes
MassDOT Administrator	Yes
City of New Bedford	Yes
City of Taunton	Yes
Town of North Attleborough	Yes
Town of Dartmouth	Yes
Town of Somerset	Yes
Town of Middleborough	Yes
SRPEDD Commission Chair	Yes
SRTA	Yes
GATRA	Yes

THE MOTION PASSED UNANIMOUSLY

8. Other Business-

Mr. Mission informed the group of the Winter Shared Streets Program. It's essentially going to be an extension of the Shared Streets Program where MassDOT is going to be providing grants, as small as \$5000, and as large as \$500,000 to improve plazas, sidewalks, curbed streets and parking areas, and other public spaces to support public health, safety and mobility, and renewed commerce for municipalities.

Mr. Muller informed the group of the Cape Rail Study, with the first advisory group meeting on Thursday night at 5:30pm, hosted by the Cape Cod Commission, with information on their website at <https://capecodcommission.org/our-work/cape-rail-study> with links to the meeting materials and to the way to log on. It's just on a zoom platform like this call. There is representation from Middleborough and Wareham on the advisory group. And they welcome anyone who's interested in the survey service to show up and let your voice be heard.

Mr. Woelfel asked if anyone had attended the Moving Together conference that morning and if there was any feedback from attendees. Ms. Estrela-Pedro responded that there seemed to be some issues with each presenter having to bring up their own slides and it might be smoother for one person to run the slides for all the presenters.

9. Place and Time for Next Meeting

The time for the next meeting is to be December 9, at 1pm, for a joint JTPG and SMMPO meeting.

10. Adjourn

Mr. Woelfel asked for a motion and a second to adjourn the meeting. A motion was made and seconded. He asked for all in favor to say aye. All ayes were recorded. Mr. Woelfel asked for any opposed or any abstentions. Hearing none, the meeting was adjourned at 1:37 PM.

LOCAL RAPID RECOVERY PLANNING

NOVEMBER 20, 2020 MARPA (MASSACHUSETTS ASSOCIATION OF REGIONAL PLANNING AGENCIES)



DRAFT FOR POLICY AND PROGRAM DEVELOPMENT

11/25/2020

1

LOCAL RAPID RECOVERY PLANNING: GOAL + BUDGET

Budget \$10 Million

Admin: \$500,000

- Overall Technical Assistance Provider
- Contract Assistant Program Coordinator

Program: \$9,500,000

- No Minimum grant amount
- Maximum – depends on size and complexity. “Simple Plan” Typical Plan” and “Complex Plan”

LOCAL RAPID RECOVERY PLANNING: STRUCTURE

Program Structure

- Massachusetts Downtown Initiative (MDI) Program
 - MDI Program Coordinator + Contract Assistant Program Coordinator
 - Technical Assistance Provider (subject matter expert)
 - Instructional Webinars
 - Template for Outline of Recovery Plans - Short Term/Long Term
 - Guidance from other Recovery Planning efforts
 - Assist consultants and communities with Recovery Plan development
 - Capacity, Expertise in Revitalization and COVID response, Available
 - Recovery Plan Consultants + Regional Planning Agencies

LOCAL RAPID RECOVERY PLANNING: TIMELINE

November – December 2020

- November 30: RFP issued, due **Dec 18**
 - Review and notice of award – by mid January
- Webinar for interested parties – **Tentatively 12/3/20 at 10:00 a.m.** Will be confirmed and announced with issuance of application on 11/30/20.
- RFR for LRRP consultants – issued Early December
 - Notice of award and contracting – by mid January
 - Contracts may not be executed until Jan 30, but start date can be earlier


EMERGENCY ALERTS

HIDE ALERTS 

Coronavirus Updates and Information

6a. Funding Opportunities, *cont.*
MassDOT

Get notified by text, email, or phone in your preferred language. Sign-up for COVID-19 alerts. Nov. 8th, 2020, 5:00 pm

[Read more](#) 

For the latest information on COVID-19 Cases, Travel, & Reopening. Nov. 19th, 2020, 5:00 pm [Read more](#) 

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Shared Winter Streets and Spaces Grant Program

A Quick-Launch/Quick-Build Municipal Funding Program

Building on the success of the Shared Streets and Spaces initiative first launched during the summer of 2020, the Massachusetts Department of Transportation is now extending the program to help municipalities address the particular challenges of winter amid the ongoing public health crisis. Shared Winter Streets and Spaces will provide cities and towns with grants as small as \$5,000 and as large as \$500,000 to improve plazas, sidewalks, curbs, streets, parking areas, and other public spaces in support of public health, safe mobility, and renewed commerce.

OFFERED BY

[Massachusetts Department of Transportation](#) (/orgs/massachusetts-department-of-transportation)

What would you like to do?

Top tasks

[Apply for a Shared Winter Streets and Spaces Grant](#)

[\(/how-to/how-to-apply-shared-winter-streets-and-spaces-grant-program\)](#)

What you need to know

[Program Overview](#)

[\(/service-details/program-overview-shared-winter-streets-and-spaces-grant-program\)](#)

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[Award Announcements](#)

[\(/lists/shared-streets-press-releases\)](#)

Contact Information

Shared Winter Streets and Spaces Grant Program

Address

10 Park Plaza, Boston, MA 02116

Directions (<https://maps.google.com/?q=10+Park+Plaza%2C+Boston%2C+MA+02116>)

Online

Contact Us sharedstreets@dot.state.ma.us (<mailto:sharedstreets@dot.state.ma.us>)

More Information

Additional Resources

[Shared Winter Streets & Spaces FAQs \(/doc/shared-winter-streets-spaces-faqs/download\)](/doc/shared-winter-streets-spaces-faqs/download) (PDF 125.04 KB)

From: [EOHEDGrants \(EOHED\)](#)
To: [EOHEDGrants \(EOHED\)](#)
Subject: FY21 Urban Agenda RFP now available
Date: Monday, November 16, 2020 2:57:21 PM
Importance: High

You are receiving this email because you are a key community stakeholder and you work with one or more of the communities that is eligible to apply to this grant program. The RFP document includes the list of eligible communities. (Please excuse any multiple emails.)

EOHED has released the RFP and Application for the FY2021 Round of the Urban Agenda Grant Program. See notice below:

Urban Agenda FY2021 Grant Program

RFP Now Available

The Executive Office of Housing and Economic Development (EOHED) is pleased to announce the availability of funds (*subject to state budget appropriation*) through the FY2021 round of the [Urban Agenda Grant Program](#). The program accepts proposals from eligible municipalities for projects that entail community-driven responses to community-defined economic opportunities, and that build leadership, collaboration, and capacity at the local level.

In this round, the program is primarily seeking proposals that intend to develop and/or implement Covid-19 economic recovery strategies. Applicants will need to describe the most significant challenges faced by the community, particularly heading into the winter and spring seasons, and the collaborative approaches that will be pursued to address them. Projects that enhance partnerships from within the Black and Latino communities and promote change that drives diversity and inclusiveness in business and workforce will again be prioritized.

The application deadline is Friday, December 18, 2020 @ 5:00 p.m.

An informational conference call for prospective applicants is scheduled for Monday, November 30, 2020 at 9:00 a.m. No registration is needed and participation is not required to apply. Call information will be posted

on the website.

Click [here](#) for the FY2021 guidelines and application.

Sincerely,

The EOHED Grants Team

DIVISION OF CONSERVATION SERVICES

Small Communities Grant Program

- Small Communities – financial assistance for communities with less than 6,000 residents to write an OSRP, complete an appraisal, or preparation of a plan to facilitate a conservation project
- Grant provides 80% reimbursement in the following amounts:
 - ▣ Appraisal: \$3,000
 - ▣ OSRP: \$12,500
 - ▣ Other plans: \$5,000

Small Communities Grant Program

- ❑ Must apply for an FY22 LAND, PARC, DWSP, or Landscape Partnership grant or hold an interest in an FY22 Conservation Partnership grant
- ❑ Rolling grant deadline
- ❑ May 7, 2021 will be the hard deadline

Drinking Water Supply Protection Grant Program

- Municipal grant program to protect drinking water supplies
- Grant award maximum \$300,000 with a 50% reimbursement rate
- Highest priority projects will protect water and biological resources, conserve large blocks of land, and provide recreational amenities

Landscape Partnership Grant Program

- Grant program to acquire 500+ acres of land with two of three of the following entities: federal, state, or local government, land trust
- Grant award maximum \$1,250,000 with a 50% reimbursement rate
- Highest priority projects will protect large blocks of biologically important working land, provide recreational amenities, and parcels mapped as resilient



Acushnet
Attleboro
Berkley
Carver
Dartmouth
Dighton
Fairhaven
Fall River
Freetown
Lakeville
Mansfield
Marion
Mattapoisett
Middleborough
New Bedford
N. Attleborough
Norton
Plainville
Raynham
Rehoboth
Rochester
Seekonk
Taunton
Somerset
Swansea
Wareham
Westport

November 25, 2020

Board of Directors
Central New Hampshire Bicycle Coalition
296 S Main St
Concord, NH 03301

RE: Covered Bicycle Parking at Market Basket

To Whom It May Concern,

I am writing in support of efforts by the Central New Hampshire Bicycle Coalition and MassBike to pilot a project to bring covered bicycle parking to area Market Basket stores.

As an agency, we support the addition of bicycle parking in general, and specifically in high density, environmental justice neighborhoods such as the ones surrounding the Market Basket in New Bedford, located at 122 Sawyer Street. The addition of covered bicycle parking at this location will encourage multimodal access to food.

The selection of the Market Basket in New Bedford also ties in well with proposed plans for bicycle infrastructure in New Bedford, including the Acushnet River Trail and the Working Waterfront Connector. Through the Working Waterfront Connector, the location will also tie in with existing and proposed infrastructure of the South Coast Bikeway.

The addition of bicycle parking, especially on or near existing and proposed infrastructure, as well as serving environmental justice populations, is referenced in SRPEDD's Regional Bicycle and Regional Transportation Plans.

Respectfully,

Jeffrey Walker, AICP
Executive Director

AGENDA ITEM: Technical Assistance Report, # 7.a.

Communities	Project Name	Status	Department	Project Leads	Funding
Acushnet	Municipal Vulnerability Planning	New	Comprehensive	Bill Napolitano	EOEEA
Attleboro	Green Communities Assistance	Ongoing	Comprehensive	Eric Arbeene	MA
Attleboro	Traffic Counts - Rocklawn Ave	Complete	Transportation	Luis de Oliveira	MassDOT
Berkley	Master Plan	Ongoing	Comprehensive	Eric Arbeene	DLTA, CCC, local
Carver	TDR Project Technical Assistance	Ongoing	Comprehensive	Helen Zincavage	DLTA, MA
Carver	Pre-Application Business Park Development	Pending	Comprehensive	Don Sullivan	EDA
Carver	Complete Streets Prioritization Plan	New	Comprehensive	Jackie Jones	MassDOT
Dartmouth	Master Plan	Ongoing	Comprehensive	Helen Zincavage	DLTA, local, MA
Dartmouth, Fairhaven, Fall River, Wareham	Bike Path (Regional Plan) Assistance	Ongoing	Transportation	Jackie Jones	MassDOT
Dartmouth, Westport	Route 6 Corridor Study	Pending	Transportation	Paul Mission	MassDOT
Dighton	Culvert Management Plan Phase 2	Ongoing	Comprehensive	Helen Zincavage	DLTA, MA
Dighton	Speed Zone Sign Placement	New	Transportation	Luis de Oliveira	MassDOT
Fall River	Middle at Broadway Safety Study	Delayed	Transportation	Lisa Estrela-Pedro	MassDOT
Fall River	TOD Market Study, Zoning, and Design Guidelines	Delayed	Comprehensive	Grant King	DLTA, MA
Fall River	Mothers Brook Sewer Upgrades EDA Application	Ongoing	Comprehensive	Don Sullivan	EDA
Fall River	Pretimed Signalized Intersection Study	Complete	Transportation	Guoqiang Li, Luis de Oliveria, Jackie Jones	MassDOT
Mansfield	Bicycle Planning Technical Assistance	Ongoing	Transportation	Jackie Jones	MassDOT
Mansfield	TOD Area Build-Out and Indicators	Ongoing	Comprehensive	Jed Cornock	DLTA, MA
Mansfield	Green Communities Assistance	New	Comprehensive	Eric Arbeene	DOER
Mansfield	Traffic Counts - West Street	Complete	Transportation	Luis de Oliveira	MassDOT
Marion	Transit Study	Delayed	Transportation		MassDOT
Marion	OSRD/Cluster Bylaw Updates	Ongoing	Comprehensive	Eric Arbeene	DLTA, local, MA
Marion	Housing Production Plan Update	Ongoing	Comprehensive	Eric Arbeene	local

Mattapoisett	Master Plan and Housing Production Plan	Ongoing	Comprehensive	Grant King, Lizeth Gonzalez, Taylor Perez	DLTA, CCC, local, MA
Mattapoisett	Industrial Drive Infrastructure Improvement	Ongoing	Comprehensive	Don Sullivan, Bill Napolitano	local, EDA
Middleborough	Historic/General Use District Bylaw Amendments	Ongoing	Comprehensive	Jed Cornock, Lizeth Gonzalez	MassDOT, SCR
New Bedford	Marine Commerce Terminal	Pending	Comprehensive	Don Sullivan	EDA
New Bedford	North Terminal Phase 2 EDA Application	Ongoing	Comprehensive	Don Sullivan	EDA
New Bedford	Quest Center, Armory District	Pending	Comprehensive	Don Sullivan	EDA
New Bedford	TOD Market Study, Zoning, and Design Guidelines	Ongoing	Comprehensive	Jed Cornock	DLTA, SCR, City
New Bedford	OSRP Design and Civic Engagement	Ongoing	Comprehensive	Helen Zincavage	MassDOT
New Bedford	Pretimed Signalized Intersection Study	Complete	Transportation	Guoqiang Li, Luis de Oliveria, Jackie Jones	MassDOT
North Attleboro	Master Plan	Ongoing	Comprehensive	Eric Arbeene, Grant King	DLTA, CCC, local, MA
Norton	Bicycle Committee Technical Assistance	Ongoing	Transportation	Jackie Jones	MassDOT
Norton	Master Plan	Ongoing	Comprehensive	Grant King, Sara Brown, Lizeth Gonzalez	DLTA, CCC, local
Raynham	Master Plan	Ongoing	Comprehensive	Jed Cornock, Lizeth Gonzalez	DLTA, local
Rochester	Green Communities Assistance	Ongoing	Comprehensive	Eric Arbeene	DOER
Seekonk	Services and Facilities Master Plan Element	Final Draft	Comprehensive	Sara Brown	DLTA
Somerset	Green Communities Program Assistance	Ongoing	Comprehensive	Eric Arbeene	DOER
Somerset	Inflow & Infiltration EDA Application	Ongoing	Comprehensive	Don Sullivan	EDA
Somerset	Route 103 Access Management Study	Pending	Transportation	Paul Mission	MassDOT
Somerset	Municipal Vulnerability Planning	Ongoing	Comprehensive	Bill Napolitano	EOEEA
Somerset, Swansea	Wastewater District Assistance	Ongoing	Comprehensive	Don Sullivan	EDA
Taunton	MSIP V- Business Park	Ongoing	Comprehensive	Don Sullivan	EDA
Taunton	Economic Development Marketing	Ongoing	Comprehensive	Grant King, Sara Brown	DLTA, MA

Wareham	Bicycle Committee Technical Assistance	Ongoing	Transportation	Jackie Jones	MassDOT
Wareham	Decas School Redevelopment Plan	Ongoing	Comprehensive	Grant King, Lizeth Gonzalez, Taylor Perez	DLTA, EDA, MA
Legislative	FEMA Flood Map Bylaw Update	Ongoing	Comprehensive	Jeff Walker, Bill Napolitano, Helen Zincavage	SRPEDD
Legislative	HB 48 Response	Ongoing	Administrative	Jeff Walker	RPAs
Regional	CARES Act/COVID-19 U.S. EDA Technical Assistance	Ongoing	Comprehensive	Jeff Walker, Don Sullivan, Grant King	SRPEDD, U.S. EDA
Regional	South Coast Administrators Committee	Ongoing	Administrative	Jeff Walker	SRPEDD
Regional	Mass. Assn. of Regional Planning Commissions (MARPA)	Ongoing	Administrative	Jeff Walker	RPAs
Regional	South Coast Bikeway Planning Phase 2	New	Comprehensive	Jackie Jones	Local, MassDOT
Regional	Traffic Counting and Turning Movement Counts	Delayed	Transportation	Luis de Oliveira	MassDOT
Regional	Traffic Counts to monitor return to work from Covid 19	Complete	Transportation	Luis de Oliveira	MassDOT
Regional	Pavement Management - Fed. Aid Road Network	Ongoing	Transportation	Luis de Oliveira	MassDOT
Regional	Bus Stop Capital Investment Plan	Ongoing	Transportation	E. Anne Dors	MassDOT
Regional	Agriculture Retention Workshops	Ongoing	Comprehensive	Bill Napolitano, Helen Zincavage	DLTA
Regional	Regional Housing Services Office Feasibility Study	Ongoing	Comprehensive	Eric Arbeene	DLTA, MassHousing
Regional	Rural Policy Advisory Council	Ongoing	Comprehensive	Helen Zincavage	DLTA, sister RPAs
Regional	Cranberry Bog Program Technical Assistance	Ongoing	Comprehensive	Bill Napolitano, Helen Zincavage	DER
Regional	Assawompset Ponds Flood Management Program	Ongoing	Comprehensive	Bill Napolitano,	DER

				Helen Zincavage	
Regional	Taunton Watershed Pilot Project	New	Comprehensive	Bill Napolitano, Helen Zincavage	SNEP, Mass-Audubon
Regional	SE Marine Technology Corridor	Ongoing	Comprehensive	Don Sullivan, Jeff Walker	EDA
Regional Regional-GATRA	Taunton River Trail Technical Assistance Planning and GIS	Ongoing Ongoing	Transportation Transportation	Bill Napolitano Jen Chaves, E. Anne Dors	MassDOT GATRA
Regional-SRTA	Technical Assistance Planning and GIS	Delayed	SRPEDD	Jen Chaves, E. Anne Dors	SRTA
Regional-SRTA	SRTA Public Hearing Assistance	Complete	SRPEDD	Jen Chaves, Lizeth Gonzalez	SRTA
Regional	Trails Mapping (Off Road)	Ongoing	Transportation	Greg Guertin, Jackie Jones, Karen Porter	MassDOT
Regional	Freight Action Plan	Ongoing	Transportation	Greg Guertin	MassDOT
Regional	RTP Continuous Public Outreach	Ongoing	Transportation	Lisa Estrela-Pedro, Lilia Cabral, Lizeth Gonzalez	MassDOT
Regional - SRTA	Transit Signal Prioritization Study	Ongoing	Transportation	Guoqiang Li, Paul Mission	MassDOT

MARPA – Proposed Legislation

SECTION 1. As used in this chapter, the following words shall have the following meanings: --
“Agency”, ~~public body authorized for establishment in Massachusetts General Laws Chapter 40B~~ shall mean

the Central Massachusetts Regional Planning Commission, the Merrimack Valley Planning Commission, the Montachusett Regional Planning Commission, the Northern Middlesex Council of Governments, the Old Colony Planning Council, the Pioneer Valley Planning Commission and the Southeastern Regional Planning and Economic Development District.

SECTION 2. Notwithstanding any general or special law to the contrary, an agency that is a member of the state retirement system pursuant to chapter 32 of the General Laws shall be deemed to be or shall continue to be a member of the state retirement system. An agency shall not be required to annually reimburse the state board of retirement for its pro rata share of any retirement allowance or pension paid by said board during the preceding calendar year which is based on whole or in part on service with such district provided that each agency contributes the required accumulated deductions and interest to the annuity savings accounts of the agency.