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May 9, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
2<sup>nd</sup> NOTICE OF PROJECT CHANGE

PROJECT NAME : Lunenburg Comprehensive Wastewater  
Management Plan  
PROJECT MUNICIPALITY : Lunenburg  
PROJECT WATERSHED : Nashua River  
EOEA NUMBER : 12160  
PROJECT PROPONENT : Town of Lunenburg  
DATE NOTICED IN MONITOR : April 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.17 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **requires** the preparation of a Supplemental Environmental Impact Report.

Originally proposed in an April 2000 Single Environmental Impact Report (SEIR), the Town of Lunenburg's Comprehensive Wastewater Management Plan (CWMP) was described as the construction, in three phases, of a wastewater collection system over a 20-year planning period. The proposed system will serve an estimated 9000 residents generating an average 734,600 gallons per day (gpd) of wastewater (2,720,000 gpd peak). All wastewater will be treated at either the Leominster or Fitchburg wastewater treatment facilities. The Town of Lunenburg has inter-municipal agreements with both cities for treatment of up to 500,000 gpd. The project's proposed full build wastewater flow estimates are 485,000 gpd to Leominster and 249,000 to Fitchburg.



The Phase I service area, consisting of the Town center, a new public school, the proposed new public safety building, and the Whalom area of town, has the greatest potential to significantly impact groundwater quality. The Town was granted a Phase I Waiver for the construction of 62,000 feet of new sewers and three sewage pumping stations on May 26, 2000. The Town completed construction of Phase I in June 2006. The Phase II service area, located in the southwestern section of Lunenburg, included lower Massachusetts Avenue and Baker Station. Phase III will service the lakefront areas of Hickory Hills and Lake Shirley, located in northern and southeastern Lunenburg respectively. As described by the Town, Phase II construction has been postponed to allow the Town to further review and evaluate its wastewater management needs.

The project is undergoing review and requires a mandatory EIR pursuant to Section 11.03 (5)(a)(3) because the project involves the construction of more than 10 miles of new sewer. The project may require an Order of Conditions from the Lunenburg Conservation Commission, a 401 Water Quality Certification, a Sewer Extension Permit and a Groundwater Discharge Permit from Department of Environmental Protection (MassDEP). The project involves financial assistance from the Commonwealth, and therefore, MEPA jurisdiction extends to all aspects of the project that might have a significant impact on the environment.

### 1st NPC

As described in the Notice of Project Change submitted to the MEPA Office in July 2002, the Town proposed to construct an additional 5,000 linear feet of gravity sewer line, and a pump station, to serve abutting properties located along a major portion of Electric Avenue (Route 13) in Lunenburg. Although the CWMP proposed sewerage a smaller segment of Electric Avenue, the Town had an opportunity to economize on the proposed construction of a larger portion of the Electric Avenue sewer project by combining it with the Town's Electric Avenue reconstruction project, which is funded separately under a Public Works Economic Development (PWED) grant from the Massachusetts Highway Department (MHD). According to the Town, the proposed sewer extension along Electric Avenue would service existing commercial and residential zoned properties whose soils are not conducive to Title V systems. The Town estimated that the proposed project change will result in an additional 23,920 gallons per day (gpd) of wastewater flow to Leominster (12,000 gpd) and Fitchburg (11,920 gpd), and will have no environmental impacts during construction.

2<sup>nd</sup> NPC

As described in this 2<sup>nd</sup> NPC, the Town is proposing to extend new sewers to two additional sewer needs areas, Needs Area 25 – Pioneer Growth Management District, Needs Area 26 – Chase Growth Management District) comprised of mainly large tracts of commercial/industrial zoned developable land. The Town is also proposing to construct two new decentralized wastewater treatment facilities to serve the Lake Shirley area and the Hickory Hills area of Lunenburg. The Town has proposed to design and implement a Sewer District Management Plan and a Septage Management Plan prior to the construction of the proposed sewer expansion. The Town estimates that the currently proposed project change will result in approximately 14 miles (35 miles total) of new sewer main, six new sewer pump stations and two new decentralized wastewater treatment facilities with groundwater discharge, and increased wastewater flows of approximately 253,315 gpd (987,915 gpd total).

While I find that the report contains a great deal of useful information, there are several issues that will require further study as part of a Supplemental Final CWMP/EIR (Supplemental EIR), so that they can be considered in the evaluation of the most feasible alternatives and a presentation of the final CWMP for the Town of Lunenburg. The Town of Lunenburg should work closely with MassDEP and the Natural Heritage and Endangered Species Program during the preparation of the Supplemental EIR document. The Supplemental EIR document should provide the information identified below.

SCOPE for Supplemental EIRGeneral

The Supplemental EIR should contain copies of all comments received on the 2<sup>nd</sup> Notice of Project Change. The comment letters should be indexed, with a response provided for each comment received. Copies of the Supplemental EIR should be distributed to all commenters on previous documents. To ensure full and informed public review, copies should also be distributed to the Planning Board, Conservation Commission, and Board of Selectmen and/or Town Manager for the Towns of Lunenburg, Leominster and the City of Fitchburg.

### Project Permitting

The Supplemental EIR should include a detailed discussion of each state permit and approval necessary for the project as currently proposed, and should demonstrate that the project design meets applicable regulatory and performance standards.

### Needs Analysis

According to the comments received by the Nashua River Watershed Association, the sewer needs analysis contained in the 2<sup>nd</sup> Notice of Project Change submittal does not adequately demonstrate the need for sewers, particularly in the Lake Shirley and Hickory Hills Lake areas. The Supplemental EIR should provide a detailed discussion of the need to sewer the Lake Shirley and Hickory Hills Lake areas. This discussion should consider the failure rate of Title 5 systems that have been inspected in these areas, the reasons for these failures, the frequency of Title 5 problems, and the upgrades required to address these failures. This section of the Supplemental EIR should explain why a Septage Management Plan could not be implemented to ensure the proper functioning of on-site Title 5 systems in these areas. I strongly encourage the Town to consult with MassDEP in completing this section of the Supplemental EIR.

### Wastewater

The Town is proposing to extend new sewers to Needs Area 25 – Pioneer Growth Management District and Needs Area 26 – Chase Growth Management District which are mainly comprised of large tracts of commercial/industrially-zoned developable land. As described in the 2<sup>nd</sup> NPC submittal, the estimated future (2026) build out wastewater flows from the Pioneer Growth Management District and the Chase Growth Management District are 182,000 gpd and 74,000 gpd, respectively. As currently designed, the future build out flows from the Pioneer Growth Management District will be conveyed to the proposed new Lake Shirley WWTF for treatment and subsurface discharge. The future build out flows from the Chase Growth Management District will be conveyed to the City of Fitchburg's East WWTF for treatment and discharge.

The project change will result in an increase to the amount of wastewater flow conveyed from the Town of Lunenburg to the Town of Leominster and the City of Fitchburg for treatment and disposal. According to MassDEP, the proposed changes to the Town of Lunenburg's CWMP will require revisions to existing Inter-Municipal Agreements (IMAs) between Lunenburg and Leominster and Lunenburg and Fitchburg. The Supplemental EIR should include a detailed discussion of the required revisions to the Town's existing IMAs with the Town of Leominster and the City of Fitchburg. Specifically, this section of the Supplemental EIR should describe Lunenburg's commitments to remove infiltration and inflow (I/I) from within Fitchburg's and Leominster's sewer systems to accommodate Lunenburg's increased wastewater flows under the currently proposed project change.

The Town has identified two separate sites for the construction of two new decentralized wastewater treatment facilities (decentralized WWTFs) to serve the Lake Shirley area and the Hickory Hills area of Lunenburg. In their comments, MassDEP has indicated that the 2<sup>nd</sup> NPC submittal did not include any site-specific information, including field assessment work, to demonstrate that either of these proposed locations can support a decentralized wastewater treatment facility (WWTF). The Supplemental EIR should include a hydrological assessment for each of the two proposed decentralized WWTFs. The Town should work closely with MassDEP to develop a scope of work for conducting these site assessments. This section of the Supplemental EIR should identify any applicable permitting requirements, including a Groundwater Discharge Permit and a National Pollution Discharge Elimination System (NPDES) permit, associated with the design, construction and operation of the proposed centralized WWTFs.

### Rare Species

According to the comments received from Natural Heritage and Endangered Species Program (NHESP), the proposed locations (Hickory Hills/Townsend Harbor, Lake Shirley/Reservoir Road) for the construction of two new decentralized wastewater treatment facilities are located within and adjacent to Priority and Estimated Habitat for the Blanding's Turtle (*Emydoidea blandingii*), respectively.

The Hickory Hills/Townsend Harbor project will require review by NHESP pursuant to the Massachusetts Endangered Species Act (MESA) 321 CMR 10.00. NHESP requests that the Town also maintain a significant 'no-work' buffer zone from the habitat area located adjacent to the Lake Shirley/Reservoir Road project site.

The Supplemental EIR should include a site inventory of the Hickory Hills/Townsend Harbor and Lake Shirley/Reservoir Road sites to determine if any areas within those sites constitute suitable habitat for rare species, with results presented on an appropriately scaled map. If any rare species are present, the Supplemental EIR should include sufficient information to determine if the full-build project will require a Conservation Permit pursuant to the Massachusetts Endangered Species Act. The proponent should contact NHESP to determine the appropriate survey protocols. The Supplemental EIR should include sufficient information to determine if the project will require a Conservation Permit pursuant to the Massachusetts Endangered Species Act. If necessary, the Supplemental EIR should include an alternatives analysis to evaluate methods of avoiding or minimizing impacts on rare species, and the document should fully explain any permitting implications under the Massachusetts Endangered Species Act.

### Comments

I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The Supplemental EIR should present any additional narrative or quantitative analysis necessary to respond to the comments received. I ask the Town to continue to work closely with MassDEP to design and implement a sustainable CWMP and mitigation plan for the Town of Lunenburg that will help to offset the proposed project's municipal water withdrawal and sewerage impacts. The Town should continue to prepare the Supplemental EIR for the project in accordance with Section 11.07 of the MEPA regulations as modified by this Certificate. The Supplemental EIR should include a copy of this Certificate.

Mitigation/Section 61

The Supplemental EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include Draft Section 61 Findings for all state agency actions. The Draft Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

Distribution

The Supplemental EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to the municipal officials for the Towns of Lunenburg and Leominster and the City of Fitchburg. A copy of the Supplemental EIR should be made available for public review at the public libraries for the Lunenburg and Leominster and the City of Fitchburg.

May 9, 2008

DATE

  
Ian A. Bowles, Secretary

## Comments received:

4/25/08	Montachusett Regional Planning Commission
4/30/08	Natural Heritage and Endangered Species Program (NHESP)
5/01/08	Nashua River Watershed Association
5/06/08	Massachusetts Department of Environmental Protection (MassDEP) – CERO
5/06/08	Town of Lunenburg, Sewer Commission

2<sup>nd</sup> NPC # 12160

IAB/NCZ/ncz