



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval Patrick
GOVERNOR

Timothy Murray
LIEUTENANT GOVERNOR

Ian Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

January 22, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
6th NOTICE OF PROJECT CHANGE

PROJECT NAME : Long-Term Control Plan
PROJECT MUNICIPALITY : Lowell
PROJECT WATERSHED : Merrimack
EOEA NUMBER : 12059
PROJECT PROPONENT : City of Lowell
DATE NOTICED IN MONITOR : December 23, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **continues to require** the preparation of an Environmental Impact Report (EIR). The proponent has requested a Phase I Waiver to allow the first phase of the project to proceed, and to comply with an Administrative Order (AO) requiring compliance with the U.S. Environmental Protection Agency's (USEPA), pending the preparation of a Comprehensive Wastewater Management Plan (CWMP)/Environmental Impact Report (EIR) for the project. The Phase I Waiver Request was presented within the Notice of Project Change submittal (NPC). In a Draft Record of Decision (DROD), also issued today, I have proposed to **grant** a Phase I Waiver with conditions allowing the proposed 44 Oakland Avenue Sewer Extension project to proceed while the DEIR for the Comprehensive Wastewater Management Plan is being prepared.

PROJECT DESCRIPTION

The City of Lowell's existing sewer system provides wastewater collection and treatment to sanitary and stormwater flows from the City of Lowell. The system is comprised of approximately 220 miles of sanitary and combined sewers, pumping stations, and flood control pumping stations, 9 Combined Sewer Overflow structures (CSOs), 4 main interceptors, and a Waste Water Treatment Facility (WWTF) with a designed secondary treatment capacity of 52 million gallons per day (mgd). Seven CSOs discharge to the Merrimack River, 1 CSO discharges to the Concord River, and 1 CSO discharges to Beaver Brook during storm events.

CSO discharges from the City of Lowell continue to cause violations of water quality standards even in the absence of other pollutant sources and discharges. The City of Lowell currently discharges a total of 352 million gallons per year (mgpy) of untreated combined sewer overflow to the Merrimack River (94.5 mgpy), the Concord River (202 mgpy), and to Beaver Brook (55 mgpy).

The project involves the development of a Long-Term Control Plan (LTCP) Control plan to address the impacts associated with the control and abatement of the City of Lowell's combined sewer overflows (CSO) within the City of Lowell's sewer system. The LTCP will focus on nine locations where CSOs discharge to the Concord and Merrimack Rivers and Beaver Brook. The City of Lowell entered into a 1988 Consent Decree with the United States Environmental Protection Agency (USEPA) and the Department of Environmental Protection (MassDEP) which requires Lowell to abate its CSO discharges and to bring the City's combined sewer system into compliance with the City of Lowell's National Pollutant Discharge Elimination System Permit. The USEPA issued an Administrative Order (AO) to the City of Lowell in June 2003 to proceed immediately with the design and construction of the components of the LTCP including the sewer separation of portions of the combined sewer system in the Warren Street CSO drainage basin. This NPC project would enable the proponent to comply with USEPA's AO requirements.

6th Notice of Project Change (NPC)

As described in this NPC submittal, the proposed sewer separation project involves the construction of new stormwater drains and sewer pipe (Sewer Separation) in the Wellman Street and Industrial Avenue drainage area which is located within the 175-acre Warren Street CSO Basin. This Warren Street CSO Basin Sewer Separation work was presented as a component of the City of Lowell's overall Long Term Control Plan/EIR submittal to the MEPA Office in October 1999. This City of Lowell proposes to separate approximately of the existing combined sewer/stormwater system by installing approximately 19,000 linear feet (LF) of new drain pipe and sewer pipe mostly within the City's existing roadway right-of-ways. A portion of the proposed new drainage system will involve the cross-country construction of approximately 1,650 lf of drain pipe (60"- 66" diameter pipe) to convey stormwater flows from the drainage basin in a southeasterly direction to a new headwall outfall structure that will discharge directly to the River Meadow Brook. The new sewer system will also involve the cross-country construction of approximately 1,600 lf of new sewer pipe from Wellman Street north to Newell Street.

According to the information provided in the NPC submittal, a small segment of the City's proposed sewer separation project (approximately 1,600 lf of new 12" sewer pipe) will be privately constructed as part of a redevelopment proposal (EOEA #13943) for a 26.83-acre parcel of property located at 790 Chelmsford Street in Lowell.

Jurisdiction

The project activities described in this 6th NPC may require a Section 401 Water Quality Certification from MassDEP. The proponent is seeking SRF financial assistance from MassDEP. The project may be required to comply with the US EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. The project may also require a US Army Corps of Engineers General Permit and a Chapter 91 Waterways License from MassDEP for the proposed construction of the River Meadow Brook outfall. The project will require an Order of Conditions from the Lowell Conservation Commission (LCC) for proposed work located within resource areas and buffer zones (and hence a Superseding Order from DEP if the local Order were appealed). Because the proponent is seeking funding from the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts. In this case, MEPA jurisdiction exists over land alteration, wetlands, water quality, and wastewater management issues.

Wetlands

As described in the NPC submittal, the project as currently proposed will result in impacts to wetland resource areas including; bordering vegetated wetlands (BVW), Inland Bank, Riverfront Area and Bordering Land Subject to Flooding. The City's construction of the cross-country portion of the proposed new 60" drain line and new 66" River Meadow Brook headwall outfall structure will result in impacts to approximately 20-40 lf of inland bank, 1,000 sf of Riverfront Area and Bordering Land Subject to flooding.

As mentioned elsewhere in this Certificate, a small portion of the City's new sewer construction will involve the cross-country construction of a 12" sewer pipe from Wellman Street to Newell Street. A segment of this cross-country sewer construction is located on a 26.83-acre privately owned parcel of property (790 Chelmsford Street) which contains BVW resource areas. The construction of this cross-country segment of sewer pipe may impact a small amount of wetland buffer area. I note that the proponent for the Lowell Connector Park Redevelopment project has committed to privately construct this cross-country segment of sewer pipe as part of the redevelopment project proposal (EOEA #13943).

Construction Period Impacts

The proponent should employ measure to minimize to the maximum extent practicable, construction period impacts, including: impacts from earth moving/blasting, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. The proponent should also require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel. The proponent should also commit to specific TDM measures that can be implemented during construction.

Mitigation

The proponent should forward to the MEPA Office for the file an updated summary of all mitigation to which the proponent has committed, and/or completed for the full-build New Patriots Stadium and Public Infrastructure Project, and an updated and revised draft Section 61 Findings for DEP and MHD permits. The Section 61 Findings for MHD should be in the form of a draft Letter of Commitment.



Ian A. Bowles, Secretary

January 22, 2007

DATE

Comments received:

01/12/07 Northern Middlesex Council of Governments (NMCOG)
01/12/07 Massachusetts Department of Environmental Protection – NERO
01/16/07 Camp, Dresser & McKee, Inc.

6th NPC #12059

IAB/NCZ/ncz