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February 8, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Former FMC Facility  
PROJECT MUNICIPALITY : Ayer  
PROJECT WATERSHED : Nashua  
EOEA NUMBER : 13941  
PROJECT PROPONENT : FMC Corporation  
DATE NOTICED IN MONITOR : **January 9, 2007**

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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

The proposed project consists of remedial action to address oil and hazardous materials (OHM) in soil and groundwater associated with historic pesticide formulation operations at the project site. The site is regulated under the Massachusetts Contingency Plan (MCP) (310 CMR 40.0000). The Release Tracking Number (RTN) is 2-0020. The project consists of limited wetlands and uplands soils excavations, in-situ stabilization and solidification of soils, and restoration with a vegetated surface cover and asphalt. The site will be subject to deed restrictions with Activity and Use Limitations (AULs). Remediation activities will impact approximately 9,000 square feet (sf) of bordering vegetated wetlands (BVW), 4,500 sf of bordering land subject to flooding and 17,500 sf of the 100-foot buffer zone.

The project is undergoing review pursuant to Section 11.03(3)(b)(1)(d) because it involves alteration of 5,000 square feet or more of BVW. The project requires a 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection (MassDEP), an Order of Conditions from the Ayer Conservation Commission (and on appeal only, a Superseding Order from MassDEP), and a Programmatic General Permit from the US Army Corps of Engineers.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands, land, and stormwater.

### Rare Species

A state-listed plant species of "Special Concern", the New England Blazing Star, was observed on the project site during surveys conducted in 2003. Although the project site is not mapped as Priority Habitat, as noted in the comment letter from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), a "take" is prohibited under the Massachusetts Endangered Species Act (MESA) and its implementing regulations (321 CMR 10.00). The proponent should implement measures as recommended by NHESP in its comment letter to protect the plant during construction and avoid a "take". The proponent should notify NHESP 48 hours in advance of the beginning of any work.

### Mitigation

Following remediation, all wetland and adjacent areas will be restored to conditions similar to existing conditions that maintain or enhance their primary function in the environment, and flood storage capacity will be retained in wetlands areas. Locally-obtained wetland species will be used to revegetate all wetland areas. The proponent has committed to erosion controls, timing of excavation to avoid adverse weather conditions, and other Best Management Practices (BMPs) to avoid and minimize impacts during remediation activities. As described in the Environmental Notification Form (ENF), the project will comply with the MassDEP Stormwater Management Policy Standards to the maximum extent practicable. The ENF also provided information on the proposed monitoring program to be implemented following completion of remediation. Monitoring will include inspection of engineered barrier and wetlands vegetation, and post-remediation groundwater monitoring.

The ENF has defined the nature and general elements of the project and proposed measures to avoid and minimize, or mitigate environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permit and review processes. The proposed project requires no further review under MEPA.

February 8, 2007

DATE



Ian A. Bowles, Secretary

### Comments Received:

1/29/07 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program  
1/23/07 Montachusett Regional Planning Commission

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