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May 22, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Agawam Southwest Area Wastewater Treatment
Improvements Project
PROJECT MUNICIPALITY : Agawam
PROJECT WATERSHED : Westfield River
EOEA NUMBER : 13393
PROJECT PROPONENT : Agawam Department of Public Works
DATE NOTICED IN MONITOR : April 22, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Notice of Project Change (NPC), submitted on this project complies with the Massachusetts Environmental Policy Act (M.G. L., c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00) and **does not require** the preparation of an Environmental Impact Report (EIR).

Overview

In November 2004, the Town of Agawam filed an Expanded Environmental Notification Form (EENF) with the MEPA Office proposing to expand its existing sewer collection system to service the southwest area of the Town of Agawam. The Town's preferred alternative included the phased installation of approximately 18.6 miles of new sewers and force mains and four new pumping stations. According to the Town, nearly all of the proposed new sewers will be located within the rights-of-way of existing public roadways. The proposed sewer expansion project involves two cross-country connections (approximately 1,000 linear feet (lf) total) and will directly impact approximately 40 lf of inland bank, 600 square feet (sf) of Land Under Water, and 100 sf of Bordering Vegetated Wetlands (BVW). The sewer expansion project is to be completed by the year 2009.

The Town's sewer system has the capacity to accommodate the additional wastewater flow (1.02 mgd) anticipated from the proposed sewer expansion project. The additional wastewater flow to be conveyed by the proposed sewer expansion project will not exceed the Town of Agawam's total allocation for sewage treatment and disposal (8.2 mgd) at the City of Springfield's Bondi's Island Wastewater Treatment Facility (WWTF) located in Agawam.

A Secretary's Certificate on the EENF was issued on December 17, 2004 and required the Town to prepare a Draft and Final Environmental Impact report (DEIR, FEIR) to provide sufficient baseline data and alternatives analysis pertaining to the potential impacts to wetlands and drainage, endangered species, and historic and archaeological resources from the proposed sewer expansion project. On April 14, 2006 the Secretary issued a Certificate on the FEIR submitted for this project and determined that the FEIR adequately and properly complied with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

MEPA Jurisdiction and Required Permits

The project was subject to the requirement to prepare a mandatory Environmental Impact report (EIR) pursuant to Section 11.03 (5)(a)(3) of the MEPA regulations, because the project involves construction of sewer mains ten or more miles in length (approximately 19.4 miles total). The project will require an Order of Conditions from the Agawam Conservation Commission, a Construction Permit from the Massachusetts Highway Department (MHD), and 401 Water Quality Certification and a Sewer Extension Permit from the Department of Environmental Protection (DEP). The project will likely also require a 404 Programmatic General Permit from the Army Corps of Engineers (ACOE), and a National Pollutant Discharge and Elimination System (NPDES) Permit from the US Environmental Protection Agency (EPA). Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

REVIEW OF NOTICE OF PROJECT CHANGE

Subsequent to the issuance of the Secretary's Certificate on the FEIR, the Town consulted with MassHighway to complete the final design for the installation of sewer line within the Route 57 right-of-way layout. The Town filed this NPC to describe revisions to the proposed layout of approximately 2,700 linear feet (lf) of 24" sewer line along Route 57 from South Westfield Street to Shoemaker Lane in Agawam. In response to MHD's concerns and edge-of-highway pavement setback requirements, this section of the Town's new sewer line will need to be installed within the southern embankment of the Route 57 right-of-way layout.

The Town proposes to construct a 14 ft-wide temporary access road along the toe of the embankment directly abutting bordering vegetated wetlands (BVW). As currently proposed, this project change will result in approximately 4,700 sf of total impacts to BVW.

Wetlands and Drainage

Upon completion of this section of the sewer expansion project, the Town has committed to remove the temporary construction access road and construct approximately 4,700 sf (1:1) of wetlands restoration in accordance with the *Massachusetts Inland Wetland Replication Guidelines* (MassDEP, 2002).

The Town has proposed to re-grade and re-seed all disturbed upland and wetland resource areas with appropriate wetland seed mix and herbaceous wetland species. The Town has also committed to conducting an annual monitoring and invasive species control program for a period of three years and to submit annual monitoring reports to the Agawam Conservation Commission. The Town should consult with the Massachusetts Wetlands Restoration Program in the Office of Coastal Zone Management concerning the proposed wetland restoration plans.

In addition to the sewer construction work proposed within the Route 57 embankment, the proposed sewer extension plan will involve two small cross-country sections (approximately 1000 lf total) located in the Tanglewood Lane/North Street Extension, and the Kosak Court/Proposed Route 57 areas of the project site. The Town has committed to installing construction phase Best Management Practices (BMPs) including staked hay bales and siltation fences, and will reseed temporarily disturbed areas located within wetland resource areas with appropriate wetland seed mix. According to the Town, the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

Historic/Archeological Resources

In their comments, the Massachusetts Historical Commission (MHC), has requested that the Town provide MHC with the results of the archaeological survey completed for the project for MHC's review and comment. The Town should respond to MHC's comments pertaining to the South West Street pumping station and the proposed Tanglewood Lane cross-country route, and should continue to consult with the MHC in the design and completion of its archeological investigations for the proposed project.

Construction Period

All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. I ask that the Town require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel pursuant to MassDEP's Clean Construction Equipment Initiative.

Mitigation/Section 61


The Town has committed to a number of mitigation measures, listed below, for all areas of project impact:

- Installation of odor control equipment (chemical feed systems) at three of the four proposed pump stations (Pine Street, Barry Street, South West Street);
- Monitoring for potential odors from the proposed White Fox Road pump station;
- Archeological field surveys for the South West Street Pumping Station, and the Tanglewood Lane cross-country sewer segment areas;
- Design and implementation of a Traffic Control Plan for project work within collector roads and state highway right-of-ways;
- Installation of construction phase Best Management Practices BMPs including staked hay bales and siltation fences; and,
- Construction of approximately 4,700 sf of wetlands restoration involving reseeding impacted areas located within wetland resource areas with appropriate wetland seed mix.

The Town should continue to work closely with MHD, the Town of Agawam's Conservation Commission, and abutting property owners located throughout the project site to establish a schedule for the implementation of the mitigation measures listed above, based on the construction phases of the project. The Final Section 61 Findings should be included with all state permits issued for this project, and will be considered binding upon the proponent as mitigation commitments. A copy of the Final Section 61 Findings must be forwarded to the MEPA Office for publication in the Environmental Monitor in accordance with 301 CMR 11.12.

Based on a review of the information provided by the Town and consultation with relevant public agencies, I find that the potential impacts of the project do not warrant further MEPA review. The Town can resolve any outstanding issues during the permitting process. No further MEPA review is required.

May 22, 2009
DATE



Ian A. Bowles, Secretary

Comments received:

- 05/18/09 Department of Environmental protection (MassDEP) - WERO
- 05/06/09 Massachusetts Historical Commission (MHC)
- 04/23/09 Natural Heritage and Endangered Species Program (NHESP)

NPC #13393
SRP/NCZ/ncz