



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

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

June 8, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
2nd NOTICE OF PROJECT CHANGE

PROJECT NAME : Comprehensive Wastewater Management Plan
PROJECT MUNICIPALITY : Dracut
PROJECT WATERSHED : Merrimack River
EOEA NUMBER : 11401
PROJECT PROPONENT : Dracut Board of Sewer Commission
DATE NOTICED IN MONITOR : May 9, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the 2nd Notice of Project Change (NPC 2) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Background

As originally proposed in December 1997, the project involved the construction of approximately 41.5 miles of sewers in non-priority areas of Town in four phases (Phases 1-4) over a twenty year (2004 – 2024) period. The comprehensive plan was developed in response to the Modified Final Judgement (January 7, 1997, Suffolk Superior Court Civil Action No. 90786) between the Town of Dracut and the Massachusetts Department of Environmental Protection (MassDEP). The priority areas requiring sewerage were filed with MEPA earlier. The Certificate (EOEA #11086), issued April 28, 1997, determined that no EIR was required for sewerage the priority areas. The Secretary's Certificate on the ENF for this project, issued January 9, 1998, required the preparation of an EIR as part of the upcoming Final Comprehensive Wastewater Management Plan/Facilities Plan.

A Secretary's Certificate on the FEIR was issued on March 9, 2001, and found that the FEIR adequately and properly complied with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The Secretary's Certificate on the FEIR required the Town to submit a Notice of Project Change with the additional data requested by MassDEP prior to any proposal to implement those phases of the wastewater management plan, so that the MEPA Office could determine if any further MEPA review is required.

Notice of Project Change

The Proponent filed a Notice of Project Change (NPC) on May 9, 2007 to construct Phases 3 and 4 involving the extension of approximately 156,000 lf (30 miles) of new sewers to Peters Pond, Loon Hill, Marsh Hill and Methuen Street (Phase 3 Sewer Expansion Area), Wheeler Road, Colburn Avenue, Mammoth Road and Gumpus Road (Phase 4 Sewer Expansion Area), and the construction of nine new pumping stations. The additional wastewater flows anticipated from Phases 3 and 4 will be conveyed to the Lowell Regional Wastewater Treatment Facility (LRWTF) via Dracut's sewer collection system and to the Greater Lawrence Sanitary District (GLSD) via the City of Methuen's sewer collection system. As described in the NPC submittal, portions of the Phase 3 and Phase 4 sewer expansion activities involved cross-country construction resulting in the alteration of an estimated 6,200 sf and 1,200 sf of bordering vegetated wetlands (BVW) resource areas respectively, and the alteration of a total of approximately 102,540 sf of bordering land subject to flooding. The Secretary's Certificate on the CWMP/NPC was issued on June 22, 2007 and determined that no further MEPA review was required.


The project is undergoing review 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. The project will require an Order of Conditions from the Dracut Conservation Commission; and a 401 Water Quality Certification and Sewer Extension Permit from the Department of Environmental Protection (MassDEP) as well as compliance with revised water quality discharge limits specified in the federal National Pollutant Discharge Elimination System (NPDES) permits issued by the U.S. Environmental Protection Agency (EPA). The project will also require a General Program Category II Permit from the U.S. Army Corps of Engineers. Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment.

2nd Notice of Project Change (NPC2)

As described in this 2nd NPC submittal, more detailed on-the-ground level assessments of the project's impacts to BVW resource area impacts have been completed and have identified an increase in the project's anticipated impacts to BVW resource areas. Specifically, as currently proposed, the Phase 3 sewer expansion activities will result in an increase in temporary impacts to BVW from 6,200 sf to approximately 14,950 sf, and the alteration of approximately 38,380 sf of bordering land subject to flooding and 46 linear feet of inland bank. According to the comments received from MassDEP, the project minimizes alteration to vegetated wetlands by reducing the work area from a width of forty feet to twenty feet, and selecting a sewer route that generally avoids and minimizes impacts to vegetated wetlands. MassDEP has field-checked the locations of all proposed work in vegetated wetlands and agrees that the selected areas correspond to the areas of least impacts to wetlands, when taking alternatives into consideration. The Town has committed to regarding and re-seeding those portions of the project area located within BVW. The proponent will need to provide wetlands replication at a ratio of at least 2:1 for any unavoidable permanent impacts to BVW resource areas. The Town will need to prepare an erosion and sedimentation control plan.

I find that the 2nd NPC submittal provides sufficient information to understand the environmental impacts of the project and potentially feasible alternatives to the project, that the project has avoided and mitigated environmental impacts to the greatest feasible extent, and that the state permitting agencies have adequate information on which to execute their Section 61 obligations. The proponent can resolve any remaining issues during the permitting process.

June 6, 2008
DATE



Ian A. Bowles, Secretary

Comments received:

05/21/08 Natural Heritage and Endangered Species Program (NHESP)
05/28/08 MA Department of Environmental Protection (MassDEP) – NERO
05/28/08 Northern Middlesex Council of Governments (NMCOG)

IAB/NCZ/ncz
NPC 2 #11401