



# The Commonwealth of Massachusetts

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July 7, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE

|                         |   |
|-------------------------|---|
| PROJECT NAME            | : Fitchburg/Westminster Solid Waste Management Facility |
| PROJECT MUNICIPALITY    | : Westminster   |
| PROJECT WATERSHED       | : Nashua River  |
| EOEA NUMBER             | : 11839   |
| PROJECT PROPONENT       | : Resource Control, Inc.                                |
| DATE NOTICED IN MONITOR | : June 7, 2006  |

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 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 **does not require** the preparation of a Supplemental Environmental Impact Report (EIR).

The NPC describes a change in the proposed daily landfill disposal tonnage limit to 1,250 tons per day (tpd), a change in the annual tonnage limit to 390,000 tons per year (tpy) and elimination of the previously proposed 44,000 sf Waste Diversion facility. The project change requires an amendment to the Authorization to Operate (ATO) permit from the Department of Environmental Protection (DEP).

The facility is located in Westminster on the east side of State Route 31 (Fitchburg Road) approximately one mile south of Route 2. The north, east and south sides of the property abut the Leominster State Forest which is owned by the Department of Conservation and Recreation (DCR). The facility has been in operation since the 1970's. It consists of a solid waste landfill, a recycling center and an organic composting operation. Previous MEPA review of a proposed expansion, including a Waste Diversion facility, was based on the following waste disposal limits: an average daily rate of 950 tpd, a maximum daily rate of 1,725 tpd (1,425 tpd landfill material and 300 tpd recycled material) and an annual rate of 296,400 tpd. Because the average

daily rate of material accepted at the facility will be increased, it is anticipated that it will close 3 years earlier than previous estimates (2021 rather than 2024). While the maximum daily load limit will not increase it will consist entirely of landfill material rather than a combination of landfill and recycled material.

The NPC does not include an expansion in the facility or overall capacity and will not result in any significant increase in environmental impacts. Commentors have expressed concern with the closing of the facility earlier than originally planned and with traffic impacts to Route 2 and Route 31. The proponent has indicated it will continue to meet its contractual obligations to provide service to the municipalities through 2017. During previous MEPA review, the proponent was required to analyze traffic impacts based on the maximum daily load of 1,725 tpd and mitigation was developed to address these impacts. The project change does not require any state highway permits and it does not represent any increase in traffic beyond that previously studied.

The Certificate on the Final EIR required that the proponent submit a separate Section 61 Finding to DEP identifying State Forest Improvements. The proponent submitted a draft Section 61 Finding to DEP during the review period for the NPC. The draft Section 61 Finding reflects mitigation established through a Memorandum of Agreement (MOA) between the proponent and DCR (formerly the Department of Environmental Management (DEM)) and includes the following commitments:

- Provide DCR with results of environmental monitoring of groundwater and surface water;
- establish and maintain litter fencing along the perimeter of the active landfill and security fencing along the landfill access road;
- coordinate on a plan for maintaining and/or re-establishing native vegetation between the landfill and the State Forest;
- conduct regularly scheduled roadside litter and trash pickup on area roads;
- coordinate with DCR for annual spring cleanups, including trash pickup and providing trash containers;
- accept materials removed from an old dump site within the State Forest
- provide an annual contribution of \$25,000 to the DCR Conservation Trust for resource stewardship at the Leominster State Forest.

The MOA identifies schedules and deadlines for these commitments that are not included in the draft Section 61 Finding. DEP, after consultation with DCR, should incorporate these schedules and deadlines into the final Section 61 Finding and should consider the comment received on the NPC suggesting a notification process be established regarding the closing of sections of the landfill.

I am satisfied that any outstanding issues can be resolved during the state and local permit and review processes. The project changes as proposed in the NPC require no further MEPA review. DEP should incorporate the State Forest Improvements into the amended permit and the final Section 61 Finding should be forwarded to the MEPA Office for the project file.

July 7, 2006

Date



Stephen R. Pritchard

Comments received:

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|---------|--|
| 6/26/06 | Town of Westminster/Board of Selectmen     |
| 6/23/06 | Town of Westminster/Planning Board         |
| 6/27/06 | Watchdogs for an Environmentally Safe Town |
| 6/27/06 | Dan and Barbara Tocci                      |

SRP/CDB/cdb