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July 11, 2008

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

PROJECT NAME : Construction and Demolition Material
Recycling Facility
PROJECT MUNICIPALITY : Devens (Ayer)
PROJECT WATERSHED : Nashua
EEA NUMBER : 9116
PROJECT PROPONENT : W.K. MacNamara Corporation
DATE NOTICED IN MONITOR : June 11, 2008

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).

As described in the NPC, the proposed project underwent prior MEPA review and received permits for a construction and demolition recycling facility at Devens designed to handle approximately 1,500 tons per day of construction and demolition (C&D) materials. A Certificate on the Supplemental/Single EIR (SEIR) for the project was issued on November 14, 2005 indicating that the SEIR submitted adequately and properly complied with MEPA. The proponent is now seeking approval to accept up to 1,000 tons per day of municipal solid waste (MSW) in addition to C&D materials, for a total allowable quantity of 1,500 tons per day.

The project requires permits and approvals from the Massachusetts Department of Environmental Protection (MassDEP), which include a Site Suitability Report modification and an Authorization to Operate modification. The project also requires a revised Site Assignment from the Devens Enterprise Commission (DEC), and will be subject to a public hearing as part of this process. The DEC serves as the local board of health and issues Unified Permits pursuant to the Devens By-Laws and Regulations.

NPC Review

The NPC proposes a change in the type of material to be handled at the facility. The proposed change does not meet or exceed any additional MEPA review thresholds for an Environmental Notification Form (ENF) or EIR. According to the NPC, the proposed handling of MSW will require implementation of additional material handling procedures but will not require any physical modifications to the facility. The NPC includes a summary description of facility operations and proposed handling procedures, as well as a discussion of the facility's permitting history and new permit requirements. The NPC includes a discussion of the project in the context of the Site Assignment criteria for solid waste handling facilities (310 CMR 16.40) and indicates that the project continues to meet all of the applicable setback criteria.

The municipal solid waste will be received by truck from haulers that conduct collections in regional municipalities. The NPC indicates that the on-site rail system as well as trucks may be used to transport materials off-site, and estimates traffic impacts at approximately 160-300 trucks per day. The NPC indicates that transportation by rail may require six rail cars daily. According to the NPC, all material processing and storage will take place within the facility building. As noted in the comments from MassDEP, the proposed change to MSW handling will require only minor additions to the facility's operating procedures. The NPC indicates that the existing ventilation and air filtration system is adequate to manage any fugitive dust emissions from MSW handling. The NPC proposes that potential odor will be minimized through use of odor control agents and material handling procedures within an enclosed facility.

The proponent should provide more detailed plans to address nuisance conditions (including odor, litter and rodent control) and transportation to MassDEP and the DEC as part of the permitting process. I expect that any measures necessary to avoid and minimize, or mitigate nuisance conditions and traffic-related impacts will be incorporated as part of MassDEP's permit conditions and Section 61 Findings.

The DEC has expressed concerns regarding processing of MSW and potential impacts to nearby businesses and residents as a result of odor and rodent problems, as well as dust and particulate emissions. The proponent should consult with the DEC regarding changes in floor drains and operational procedures that may be required to properly handle MSW and to avoid and minimize, or mitigate any adverse environmental impacts. I encourage the proponent to continue its efforts to establish cooperative agreements with surrounding communities to offer more cost-effective means to manage MSW materials collected at local transfer stations.

I am satisfied that the proposed project change does not require preparation of a Supplemental EIR and that any outstanding issues can be addressed during the state and local permitting processes. MassDEP should forward a copy of the final Section 61 Findings to the MEPA Office for the project file.

July 11, 2008

DATE



Ian A. Bowles, Secretary

Comments Received

6/30/08 Devens Enterprise Commission (DEC)
7/01/08 **Department of Environmental Protection, Central Regional Office**
7/1/08 Devens Recycling Center (the proponent's response to comments from the DEC)
7/02/08 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species
 Program
7/07/08 Montachusett Regional Planning Commission

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