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July 25, 2005

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

PROJECT NAME : Assabet River Consortium – Comprehensive
 Wastewater Management Plan
 PROJECT MUNICIPALITY : Town of Hudson/and five other municipalities.
 PROJECT WATERSHED : Concord Basin – Assabet River
 EEA NUMBER : 12348
 PROJECT PROPONENT : Town of Hudson
 DATE NOTICED IN MONITOR : May 23, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.17 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC)/Phase I Waiver Request submitted for this project and hereby determine that it **continues to require** the preparation of an Environmental Impact Report (EIR). In a separate Record of Decision also issued today, **I have proposed to grant a Phase I Waiver** that will allow the Town of Hudson to proceed with Phase I of the project prior to preparing a mandatory Phase III Report/Final Environmental Impact Report (FEIR) for the entire project. This Certificate sets forth the issues that must be addressed by the Town during permitting and discusses recommendations that were submitted on the project during the MEPA comment period.

Town of Hudson– NPC/Phase I Waiver Request

The Town of Hudson has filed this Notice of Project Change (NPC)/Phase I Waiver Request with the MEPA Office to proceed with Phase A of the proposed construction of planned upgrades to the Hudson Wastewater Treatment Facility (Hudson WWTF) to address the immediate requirements of the Town’s new 2005 National Pollutant Discharge Elimination System (NPDES) Permit prior to the completion of the MEPA Review process for the Assabet River Consortium CWMP.

To help finance the project, the Town will be requesting a State Revolving Fund (SRF) Loan from the Massachusetts Water Pollution Abatement Trust. My approval of this Phase I Waiver request will enable the Town to apply for SRF funding, complete the proposed construction activities, and meet the NPDES Permit compliance deadlines for phosphorous removal. As described in the Phase III Report/DEIR and this NPC, the Town of Hudson and the other five Consortium communities have committed to design, construct and operate wastewater treatment improvements necessary to attain 0.1 mg/l total effluent phosphorous levels. The proposed wastewater treatment improvements will also be designed to accommodate the need for future additional phosphorous removal treatment technologies that may be required to achieve water quality standards for the Assabet River. The Town of Hudson has completed the final design for the upgrade of its WWTF and is prepared to initiate the financing and construction bid process for Phase A construction activities. The Town's proposed Phase A construction activities including; needed repairs and upgrades to the Hudson WWTF using the AquaDAF (Infilco Degremont) phosphorous removal technology, upgrades to the existing disinfection facilities, sludge storage and other upgrades. The Town's proposed Phase B construction activities will be constructed during the 2012-2018 period and may include extensions of existing sewer, equipment upgrades and replacement, construction of a new groundwater discharge site, and if required in future NPDES permits, additional tertiary effluent pumping and filtration improvements.

Assabet River Consortium CWMP - Overview

The Town of Hudson and the Towns of Maynard, Northborough, Shrewsbury, and Westborough and the City of Marlborough have joined to form the Assabet River Consortium. The Consortium is preparing a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR) to address short-term and long-term regional issues relating to wastewater treatment and disposal and nutrient loading in the Assabet River, on a basin-wide basis. The goal of the CWMP/EIR is to identify environmentally sustainable treatment alternatives that respond to the communities' needs, meet water quality and public health standards, reduce phosphorous loading, and increase water levels in the river and its tributaries. The result will be a set of comprehensive plans outlining how the communities, individually and collectively, will treat and dispose of sanitary sewage for the next 20 years.

Currently the Assabet River does not meet water quality standards due to eutrophication, largely caused by phosphorus from municipal wastewater treatment facilities (WWTFs). Five of the six communities (excluding Northborough) are largely built out, with between 85 percent and 100 percent of the population within existing sewer areas. The six Consortium towns discharge wastewater into the Assabet River via four existing wastewater treatment facilities (WWTFs), located in Westborough (also serving Shrewsbury), Marlborough (also serving Northborough), Hudson, and Maynard. Significantly reducing phosphorous from the four WWTFs will be a critically important component of a multi-faceted watershed-based approach to cleaning up the Assabet River.

Based on the analysis to date, it is clear that wastewater management and the restoration of the Assabet River will also require significant reductions in phosphorous contributions from existing sediments (through dredging, dam removal, and/or sediment treatment), and from non-point sources. In addition, a successful watershed-based wastewater management program for the Assabet River must restore water balancing through groundwater discharge and stormwater recharge to stressed sub-basins. The final element of a successful plan will be a comprehensive long-term monitoring program to evaluate progress as project elements are implemented.

A Special Review Procedure (SRP) was established to facilitate the development of environmentally sound wastewater management practices within the member communities and in the Assabet Basin as a whole. The SRP provided for the filing of four documents: Phase I, which was issued a Certificate in June 2001, included a definition of existing conditions and an analysis of wastewater management needs; Phase II, which I issued a Certificate in August 15, 2002, included the development and screening of wastewater management alternatives to address the needs defined in the Phase I document. The Phase III Report/DEIR was recently submitted and reviewed by the MEPA Office and included a detailed description of the Consortium's Draft Recommended Plan. The Consortium communities, together with MassDEP and the US Environmental Protection Agency (EPA), proposed a phased (Phase I, Phase II) 10-year adaptive management approach for the implementation of the Consortium's proposed Assabet River CWMP. The Consortium identified a number of project elements, listed below, that would be addressed under a phased approach and through the NPDES five-year permit review process, or through alternative mechanisms and timeframes outside of the CWMP/EIR process.

The Secretary's Certificate on the Phase III Report/DEIR, issued on July 25, 2007, found the Phase III/DEIR document to be adequate and requested that the Assabet Consortium members continue to work with MassDEP, EPA and other Assabet River stakeholders to address the issues identified in the Secretary's Certificate, particularly as they may pertain to the City of Marlborough's proposed increased wastewater flows to the Assabet River. The Secretary's Certificate also required that the Phase III/FEIR Report include a summary description of each Consortium community's Infiltration and Inflow (I/I) Program plan, Water Conservation Program plan, and Stormwater Management Program plan, with proposed schedules for their implementation, and a proposed schedule for the submission of the results of MassDEP's Sediment Study and the In-Stream Monitoring Program, along with a proposed Assabet River CWMP - Phase II Program.

Based on a review of the information provided by the proponent and after consultation with the relevant public agencies, I find that the potential impacts of this project continue to warrant the preparation of a Phase III Report/FEIR. The Phase III Report/FEIR must address the issues identified in the Certificate on the Phase III Report/DEIR and the comments received on the Phase III Report/DEIR and this NPC, so that they can be considered in the evaluation of the most feasible options and a presentation of the Final Recommended Plan for the Assabet River Consortium CWMP.

I have also issued today a Draft Record of Decision (DROD) proposing to grant a partial Waiver that will allow the Town of Hudson to proceed with Phase I of the project prior to preparing the Phase III Report/FEIR for the entire Assabet River Consortium CWMP project. The DROD will be will be published in the next edition of the Environmental Monitor on August 8, 2007 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on August 22, 2007. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6).

July 25, 2007
DATE


Ian A. Bowles, Secretary

Comments received:

- 06/11/07 Stephen H. Kaiser
- 06/13/07 Organization for the Assabet River (OAR)
- 06/13/07 Gregory L. Opp
- 06/19/07 Town of Hudson, Department of Public Works

NPC/Phase I Waiver #12348 – Town of Hudson
IAB/NCZ/ncz