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August 10, 2007

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

PROJECT NAME: Redevelopment of Fort Devens  
Wastewater Treatment Facility (WWTF)  
PROJECT MUNICIPALITY: Ayer, Harvard, Lancaster, Shirley  
PROJECT WATERSHED: Nashua River  
EOEA NUMBER: 9116  
PROJECT PROPONENT: Massachusetts Development Finance Agency  
(MassDevelopment)  
DATE NOTICED IN MONITOR: July 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the materials submitted on this project and hereby determine that it **does not require** the preparation of a Supplemental Environmental Impact Report.

The proposed project change consists of an upgrade to the Devens Wastewater Treatment Facility to increase the average daily flow from 3.0 million gallons per day (mgd) to 4.65 mgd. In the Final Environmental Impact Report (FEIR) for redevelopment of the former Fort Devens (Devens) and the MassDevelopment's Section 61 Findings for the project, water use and wastewater generation were estimated at 3.0 mgd. The Section 61 Findings identified the need for a future MEPA filing if activities at Devens exceeded these levels. The FEIR acknowledged the possible need for expansion of the WWTF at a future date and the Secretary's Certificate on the FEIR (dated September 14, 1995) noted that further environmental review under MEPA would be required for any upgrades to the WWTF beyond that addressed in the FEIR. As required, MassDevelopment has submitted a Notice of Project Change (NPC) with additional information on the proposed WWTF upgrades.

The proposed WWTF upgrade will require a Groundwater Discharge Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project also requires an Order of Conditions from the Devens Enterprise Commission (and, on appeal only, a Superseding Order from MassDEP). According to the NPC, the project will receive funding from



the Commonwealth of Massachusetts (including \$6.7 million in State Revolving Funds (SRF)). Therefore, MEPA jurisdiction for the project is broad and extends to all aspects of the project with the potential to cause Damage to the Environment, as defined in the MEPA regulations.

As described in the NPC, an expansion of the Devens WWTF is required to accommodate full build-out of Bristol-Myers Squibb (BMS)<sup>1</sup> as well as future development at Devens and the unused reserve capacity for the Towns of Ayer and Shirley and the Massachusetts Correctional Institution (MCI) Shirley. According to the NPC for the proposed WWTF upgrade, the current Devens average daily flow allocation is 3.0 mgd. However, future projections for wastewater discharge are approximately 4.65 mgd based on estimated flows for BMS at full build-out (1.2 mgd), other existing and future Devens flows (1.75 mgd), and allocated capacity for the Towns of Ayer and Shirley (1.1 mgd), and MCI Shirley (0.6 mgd).

The proposed WWTF expansion will increase the average daily discharge to the existing Rapid Infiltration Beds (RIBs) from 3.0 mgd to 4.65 mgd. As further detailed in its comment letter, MassDEP has reviewed a hydrogeologic evaluation that included an analysis of the effects on groundwater under peak daily flow conditions of 7.0 mgd. Model simulations indicate that the RIBs are capable of handling an average daily discharge of 4.65 mgd if the discharge is distributed over multiple RIBs. However, the analysis indicates that under peak loading conditions, emerging groundwater might occur in certain upland areas draining to the Nashua River. The MassDEP Groundwater Discharge Permit will establish a maximum daily flow limit and will require additional monitoring of groundwater elevations. As noted by MassDEP in its comment letter, there is a potential for soils underlying the existing RIBs to become saturated with phosphorus and release this nutrient to local ground waters. MassDEP has issued a draft Groundwater Discharge Permit that authorizes the increase in WWTF average daily flow to 4.65 mgd and includes action thresholds for phosphorus in groundwater monitoring wells (0.5 mg/l). The proponent will be required as part of its permit conditions, to immediately reduce effluent concentrations to 1.0 mg/l if emerging groundwater is detected and comply with any further requirements that MassDEP determines are necessary to protect surface waters.

The proposed increase in discharge to RIBs and the main pumping station upgrades will occur within the existing footprint of the WWTF. As described in the NPC, the project change also includes a second force main under the Nashua River, which will be installed using directional drilling techniques to avoid wetlands resource area impacts. The new force main will be installed within the buffer zone of Bordering Vegetated Wetlands (BVW) and requires the filing of a Notice of Intent (NOI). As noted in the MassDEP comment letter, the proposed work is exempt from requirements for the Riverfront Area under 310 CMR 10.58(6)(c). However, the river crossing work is proposed in Priority and Estimated Habitat of state-listed species and is currently undergoing NHESP Massachusetts Endangered Species Act (MESA) and Wetlands Protection Act (WPA) review. At this time, it does not appear that the project will require a Conservation and Management Permit, as indicated by NHESP in its comment letter. However, some conditions may be required to protect state-listed turtles during construction. As noted in the NPC, mitigation for rare species will be addressed as part of the NOI and Devens Unified Permit process. The proponent should continue consultations with NHESP and the Devens

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<sup>1</sup> The BMS facility was the subject of a previous MEPA filing and a Secretary's Certificate on the NPC was issued on October 26, 2006 with a determination that a Supplemental EIR for BMS was not required.

Enterprise Commission on this issue and ensure that the project is designed and implemented to avoid and minimize, or mitigate rare species impacts to the maximum extent feasible.

The proponent should ensure that appropriate erosion and sedimentation controls and other measures are in place to avoid and minimize any construction-related impacts associated with project. The project site is located within the Squannassit Area of Critical Environmental Concern (ACEC) as noted in the NPC and in the comment letter from the Department of Conservation and Recreation (DCR) ACEC Program. DCR provided comments and recommendations to avoid and minimize Riverfront Area and wetlands buffer impacts. Since filing the NPC, the proponent has confirmed that impacts associated with directional drilling entry and exit points for the river crossing are limited to 0.004 acres located outside of wetlands resource areas (in buffer zone), and has committed to make every effort to minimize construction-related environmental impacts. As noted above, the project is exempt from Riverfront Area requirements of the Wetlands Protection Act. The proponent should consider ACEC recommendations, including those related to construction Best Management Practices (BMPs), and I ask that the proponent consult with the ACEC program to discuss its comments and provide additional information as requested.

Based on a review of the NPC, comments received, and consultation with relevant public agencies, I find that the potential impacts of the WWTF upgrade do not warrant preparation of a Supplemental Environmental Impact Report. I am satisfied that any outstanding issues can be addressed through the state and local permitting process. MassDEP and MassDevelopment should forward a copy of the new or revised Section 61 Findings to the MEPA Office for the project record.

August 10, 2007  
DATE

  
Ian A. Bowles, Secretary

Comments Received

- 7/23/07 Department of Environmental Protection, Central Regional Office
- 7/30/07 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
- 8/01/07 Department of Conservation and Recreation, ACEC Program

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