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June 22, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
NOTICE OF PROJECT CHANGE/  
SUPPLEMENT FINAL ENVIRONMENTAL IMPACT REPORT

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, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Notice of Project Change (NPC)/Supplemental Final Environmental Impact Report (SFEIR) 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).



According to MassDEP, the Town adequately documented the need for sewerage the first two of the four-phase plan, but needed to conduct further study to justify the proposed Phase 3 and Phase 4 sewer expansion projects. 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.

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). 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.

#### Supplemental Final Environmental Impact Report

According to the information provided in this NPC/SFEIR submittal, the Town of Dracut has completed the construction of Phases 1 and 2 of the Town's Comprehensive Wastewater Management Plan and is now proposing 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.

#### Sewer Expansion Areas/Wastewater Flows

The proponent proposes to convey approximately 73,000 gpd the additional wastewater flows anticipated from sewerage the Loon Hill, Marsh Hill and Methuen Street areas, and the Colburn Avenue, Mammoth Road and Gumpus Road areas to the City of Lowell's LRWTF.

According to the information provided in the SFEIR, the Town's estimated 2025 design year wastewater flows to the LRWTF is approximately 2.66 mgd. Under a 1977 Inter-Municipal Agreement (IMA) between the City of Lowell and the Town of Dracut, the LRWTF provides wastewater treatment and disposal for up to 3.6 million gallons per day (mgd) of Dracut's wastewater flows. The Town of Dracut has an existing IMA with the Town of Tyngsborough to allocate up to 1.0 mgd of Dracut's 3.6 mgd wastewater flow allocation to Tyngsborough. The Town has committed to remove approximately 600,000 gpd of infiltration and inflow (I/I) from the municipal wastewater collection and conveyance systems to enable the Town of Dracut to remain within its IMA of 2.60 mgd with the City of Lowell. As described elsewhere in this Certificate, the Town has committed to contribute to the City of Methuen's I/I removal activities and to provide mitigation for every gallon of wastewater flow generated by the Town of Dracut's Phase 3 and 4 sewer expansion project and conveyed to the GLSD

In addition to the existing IMAs with the City of Lowell and the Town of Tyngsborough, the Town of Dracut is also currently involved in negotiations with the City of Methuen and the GLSD for IMAs to convey up to .05 mgd of Dracut's wastewater flows anticipated from the proposed sewerage of areas located in eastern Dracut along the Dracut/Methuen border (Wheeler Road, Eastern Broadway Road and Peter's Pond) to the City of Lawrence's GLSD via Methuen's sewer collection system. The Town's estimated 2025 design year wastewater flows to be conveyed to the GLSD is approximately 460,000 gpd. As currently proposed, the Town has committed to construct approximately one mile of interceptor sewers (Methuen Interceptor) through western Methuen, a new Broadway Road (Rt 113) pump station, and the upgrade of Methuen's Bolduc Street and Burnham Road pump stations to convey the wastewater flows from Wheeler Road, Eastern Broadway Road and Peter's Pond to the GLSD service area. The Town will need to demonstrate to MassDEP that the proposed discharge of additional wastewater flows from the Phase 3 and 4 sewer expansion areas to the City of Lowell's LRWTF and the City of Lawrence's GLSD can be accommodated within the total volume of wastewater flows allocated to the Town of Dracut under its existing IMAs with the City of Lowell and the Town of Tyngsborough, and the proposed IMA with the City of Methuen.

### Wetlands

As described in the SFEIR document, portions of the Phase 3 and Phase 4 sewer expansion activities will involve cross-country construction resulting in the alteration of approximately 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 Town will need to provide wetlands replication at a ratio of at least 2:1 (approximately 14,800 sf total), for any unavoidable impacts to wetlands.

I anticipate that MassDEP's permitting process will include the review of the Town's proposed wetland replication plans including: proposed replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, a list of wetlands plant species of areas to be altered and the proposed wetland replication species, a proposed planned construction sequence, and a discussion of the required performance standards and monitoring.

#### Drainage/Water Quality

The Town will also need to provide to MassDEP drainage plans (at least at the conceptual level) for the management of stormwater from the project. The Town stormwater management plan should discuss the consistency of the drainage plan with the DEP Stormwater Management guidelines. It should include a description of the project's proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The proposed drainage system should control storm flows at existing levels. In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness. This maintenance program should outline the maintenance operations, responsible parties and back-up systems.

#### Historical / Archeological Resources

In their comments, the Massachusetts Historical Commission (MassHistoric) has indicated that the proposed cross-country portions of the Phase 3 and Phase 4 sewer expansion activities and pump station locations are located within areas determined to have medium to high archaeological sensitivity. MassHistoric has requested that the Town conduct an intensive locational archaeological survey for numerous specified locations in Phases 3 and 4. The Town will need to provide MassHistoric with detailed information for each project phase as they are developed, including a USGS topographic map, scaled project plans depicting existing and proposed conditions within the project area to determine what effect the proposed phased sewer expansion project may have on historic and archaeological resources. The proponent should also provide MassHistoric with detailed information on any proposed directional drilling work, including, but not limited to, the proposed depth of drilling and the proposed locations for drilling set-up and access areas. I strongly encourage the proponent to work closely with MassHistoric in the completion of its archeological investigations for the proposed phased sewer expansion project. The Town should continue to consult with MassHistoric in the completion of its archeological investigations for the remaining project phases.

Construction Period Impacts

The Town should analyze construction-period impacts, including temporary impacts to wetlands, and the extent of any blasting and/or re-grading during construction. The Town will need to prepare an erosion and sedimentation control plan.

To minimize construction related exposures to hazardous air pollutants (HAPs), I strongly recommend that the Town participate in MassDEP's Clean Air Construction Initiative. The Town should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, use low-sulfur diesel fuel, and requiring its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment which can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment. I encourage the Town to consult with MassDEP and others to identify and employ practical and feasible measures to ensure that all construction-related refueling and equipment maintenance activities will be conducted on impervious surface areas, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas.

### Mitigation

The Town has committed to pay the City of Methuen up to \$1.2 million over a five year period to contribute to the City of Methuen's I/I removal activities and to provide mitigation (2:1) for every gallon of wastewater flow generated by the Town of Dracut's Phase 3 and 4 sewer expansion project and conveyed to the GLSD. The Town of Dracut has also committed to share in the costs associated with any improvements and upgrades to the City of Methuen's Bolduc Street and Burnham Road pump stations that may be needed to accommodate the additional wastewater flow conveyances anticipated from the Town's Phase 3 and Phase 4 sewer expansion projects.

I find that the SFEIR 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 22, 2007  
DATE



Ian A. Bowles, Secretary

Comments received:

05/22/07      Massachusetts Historical Commission (MHC)  
06/14/07      MA Department of Environmental Protection (MassDEP) – NERO  
06/04/07      Northern Middlesex Council of Governments (NMCOG)

IAB/NCZ/ncz  
NPC/SFEIR #11401