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July 18, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Rand-Whitney Packaging Corporation
PROJECT MUNICIPALITY : Boylston
PROJECT WATERSHED : Blackstone
EOEA NUMBER : 14038
PROJECT PROPONENT : Rand-Whitney Packaging Corporation
DATE NOTICED IN MONITOR : June 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (MEPA)(G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). In the Expanded Environmental Notification Form (EENF), the proponent requested a Full Waiver from its mandatory EIR review threshold. In a separate Decision also issued today, I have proposed to grant a Waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR) for the project. This Certificate sets forth the issues that must be addressed by the proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period. The Certificate on the EENF is contingent upon the granting of a Full Waiver in the Final Record of Decision (FROD). If a Full Waiver is not granted in the FROD, then the Secretary will reissue the Certificate on the ENF with an EIR scope.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the proponent proposes to construct a light-industrial manufacturing facility with warehouse space, and attached office space on an industrial-zoned 21.19-acre site located off Shrewsbury Street (Rt 140) in Boylston. The project includes the construction of a 275,000 square foot (sf) light manufacturing and warehouse building, approximately 15,000 sf of attached two-story general office space, 164 surface parking spaces for distribution trucks and employee vehicles. The proponent has proposed to widen and improve a recently constructed (2004) wetland crossing/site drive (approximately 1,600 linear feet (fl)) located off Rt 140.

Using the Institute of Traffic Engineers Trip Generation land use code (LUC) 140 for Manufacturing, and LUC 710 for General Office, the proposed project is estimated to generate approximately 114 vehicle trips on the average weekday. As described in the EENF, the project's potable water supply needs (4,883 gallons per day, (gpd)) will be serviced by the Town of Boylston. The proponent has proposed to construct an on-site septic system in compliance with Title 5 requirements to be located in the northwestern portion of the project site to serve the wastewater flows (4,650 gpd) from the proposed project.

MEPA Jurisdiction

The project is subject to MEPA review and exceeds the mandatory EIR threshold at Section 11.03 (1)(a)(2) of the MEPA regulations, because the project involves the creation of ten or more acres of impervious area (approximately 10.4 acres total). The project is also undergoing review pursuant to 11.03 (3)(b)(1)(d) of the MEPA regulations because it will result in the alteration of 5,000 or more square feet (approximately 8,640 sf total) of bordering or isolated vegetated wetlands. The project will require a 401 Water Quality Certification from MassDEP, and may require a 404 Programmatic General Permit from the US Army Corps of Engineers (ACOE). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The project will also require an Amended Order of Conditions from the Boylston Conservation Commission (which was issued on September 7, 2004) for impacts to wetland resource areas and buffer zones. MEPA jurisdiction is limited to the subject matter of the state permit required, including: land alteration, wetlands and rare species.

Waiver Request

In accordance with Section 11.05 (7) of the MEPA regulations, the proponent has submitted an EENF with a request that I grant a full waiver of the EIR. The request was presented within the EENF and was discussed at the MEPA public consultation session for the project held on June 27, 2007. The EENF and supporting documentation received an extended comment period pursuant to Section 11.06(8) of the MEPA regulations. Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment. Section 11.11(3) provides that, in the case of the waiver of a mandatory EIR review threshold, the Secretary shall at a minimum base the finding required in accordance with Section 11.11(1)(b) on a determination that: a) the Project is likely to cause no Damage to the Environment; and b) ample and unconstrained infrastructure facilities and services exist to support the Project or those aspects of the Project within subject matter jurisdiction.

According to MassDEP, the proponent has committed to provide sufficient mitigation for the project's cumulative impacts to wetland resource areas. MassDEP has also indicated that the

information provided in the EENF is sufficient for the purposes of the alternatives analysis required for the 401 Water Quality Certification.

Wetlands

The project site contains a section of Sewall Brook which runs west across the project site to Lock's Mill Pond located in the northwestern section of the project site. An existing Order of Conditions (OOC) was issued by the Boylston Conservation Commission (September 7, 2004) for the prior construction of a wetland/stream crossing (box-culvert) to accommodate an access road from Route 140 (Shrewsbury Street) to the project site. This initial wetland crossing may have involved the alteration of up to 14,000 sf of bordering vegetated wetlands (BVW). As currently designed, the proposed Rand-Whitney Packaging project proposes to expand and improve the existing wetland crossing that will result in the additional alteration of approximately 1,030 sf of BVW resource area. The proponent has proposed to amend the existing OOC from the Boylston Conservation Commission for construction activities related to the proposed expansion and improvement of the original roadway crossing and the resultant alteration of additional BVW resource area. The project may result in a cumulative total alteration of approximately 16,000 sf of wetland resources.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. Where it has been demonstrated that impacts are unavoidable, the proponent is required to demonstrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The proponent will need to provide wetlands replication at a ratio of at least 1:1 for any unavoidable impacts to wetlands. For any amount of required wetlands replication, the proponent will need to provide a detailed wetlands replication plan to MassDEP which, at a minimum, includes replication location(s), the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

As a condition of my granting the proponent's Waiver request, I will require that the proponent submit a detailed description of the project's cumulative impacts to wetlands and proposed mitigation commitments to the MEPA Office for the project file.

Stormwater

The project has been designed to meet DEP's Stormwater Management Policy standards and practices and will include deep sump hooded catch basins, VortSentry stormwater quality units, and four storm stormwater detention basins with sediment forebays. The Single EIR should include a proposed maintenance program for the drainage system to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems. As I have pointed out elsewhere in this Certificate, the proponent should strive

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Rare Species


According to the information provided in the EENF, the Wood Turtle (*Glyptemys insculpta*), a state protected species of special concern, has been found within the proposed project site. In their comments, the Natural Heritage and Endangered Species Program (NHESP) indicated that the proposed project would not result in a take of state-protected rare species. According to the information provided in the EENF submittal, NHESP, the proponent has worked closely with NHESP in project design to develop appropriate mitigation that will address the protection of state-protected rare species within the proposed project site. Specifically, NHESP has required the proponent to relocate a proposed stormwater detention basin and replant the proposed Title V septic system area with native vegetation which may provide foraging habitat for the Wood Turtle. I ask that the proponent continue to consult with NHESP during final project design and construction.

Construction Period

The proponent should analyze construction-period impacts, including temporary impacts to air quality, wetlands, erosion and sedimentation impacts, the extent of any blasting and/or earth movement (quantities and time periods) and impacts on wildlife resources. The proponent should consult with MassDEP and others to determine whether the project will require a federal NPDES permit for construction activities, and how the proponent will meet any performance standards associated with a required NPDES permit. The project will need to comply with MassDEP standards and regulations regarding construction emissions. Because the proponent has committed to resolve and improve the existing and proposed conditions regarding wetland impacts, no issues remain that require review in an EIR. I anticipate that the issues raised by MassDEP regarding the quantification and mitigation of the proposed project's impacts to BVW resource areas will be thoroughly addressed during MassDEP's project review and permitting process.

consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be addressed by the permitting agencies.

July 18, 2007
Date



Ian A. Bowles, Secretary

Comments received:

07/02/07 Department of Environmental Protection (MassDEP) –CERO
07/16/07 Natural Heritage and Endangered Species Program (NHESP)

EENF #14038
IAB/NCZ/ncz