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August 17, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Comprehensive Wastewater Management Plan
PROJECT MUNICIPALITY : Westminster
PROJECT WATERSHED : Nashua River
EOEA NUMBER : 13919
PROJECT PROPONENT : Westminster Department of Public Works
DATE NOTICED IN MONITOR : July 11, 2007

The Secretary of Environmental Affairs hereby determines that the Single Environmental Impact Report (Single EIR) submitted on the above 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).

Overview

The Town of Westminster is developing a Comprehensive Wastewater Management Plan (CWMP) to address the short-term and long-term issues relating to the Town's wastewater treatment and disposal needs. The goal of the CWMP is to examine the full range of Westminster's wastewater management needs, and identify environmentally sustainable wastewater treatment and disposal alternatives, and water supply and stormwater management policies that respond to the community's needs to protect and manage the water quality and public health standards of Westminster's water resources. The result will be a comprehensive plan outlining how the Town of Westminster will manage its water supply resources and treat and dispose of its sanitary sewage over the 20 year (2025) planning period.

The Town of Westminster proposes to expand its existing municipal sewer system with the phased construction (Phase A, Phases 1–5) of new sewers to serve eleven additional areas of Town identified as high priority sewer needs areas. The proposed sewer improvement and expansion work will include approximately 10.6 miles of new gravity, force main and low-pressure sewers, upgrading of 3 existing (Whitman River Pump Station, Narrows Road Pump Station, Ellis Road Pump Station) pump stations, and construction of 3 new pumping stations (Bakers Grove, Bacon Street, Dawley Road). The Town's design year (2025) wastewater flows (508,400 gpd) will be conveyed to the City of Fitchburg's municipal sewer collection system and the East Wastewater Treatment Facility (East WWTF) for treatment and discharge. Most of the proposed sewer and force main construction will occur within existing Town road right-of-ways. The Town's comprehensive wastewater management plan also includes the implementation of a Septage Management Plan for those areas of Westminster to remain with on-site septic systems. According to the proponent, the phased sewer expansion project is to be completed by the year 2025.

Jurisdiction

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 (approximately 10.6 miles total). The project will require an Order of Conditions from the Westminster Conservation Commission; a Construction Permit from the Massachusetts Highway Department (MHD), and a 401 Water Quality Certification and Sewer Extension Permit from MassDEP. The proposed sewer expansion plan will need to meet applicable state building codes (Section 3107.0) and comply with applicable federal flood plain management policies (Executive Order 11988, Flood Plain Management) for the construction of any buildings within the 100-year floodplain. The project may receive funding through the State Revolving Fund (SRF). 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. These include land, wastewater, water quality and wetlands.

Projected Wastewater Flows and Sewer System Capacities

As described in the Single EIR document, the 2025 design year wastewater flows from the Town of Westminster will be conveyed via two separate existing collection systems (Whitman River collection system, Route 31 collection system) to the City of Fitchburg's East WWTF for treatment and discharge. Under an existing Inter-municipal Agreement (IMA) with the City of Fitchburg, the Town of Westminster's current wastewater conveyance limit (320,000 gpd) may be increased up to 1.5 mgd through the financing of equivalent (1:1) infiltration and inflow (I/I) improvements to the City's sewer system to offset the Town's additional wastewater flows.

Partridge Pond has been identified by MassDEP as one of five surface water bodies in the Town of Westminster that is included on MassDEP's 303(d) list of impaired water bodies. According to the information provided in the Single EIR, the existing on-site wastewater management systems serving the residences located in the Lake Drive East area abutting Partridge Pond, are failing and are likely impacting the water quality of Partridge Pond. According to the proponent, inclusion of the Lake Drive East area in the Town's proposed sewer expansion project will likely improve the water quality of Partridge Pond. According to the information provided in the Single EIR, the existing capacity (760 gpm) of the Fitchburg interceptor to convey wastewater flows from the Whitman River Pump Station to the Fitchburg's sewer system will be exceeded under the Town of Westminster's 2025 design year wastewater flows. The Town of Westminster has committed to replace approximately 1,200 lf of 8" sewer and approximately 2,400 lf of 12" sewer within the Fitchburg interceptor with 18" sewer to accommodate Westminster's future design year wastewater flows.

Water Supply

Approximately forty percent of the Town of Westminster's existing potable water supply need is supplied from Meetinghouse Pond in Westminster by the City of Fitchburg's Hager Park Road Regional Water Filtration Facility (12 mgd capacity) through a May 1999 inter-municipal agreement (IMA) between the Town of Westminster and the City of Fitchburg. Private water wells serve as the water supply source for the remainder of the Town. The Town of Westminster currently receives approximately .37 mgd of water supply from Fitchburg's Regional Water Filtration Facility. Under an existing water supply IMA with the City of Fitchburg, the Town may purchase up to 1.5 mgd of potable water supply from the City of Fitchburg. I note that in November 1994, the Town of Westminster was issued a Water Withdrawal Permit from MassDEP to withdraw up to 0.52 mgd of water supply directly from Meetinghouse Pond for water supply emergency purposes.

Water Conservation

According to the information provided in the Single EIR, the Town may have begun implementing water conservation programs that may be consistent with the guidance on water conservation measures provided by the Massachusetts Resources Commission's *Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, October 2000*. The Town of Westminster should incorporate water conservation and water use efficiency in their respective project designs to comply with the March 1989 state plumbing code. I strongly encourage the Town to identify additional water conservation measures that have the potential for reducing Westminster's wastewater volumes including, outdoor water use restrictions and water use rates, retrofitting of municipal buildings with low flow devices, enactment of a bylaw regulating automatic sprinklers and/or clearing of land for grass lawns, promotion of the use of cisterns for outdoor watering, the use of a water bank, and the promotion of the use of new grey-water systems.

The Town should consider implementing an Irrigation Management Plan (IMP) to further reduce town-wide irrigation water demand. An IMP could involve the use of amended soils and compost, the planting of native and drought-tolerant species of trees, shrubs, and turf grasses, an automated water efficient irrigation system, and a water management protocol for drought conditions. I ask that the Town consult with MassDEP, and refer to the Massachusetts Water Resources Commission's during the final design of the proponent's IMP. The Town should forward a copy of its proposed Water Conservation Program plan with a proposed schedule for its implementation to the MEPA Office for the project file.

I/I Program

According to the Town of Westminster, I/I may be impacting the capacity of Westminster's existing pump stations during wet weather. The Town has committed to develop and implement an I/I Investigations Program in 2008 and to take corrective action to remove (I/I) from Westminster's sewer collection system in 2010 and prior to the completion of the proposed Phase I sewer expansion work. The Town's I/I Removal Program should be prepared in accordance with MassDEP's Guidelines for Performing Infiltration/Inflow Analyses and Sewer System Evaluation Survey, (January 1993).

Growth Management

Executive Order #385 requires that state and local agencies engage in protective and coordinated planning oriented towards resource protection and sustainable economic development. For reasons of both environmental protection and fiscal prudence, investments in public infrastructure should be carefully targeted toward those areas for which clear existing needs have been established and for areas where denser development is appropriate, thereby relieving development pressures on open space, agricultural lands, and other valuable natural resources. As described in the Single EIR, the Town's Planning Board and Board of Health are currently working to identify opportunities to modify the Town's regulations pertaining to cluster subdivision design and the use of shared septic systems to provide the Town greater flexibility in its ongoing efforts to guide new development according to the Town of Westminster's Master Plan and Community Development Plan. The Town is also proposing to develop and implement a Sewer District that will define the extent of the proposed sewer expansion area and preclude new development located outside of the Sewer District from connecting to Westminster's sewer collection and conveyance system.

I commend the Town for its initial efforts to work on this important and difficult issue, and anticipate the discussions and deliberations in public forums throughout the Town of Westminster will help to ensure that acceptable growth control measures are implemented.

The Town should consult with MassDEP, MAPC, and the Sustainable Development Policy staff at the Executive Office of Energy and Environmental Affairs as it develops its growth management strategy. Additional growth control measures can be discussed during the design and permit review process leading to the issuance of Sewer Extension Permits.

Costs

The Single EIR includes a summary of the estimated design and construction costs (approximately \$15.03 million dollars) associated with Phase A and Phases 1- 5 of the Town's proposed sewer expansion project. As described in the Single EIR, the Town has proposed to assess betterments for 50 per cent of the sewer expansion capitol costs (approximately \$7.5 million). The remaining project costs will be financed through general taxes.

Historical/Archeological Resources

Phase 1 of the Town's municipal sewer improvements and expansion plan calls for extending sewer within the state listed Westminster Village- Academy Hill Historic District. In their comments on the Expanded Environmental Notification Form (EENF), the Massachusetts Historical Commission (MHC) has requested that the Town consult with MHC and refer to the Inventory of Historic and Archaeological Assets of the Commonwealth to accurately determine the presence and location of any significant historic and archaeological resources that may be located within the project area. The proponent will need to provide MHC 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 MHC 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. The proponent must work closely with MHC during final design and construction.

Mitigation/Section 61

The proponent and state agencies should forward copies of their Section 61 Findings to the MEPA Office for completion of the file. The proponent should notify the MEPA Office when construction commences, as required by Section 11.08(9) of the MEPA Regulations, and if the project should change, in accordance with Section 11.10 of the MEPA Regulations.

Based on the review of the EENF and the comments received, I am satisfied that the project has avoided and mitigated environmental impacts to the extent feasible, and that the state permitting agencies have adequate information to base their permit decisions, and sufficient permitting authority to ensure that any remaining issues are adequately addressed.

August 17, 2007
DATE


Ian A. Bowles, Secretary

Comments received:

08/09/07 **MA** Department of Environmental Protection (MassDEP) – CERO

Single EIR #13919
IAB/NCZ/ncz