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November 21, 2008

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

PROJECT NAME : Greenwood Street Landfill Project
PROJECT MUNICIPALITY : Worcester
PROJECT WATERSHED : Blackstone
EOEA NUMBER : 13350
PROJECT PROPONENT : City of Worcester
DATE NOTICED IN MONITOR : October 22, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **continues to require** the preparation of a Draft and Final Environmental Impact Report (DEIR, FEIR). A modified Scope for the DEIR is included below.

Project Description

In August 2004, the Proponent submitted an Expanded Environmental Notification Form (EENF) to the MEPA Office describing the project as involving the phased landfill cap repair, remediation and redevelopment of the Greenwood Street Landfill. The landfill is located on a 100.6-acre parcel off of Greenwood Street near the intersection of Greenwood Street and Abramson Lane and south of Quinsigamond Village in Worcester.

Phase 1, currently under construction, involves the repair and recapping of approximately 26 acres of the 52-acre landfill, and includes the importation and placement of approximately 350,000 – 500,000 cubic yards (cy) of additional shaping and grading materials to restore proper grades (5%) to the capped landfill. In Phase 2, the Proponent proposed to complete any proposed remediation work described in the Proponent's DEP-approved Corrective Action Design (CAD) plan.

Phase 2 work also includes the construction of a 2,000 foot long roadway extension of the existing NipNap Trail roadway located in the southwest corner of the project site to service the proposed cap repair and remediation phases of project. I note that according to the Proponent's comments made during the MEPA Scoping Session for this project, the Proponent has proposed to construct a permanent extension of the NippNapp Trail roadway as part of Phase 2 to enable existing and future truck traffic direct access to Route 20 and Route 90 from industrial zoned land located to the west of the landfill, and immediately north of the landfill project site. The proposed NippNapp Trail extension will eliminate truck traffic on neighborhood roads located adjacent to the project site. Concurrently with the Phase 1 and Phase 2 work, the Proponent will work closely with the City of Worcester and Worcester neighborhood residents to design and implement an appropriate post-closure reuse/redevelopment plan to be completed in Phase 3 for the 100-acre landfill site including the capped landfill area (26 acres) and approximately 48 acres of industrial-zoned land located to the west of the capped landfill. The Proponent will file separate NPC submittals with the MEPA Office to describe the proposed construction activities and potential individual and cumulative environmental impacts associated with project Phases 2 and 3.

Phase I Waiver Request

The EENF submittal also contained the Proponent's request for a Phase I Waiver to repair and recap approximately 26 acres of the 52-acre landfill pending the preparation of a DEIR for the project. The Proponent proposed to incorporate the use of contaminated soils from various 21E remediation sites located throughout the City of Worcester for the proposed landfill cap repair project. The Proponent submitted a Materials Management Plan to MassDEP that described the proposed use of contaminated materials for the project in a manner consistent with MassDEP's soils policy pertaining to the Reuse and Disposal of Contaminated Soil at Massachusetts Landfills (Policy# Comm-97-001). The disturbed area will be re-vegetated with appropriate native warm-season grass seed mix to restore the existing rare species habitat for the grasshopper sparrow in accordance with the Proponent's habitat restoration plan. In Phase 1, the Proponent also proposed to dredge sediments (approximately 2,000 cy) from an existing 2,100-foot long stone-lined channel located along the eastern boundary of the project site, and upgrade the landfill's stormwater management system. Phase 1 activities also included an Initial Site Assessment (ISA) and a Comprehensive Site Assessment (CSA) of the entire 100-acre landfill site to identify any areas of the site requiring additional remedial actions. The Proponent will complete a Corrective Actions Alternatives Analysis (CAAA) for MassDEP and will develop a preferred CAD plan.

The Phase I Waiver Request was discussed at a public consultation meeting held on September 14, 2004. In a Final Record of Decision (FROD), issued November 22, 2004, the proposed Phase I Waiver request was granted allowing Phase 1 of the project to proceed while the DEIR is being prepared.

Jursidiction

The project is subject to MEPA and requires the preparation of an DEIR pursuant to section 11.03 (3)(a)(1)(a) of the MEPA regulations because the project will most likely result in the alteration of one or more acres of bordering vegetated wetlands (BVW). The project is also subject to MEPA review pursuant to Section 11.03 (2)(b), because the project involves the alteration of a designated rare species habitat and will result in a “take” of an endangered or threatened species of special concern. On January 30, 2007, the Natural Heritage and Endangered Species Program (NHESP) issued the Proponent a Conservation and Management Permit for the proposed project. The project requires a Section 401 Water Quality Certificate, and approval of the City’s landfill closure plans from the Department of Environmental Protection (MassDEP), a National Pollution Discharge Elimination Systems Permit (NPDES) from the U.S. Environmental Protection Agency (EPA), and a Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE). The project will also require a Post-Closure Use Permit from MassDEP. The project proposes construction activities and alteration within the 100-foot buffer to Bordering Vegetated Wetlands (BVW) and will require an Order of Conditions from the Worcester Conservation Commission (and hence Superseding Order(s) from MassDEP if any local Orders were appealed).

The Proponent is not seeking state funding or financial assistance for the proposed project. MEPA jurisdiction therefore is limited to those aspects of the project within the subject matter of any required or potentially required state permits that have the potential to cause significant Damage to the Environment as defined in the MEPA regulations including land, rare species, water quality and wetlands.

Notice of Project Change

As described in the NPC submittal, the results of the Proponent’s recently completed settlement analysis indicate that a revised grading plan involving the importation and placement of additional shaping and grading materials will be required in order to construct and maintain the minimum required post-closure grading of five percent. Phase 1 of the Proponent’s CAD plan involved the repair and recapping of a portion of the landfill using approximately 350,000 – 500,000 cy of imported shaping and grading materials to achieve and maintain a 5% grade and a maximum elevation of 494 feet Mean Seal Level (MSL) to the capped landfill.

In its comments on the NPC submittal, MassDEP has indicated that up to 750,000 cy of additional shaping and grading materials may be required to accommodate long-term settlement and maintain necessary post-closure grades of the Greenwood Street Landfill. According to MassDEP, the total amount of additional shaping and grading materials to be used at the project site will be determined by MassDEP based on the results of periodic third party surveys of the landfill capping operations and settlement data.

As currently proposed, the Proponent's revised grading plan will result in an increase in elevation of the capped landfill from 494 to 505 feet (MSL). The Proponent will be required to submit to MassDEP a Permit Modification to the Post-Closure Use Permit for the project to include the proposed changes to the Proponent's CAD grading plan.

SCOPE

General

The DEIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. It should address the comments listed at the end of this Certificate to the extent that they are within this scope, and it should include a copy of this Certificate. The Proponent should circulate the DEIR to those parties who commented on the EENF or the NPC, to any state agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations.

Alternatives

In addition to the No-Build Alternative and the Preferred Alternative for the Greenwood Street Landfill recapping and reuse project, the DEIR should discuss alternative building configurations on the site that might result in fewer impacts, particularly to stormwater and wetlands. For each alternative, the DEIR should quantify the amount of land altered, the amount of earthwork involved in meeting final grades, and the amount of impervious surfaces created. The DEIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land. The DEIR should summarize the reuse alternatives developed for the project site.

The analysis should clearly present the alternative curb cuts and entrance/exit configurations at the site, and identify the advantages and disadvantages of the Preferred Alternative. Proposed project phasing, including construction and completion dates, should be described in the DEIR. The DEIR should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives. The Proponent may have to make fundamental changes to the project design to accommodate state permitting requirements (e.g., reduce the size of the project, mitigate additional flows through infiltration/inflow (I/I) removal, or find practicable alternatives for servicing the project's wastewater flows). Based on the analysis presented in the DEIR, I reserve the right to require analysis of a reduced-build alternative or additional project alternatives as appropriate.

Project Permitting and Consistency

The DEIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards. In accordance with section 11.01 (3)(a) of the MEPA regulations, the DEIR should also discuss the consistency of the project with any applicable local or regional land use plans. The DEIR should provide an update of the state and local permitting processes for the proposed project.

Rare Species

According to comments received from the State's Natural Heritage & Endangered Species Program (NHESP), the project site contains priority habitat for the Grasshopper Sparrow (*Ammodramus savannarum*). The Proponent continues to work closely with MassAudubon and NHESP. As noted elsewhere in this Certificate, the NHESP issued the Proponent a Conservation and Management Permit for the proposed project on January 30, 2007 to address the impacts to endangered species from the proposed landfill cap repair portion of the project (Phase 1) as well as those impacts anticipated from the remediation work to be conducted in Phase 2, and the future redevelopment/reuse (Phase 3) of the Greenwood Street Landfill. The Proponent's subsequent DEIR submittal to MEPA should report generally on NHESP's issuance of a Conservation and Management Permit and discuss any future permits or approvals needed from NHESP.

Stormwater/Drainage

As described in the EENF, stormwater from the landfill site flows through grassed swales and drainage pipes to an existing stone-lined channel located along the eastern boundary of the landfill site and discharges to the Blackstone River. The Proponent has committed to construct stormwater best management practices (BMPs) to control stormwater during landfill cap construction including the installation of drainage swales and 6 temporary stormwater detention basins located around the perimeter of the upper 26 acres of the 52-acre landfill. Upon completion of the landfill cap repair, the Proponent has committed to construct permanent stormwater management infrastructure, including drainage swales and stormwater detention basins around the perimeter of the 52-acre landfill, to control stormwater runoff and drainage within the landfill site.

In its previous comments on the EENF, MassDEP indicated that the Proponent's proposed temporary and permanent stormwater management plan must be consistent with any/all wastewater discharge permits that the Proponent will be required to obtain prior to beginning any landfill cap repair work.

According to MassDEP's comments on the NPC, the Proponent will be required to provide MassDEP any/all revisions to the project's stormwater management plan originally submitted in the October 2004 CAD Plan. I ask the Proponent to work closely with MassDEP to include, a detailed description of the Proponent's proposed stormwater management plan for each project phase and for the full-build project construction in the DEIR. The DEIR should describe the proposed methods of collection, treatment and disposal of stormwater runoff and drainage from the landfill and the project site. The DEIR should briefly describe any applicable wastewater discharge permit necessary for the project, and should demonstrate that the project design meets applicable performance standards.

Wetlands

The Proponent's Phase 2 activities will likely involve remedial work in wetland resource areas located in the western portion of the project site, and may be subject to MEPA review pursuant to Section 11.03 (3)(b)(1)(d), because the project may involve the alteration of more than 5,000 square feet of bordering vegetated wetlands (BVW). The Proponent should continue to work closely with MassDEP's Wetlands Program and its Division of Solid Waste Management to include in the DEIR, a detailed description of the project's impacts to wetland resources. Specifically, the DEIR should explain the significance of each wetland area on the site to the interests enumerated in the Wetlands Protection Act.

The Proponent should identify all streams and surface water resource areas on the site and should certify that all streams identified within the project site meet MassDEP's definition for an intermittent or perennial stream, and the Proponent should evaluate potential impacts on these resource areas. The DEIR should discuss how the project complies with MassDEP's 401 Water Quality Certification regulations (314 CMR 9.00), and relevant MassDEP policy. The Proponent must quantify the amount of direct wetland alterations proposed for each project phase, including removal of tree and shrub canopy from forested wetlands, expected alterations from future development, and construction-related disturbances. The DEIR must also analyze indirect impacts to wetlands from receipt of drainage, stormwater runoff and wastewater disposal from the project.

Construction Period Impacts

The DEIR should evaluate construction period impacts, including impacts from earth moving/blasting, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. The Proponent should require its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment that can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment.

All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas.

Traffic

According to the Proponent, the proposed project will generate 75-200 truck trips per day during project construction. The Proponent's proposed truck route begins from the Mass Pike (Route 90), exiting at Route 146/Route 20 (Exit 10A), and travels west on Route 20 to NippNapp Trail and the project site's access drive.

Planning For Growth (Executive Order 385)

In accordance with Executive Order 385 (Planning for Growth) and section 11.01 (3)(a) of the MEPA regulations, the DEIR should also discuss the consistency of the project with the local and regional growth management and transportation plans.

Mitigation/Section 61

The DEIR should include a separate chapter on mitigation measures. The DEIR should include any conceptual plans for roadway improvements with sufficient detail to verify the feasibility of constructing such improvements. The plans should show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. The DEIR should state whether land takings are necessary to implement proposed improvements and should identify the party responsible for such takings. This chapter on mitigation should include a Draft Section 61 Finding for all state permits. Any proposed traffic mitigation must conform to MHD standards, including but not limited to, lane, median and shoulder widths, bicycle lanes and sidewalks. The Draft Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

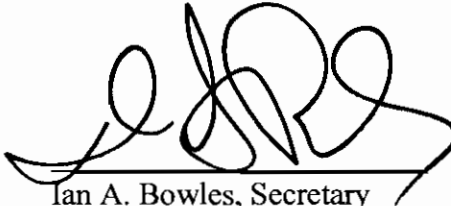
Comments

In order to ensure that the issues raised by commenters are addressed, the DEIR should include a response to comments. This directive is not intended to, and shall not be construed to, enlarge the scope of the DEIR beyond what has been expressly identified in the initial scoping certificate or this certificate. I recommend that the Proponent use either an indexed response to comments format, or else direct narrative response. The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to City of Worcester officials. A copy of the DEIR should be made available for public review at the City of Worcester Public Library.

November 21, 2008
Date



Ian A. Bowles, Secretary

Comments received:

11/05/08 Natural Heritage and Endangered Species Program (NHESP)
11/17/08 Department of Environmental Protection (MassDEP) – CERO

IAB/NCZ/ncz
NPC #13350