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December 29, 2006

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

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 : November 22, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR). In accordance with Section 11.05 (7) of the MEPA regulations, the proponent has submitted an Expanded Environmental Notification Form (EENF) with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. The EENF received an extended comment period pursuant to Section 11.06 (8) of the MEPA regulations and the proponent voluntarily extended the comment period an additional two weeks. The EENF includes clear descriptions of the project, a description of the extensive planning and alternatives analysis conducted to date, identifies potential environmental impacts associated with the project and provides commitments to mitigate impacts. Comments from the Department of Environmental Protection (MassDEP) indicate that it supports the analysis and conclusions included in the EENF and that it is consistent with legal requirements. Based on a review of the EENF and consultation with state agencies, I hereby find that the EENF meets the regulatory requirements and I am permitting the proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations. The following Scope is intended to identify additional analysis and information necessary to complete MEPA review and ensure that impacts and issues are fully analyzed.

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.

As described in the EENF, the Town of Westminster proposes to expand its existing municipal sewer system with the phased construction (Phase 1 – 5) of new sewers to serve nine 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 total wastewater flows (541,000 gpd) will be conveyed to the City of Fitchburg's municipal sewer collection system and the East Wastewater Treatment Facility (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.

SCOPE

Project History

As indicated in the EENF, the proposed sewer expansion project represents the most recent component of the Town of Westminster's on-going comprehensive wastewater management and sewer construction program. In 1983, the Town began constructing a sewer system to convey wastewater flows from the Town center and residential areas located adjacent to Round Meadow Pond to the City of Fitchburg's West Fitchburg Wastewater Treatment Facility (WWTF). The Town constructed additional sewers between 1984-2001 to collect additional wastewater flow from the Town Center area and the Wyman Pond area.

In order to better understand the relationship of Westminster's individual sewer construction projects to its comprehensive wastewater management planning and construction program, I am requiring the Town to prepare in a separate chapter of the Single EIR a detailed discussion of the history of sewer construction in the Town of Westminster. This section of the Single EIR should include a description of the construction activities and environmental impacts associated with each of the previously constructed municipal sewer projects, and prior MEPA submittals, and for the full-build town-wide sewer construction program contemplated by the Town of Westminster. I encourage the proponent to consult with the MEPA Office as it develops this section of the Single EIR.

Project Description and Permitting

This section should provide updates to the project description and discuss project phasing. The Single EIR should include a detailed description of construction methods. The Single EIR should also provide updates on the status of each state permit or agency action required, or potentially required, for the project, and the project's ability to meet applicable performance standards.

Projected Wastewater Flows and Sewer System Capacities

The EENF contains an analysis of the Town of Westminster's existing wastewater flows, and the proposed sewer expansion project's sewer service areas, and includes projections of these flows and volumes to the project's 2025 design year. The 2025 design year wastewater flows from the Town of Westminster (541,000 gpd) will be conveyed, via two separate existing collection systems (Whitman River collection system, Route 31 collection system) to the City of Fitchburg's municipal sewer collection system and the 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. As described in the EENF, the capacity of the Fitchburg interceptor to convey wastewater flows from the Whitman River Pump Station to the City of Fitchburg's sewer system will be exceeded under the future design year wastewater flows from the Town and will need to be replaced to accommodate these additional flows. The Single EIR should include a detailed description of any needed improvements to Fitchburg's sewer infrastructure to accommodate Westminster's 2025 wastewater flows.

Although not discussed in the EENF, MassDEP's comments identified Partridge Pond as one of five surface water bodies in the Town of Westminster that is included on the state's 303(d) list of impaired water bodies. The Single EIR should include a description of Partridge Pond, and should discuss what impacts, if any, Partridge Pond's status as an impaired and state listed water body might have on the Town's sewer needs analysis and proposed sewer expansion project.

Reductions in wastewater flow will also play a significant role in Westminster's long-term comprehensive wastewater management process. Reduction of wastewater flows can be achieved by implementing aggressive water conservation programs, reducing infiltration/inflow (I/I) levels, and increasing wastewater reuse (for example, for irrigation purposes). I strongly encourage the Town to expand its water conservation program and its on-going I/I identification and reduction activities. The Single EIR should supplement the Town's sewer needs analysis and future wastewater flow estimates presented in the EENF with additional information that takes into account measures that have the potential for reducing wastewater volumes -- including water conservation, reducing per capita water use, and I/I removal -- and adjust the analysis accordingly. The report should address the feasibility and effectiveness of such measures. It should at a minimum include a preliminary water demand management plan and an expanded water conservation plan.

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.

The Single EIR should include a map depicting all existing and potential surface and ground water supply sources located within the Town of Westminster. As indicated elsewhere in this Certificate, the proponent should include in its ongoing water conservation efforts additional tools to improve water conservation including, but not limited to; 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.

Rare Species

According to the Natural Heritage & Endangered Species Program (NHESP), a state-listed aquatic plant (*Potamogeton confervoides*) occurs in southwestern Westminster in the Upper Reservoir and Mirror pond area. This rare plant species may be located in the immediate vicinity of a number of potential alternative sites identified in the EENF (A-23, A-24, A-25, A-26, A-27, and A-31) as possible locations for a centralized wastewater treatment system. NHESP has requested that the Town take into account the habitat requirements of this endangered plant during final project design. The Town should consult with NHESP and to submit for NHESP's review construction plans for any proposed work located within or near rare species habitat located within the project area. The Single EIR should include a site inventory to determine which areas, if any, of the sewer expansion project area might constitute suitable habitat for the rare species known to exist within the sewer expansion project area.

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. The EENF includes a discussion on growth management and discusses the Town's options for mitigating the potential for increased growth resulting from the proposed sewer expansion project. The proponent has identified a number of alternatives for managing growth in sewer areas including the creation of a Sewer Management District, adoption of Sewer District By-laws, and creation of a Sewer Authority.

The Single EIR should provide additional analysis regarding the potential for growth (not only in new homes but in expansions of existing homes) and quantify how existing regulations will minimize that potential for growth. The Single EIR should include any new by-laws or regulations proposed by the Town for controlling new future development requesting municipal sewer service and located in areas outside of the proposed new sewer areas. I strongly encourage the proponent to consult with MassDEP in developing growth-neutral policies and a strategy to prohibit and/or discourage future new development within new sewer expansion areas in Westminster. The Town should consider adopting any proposed growth by-laws, regulations, and policies prior to the construction of the proposed sewer expansion project.

Costs

The EENF includes a summary of the estimated construction costs (\$14.6 million dollars) associated with phases 1- 4 of the Town's proposed sewer expansion project. The Single EIR should present the capital and operating cost estimates for the Town's proposed sewer expansion plan and how they will be financed. The Single EIR should include a discussion of the potential costs associated with any needed capacity improvements to Fitchburg's existing wastewater collection and treatment systems. The Single EIR should also provide a discussion of the costs associated with any needed revisions to the Town's wastewater treatment IMA with Fitchburg. The Single EIR should include a projection of the preferred alternative's impact on local sewer rates, and a comparison of the resulting local sewer rates to MWRA communities and statewide averages. This evaluation should also include a discussion of the status of the IMA (wastewater treatment) with the City of Fitchburg Fitchburg's WWTF and what impacts Westminster's sewer expansion plan will have on the facility's treatment capacity and permitted flow levels. The Town should document any assumptions concerning the probable cost of acquiring parcels or easements for construction and managing the Town's municipal sewers. This section of the Single EIR should also incorporate the Town's response to the comments received from MassDEP regarding the operation and maintenance of low-pressure sewers.

Historical/Archeological Resources

As described in the EENF submittal, 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, the Massachusetts Historical Commission (MHC) has requested that the Town consult with MHC and refer to the Inventory of Historic and Archeological 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 should consult with MHC and provide appropriate plans to aid in a determination. If MHC deems the project to have an "adverse effect" on historic or archaeological resources, the proponent should file a Notice of Project Change with the MEPA office. According to MHC, 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. I strongly encourage the proponent to work closely with MHC in the completion of its archeological investigations for the proposed phased sewer expansion project.

Construction Period

The Single EIR should evaluate construction period impacts, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses.

Comments

The Single EIR should respond to the comments received. I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The Single EIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Mitigation/Section 61

The Expanded ENF included a commitment to the following measures to avoid, minimize and mitigate impacts. The Single EIR should include a separate chapter on mitigation measures. This chapter should include a Draft Section 61 Finding (in the form of an updated letter of commitment for the MHD access permit) for all state permits that includes 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.

Distribution

The Single EIR 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 the municipal officials for the Town of Westminster and the City of Fitchburg. A copy of the Single EIR should be made available for public review at the public libraries for the Town of Westminster and the City of Fitchburg.

Based on the review of the EENF and the comments received, I am satisfied that the EENF meets the standard for adequacy contained in Section 11.06 of the MEPA regulations.

December 29, 2006
DATE



Robert W. Golledge, Jr., Secretary

Comments received:

11/30/06	Massachusetts Historical Commission (MHC)
12/15/06	Water Resources Commission
12/19/06	Nashua River Watershed Association (NRWA)
12/22/06	MA Department of Environmental Protection (MassDEP) – CERO
12/26/06	Montachusett Regional Planning Commission

ENF #13919
RWG/NCZ/ncz