



**TOWN OF WAYLAND
DEPARTMENT of PUBLIC WORKS
WATER DIVISION
WELLHEAD PROTECTION COMMITTEE
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778**

October 22, 2009

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
Anne Canaday, EOE #14197
100 Cambridge Street, Suite 900
Boston, MA 02114

TOWN BUILDING
41 COCHITUATE ROAD
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**RE: BIRCH ROAD WELLFIELD REDEVELOPMENT
AND WATER TREATMENT PLANT EOE #14197 FEIR**

Dear Secretary Bowles and Ms. Canaday:

The Wayland Wellhead Protection Committee appreciates this opportunity to again submit written public comment for the proposed project titled "Birch Road Wellfield Redevelopment and Water Treatment Plant," EOE #14197, located in Framingham, MA. As part of its mission our committee is charged with developing strategies to protect the Town of Wayland's water supply.

Based on our review of the FEIR and the proponent's failure to comply with the action steps and standards required in the August 7, 2009 Certificate, we hereby request that the proponent be required to submit a Supplemental EIR. We believe that this office should not waive its requirements and allow this project to proceed unless and until the proponent clearly demonstrates that its proposed plan will protect against causing inadvertent environmental harm.

Groundwater Withdrawals and Models

In the Certificate the proponent was instructed to provide revised and detailed groundwater modeling so that the true impacts of this project could be assessed. It is particularly troubling to our committee that the proponent has not provided the requisite groundwater modeling and analysis in dry as well as wet periods; has failed to quantify potential impacts on resources such as the Sudbury River and other surface water bodies; has not shown the existence of any hydrological barrier extending to Pod Meadow Conservation Area based on geological sampling data rather than speculation;

and has not detailed the effect of removing water from the Sudbury River basin and discharging all of it to the MWRA wastewater system.

Your office should already have received the personal comments submitted separately by Thomas Sciacca, a member of our committee, whose detailed technical analysis demonstrates the failure of the proponent to provide a scientific basis for its proposed mitigation scheme. Our committee concurs with Mr. Sciacca's findings that this project as proposed will have direct and adverse impacts on the Sudbury River, particularly in view of the absence of an adequate assessment of the time delays inherently necessary to design an effective mitigation plan.

It is our contention that this proposed project would also have both direct and indirect impacts on Wayland wells. Since Framingham's approved Zone II for the Birch Road wellfield overlaps Wayland's Zone II for two of its wellfields, further withdrawals in Framingham would directly impact the recharge area for Wayland wells (see attached map). In addition, should the river be further stressed by the sizable proposed withdrawals, Wayland's permit under the Water Management Act could be severely restricted. Although the proponent may not be required to anticipate future DEP actions in its analysis, its proposed project could indirectly have serious implications for Wayland, which depends solely on its wells for drinking water.

Water Treatment

DEP clearly provides a wellhead protection compliance standard under the Best Effort Requirement 310 CMR 22.21(1) of the Wellhead Protection Regulations. Pursuant to the Best Effort Requirement, if a town in which any part of the Zone II of the proposed well or wellfield is located does not have wellhead protection zoning or non-zoning controls in effect that prohibit siting within the Zone II the land uses set forth in 310 CMR 22.21(2)(a) and 310 CMR 22.21(2)(b) unless designed in accordance with the performance standards specified therein, the public water supplier (pws) must demonstrate to the Department's satisfaction that it has used its best efforts to have that town into which the Zone II extends establish such zoning or nonzoning controls within the Zone II (emphasis added).

To demonstrate they have used their best efforts in encouraging the community to protect the Zone II and achieve compliance with the Best Effort Requirement, a pws, at a minimum, must:

1. Request local officials (i.e. planning board, board of health, board of selectmen) to protect the approved Zone II with local controls that meet the language in 310 CMR 22.21 (2)(a)(1) through (b)(7); and
2. Provide local officials with a copy of the DEP-approved Zone II delineation and Wellhead Protection Regulations 310 CMR 22.21(2); and
3. Provide DEP with documentation that steps 1 and 2 above have been accomplished. Documentation may include a copy of the letter to the town requesting protection of the Zone II or a copy of a letter (or meeting minutes) describing discussions with local officials to protect the Zone II.

The proponent conceded in the DEIR that there is an area between the town boundaries and the existing Wayland Aquifer Protection District (APD) that is not covered by wellhead protection zoning or non-zoning controls as set forth above (p. 3-11, see attached map). The proponent responded to the WPC's concerns in the FEIR that its proposed revision to the delineated Zone II has reduced the recharge area in Wayland so that there will be less land under DEP control.

With respect to the amount of land in Framingham's Zone II in Wayland, DEP does not provide for waiver of its requirements should the proponent determine that the area affected is too small to be worthy of protection. The area, whatever its size, is significant because it contributes water to the wellfield of the proposed project. It is noted, however, that any revision of the Zone II is irrelevant in this case since land in Wayland remains unprotected in either Zone II scenario.

The proponent further contends that existing land use controls in Wayland are "adequate" and "appropriate" to protect Framingham's Zone II (FEIR pp. 3-11 and 3-12). As noted above, DEP has established measures for the pws to take before the Department will determine compliance with its regulations. Having conversations with the Director of the Board of Health and then determining on its own that existing land controls are sufficient does not demonstrate that the proponent has used its best effort as required by regulation and the DEIR Certificate. Despite the WPC's request in its response to the DEIR that the proponent fulfill its obligations, the proponent has not contacted Wayland town officials as directed since the issuance of the DEIR Certificate.

Conclusion

In view of the aforementioned concerns and the failure of the proponent to adequately address the issues as instructed in the DEIR Certificate, we strongly feel and therefore request that the proponent be required to submit a Supplemental EIR. Thank you for your consideration.

Very truly yours,



Sherre Greenbaum, chairperson

Copies: John Viola, MassDEP
 Peter Sellers, Framingham DPW
 Mary Beth Taylor, SEA Consultants
 Wayland Selectmen
 Brian Monahan, Wayland Conservation Commission
 Steve Calichman, Wayland Board of Health
 Don Millette, Wayland Water Division
 Don Ouellette, Wayland DPW
 Surface Water Quality Committee

Framingham Zone 2 Extent into Wayland Town Limits

COMMUNITY PROFILE

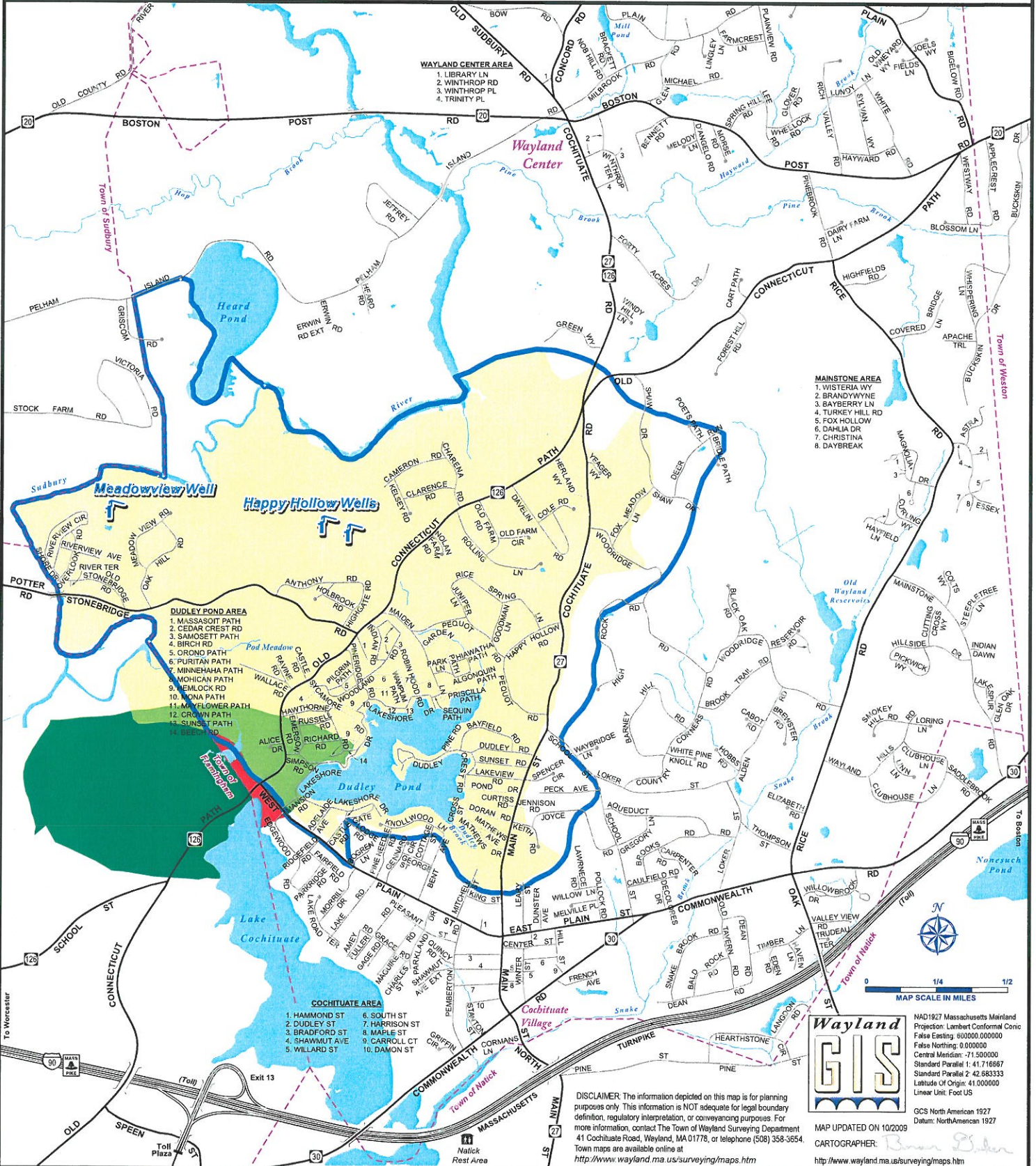
AREA (SQUARE MILES).....15.2
 POPULATION (2009).....13,749
 AREA CODE.....508
 ZIP CODE.....01778

 Wayland Water Dept. Zone 2

 Framingham Water Dept. Zone 2
WITHIN WAYLAND LIMITS

 Framingham Water Dept. Zone 2

 Aquifer Protection District



Wayland GIS

NAD1927 Massachusetts Mainland
 Projection: Lambert Conformal Conic
 False Easting: 600000.000000
 False Northing: 0.000000
 Central Meridian: -71.500000
 Standard Parallel 1: 41.716667
 Standard Parallel 2: 42.683333
 Latitude Of Origin: 41.000000
 Linear Unit: Foot US

GCS North American 1927
 Datum: North American 1927

MAP UPDATED ON 10/20/09
 CARTOGRAPHER: *Brian P. Sider*
<http://www.wayland.ma.us/surveying/maps.htm>

DISCLAIMER: The information depicted on this map is for planning purposes only. This information is NOT adequate for legal boundary definition, regulatory interpretation, or conveyancing purposes. For more information, contact The Town of Wayland Surveying Department 41 Cochituate Road, Wayland, MA 01778, or telephone (508) 358-3654. Town maps are available online at <http://www.wayland.ma.us/surveying/maps.htm>