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October 30, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT/ NOTICE OF PROJECT CHANGE

PROJECT NAME : Birch Road Wellfield Re-development and Water
Treatment Plant
PROJECT MUNICIPALITIES : Framingham
PROJECT WATERSHED : Sudbury
EEA NUMBER : 14197
PROJECT PROPONENT : Town of Framingham
DATE NOTICED IN MONITOR : September 23, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) /Notice of Project Change (NPC) submitted on this project **does not adequately and properly** comply with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00), and requires the preparation of a Supplemental Final Environmental Impact Report (SFEIR).

The project proposed by the Town of Framingham involves the redevelopment of an existing emergency water supply into a full-time water supply through the rehabilitation of the Birch Road Wellfield. The net effect of this project will be to reduce by nearly one half the Town's dependence upon water that is currently provided by the Massachusetts Water Resources Authority.

Having thoroughly reviewed the FEIR/NPC and the comments received, it is clear that the project requires additional environmental impact review. The predominant theme presented in the comments from interested stakeholders, including numerous state and federal agencies, is the need for further understanding of the project's potential environmental impacts. Those impacts, the extent of which are thus far unknown, could potentially include reduction of flows in the Sudbury River (portions of which have been designated as a federal Wild and Scenic River) and reduced water levels at Lake Cochituate, both of which already suffer from low water

conditions at times. The potential reductions in water levels could adversely affect water quality and aquatic habitats, impede recreational uses of the River and Lake, and jeopardize the ability of downstream users to meet their wastewater discharge limits under increased low flow conditions.

As I stated in the Certificate on the Draft EIR, the projects potential impacts on Lake Cochituate, Cochituate Brook, and the Sudbury River must be adequately addressed before this project can proceed. In lieu of the required analysis to address these concerns, Framingham proposes instead to employ conservative operational measures, monitor impacts during the first three years of operation and then reassess the project's operation based on the observed data. Without performing the analysis in advance however, the Proponent and the permitting agencies simply cannot be sure that the proposed mitigation will in fact be adequate to protect environmental resources. Allowing potential adverse impacts to occur and addressing the consequences later could pose an unacceptable risk to heavily used state recreational facilities, to a Wild and Scenic River, and to neighboring water supplies and downstream treatment plants. MEPA requires that a thorough evaluation of the environmental impacts to water resources from this project be completed before the project can move forward to permitting.

Prior to the submission of the FEIR/ NPC, the Town of Framingham convened several meetings with state agencies in an attempt to address the issues detailed in the Scope for the Draft EIR. I appreciate the Town's proactive approach to working with the permitting agencies, but as detailed herein, work remains to be done. I am continuing to ask that state agencies coordinate closely with the Town to develop the outstanding information and analysis required for preparation of the Supplemental FEIR in a timely manner.

Apart from these environmental considerations, I have received several comments supporting this municipal project and stressing the importance of timely environmental review. The project has sought to be funded, in part, by the State Revolving Fund (SRF) and by federal funds provided under the American Recovery and Reinvestment Act (ARRA). Because the availability of ARRA funds is time-limited, Framingham has endeavored to complete environmental review and permitting for the project on an expedited schedule in order to capitalize on this one-time funding opportunity. Framingham's interest in this project is longstanding and its efforts to explore all available state and federal funding opportunities are understandable. However, while the project has many supporters, I have also received many comments that raised significant questions about the project's purposes and its potential impacts on the MWRA's regional water supply system.

The very purpose of this project is to substitute locally obtained water for water that is currently supplied to Framingham by the MWRA. The Commonwealth has long supported the development of local water supplies. However, it is not clear that the same policy rationale for developing a new drinking water source to ensure a reliable local supply where none currently exists (or where greater redundancy is advisable) also applies to substituting a new supply for an existing reliable regional supply that has been provided at considerable public expense. Although Framingham is certainly entitled to explore these options, I question whether funding a project of this nature represents an appropriate allocation of scarce state and federal funding resources given that the project does not appear to provide any additional water quality or public health benefits. I have therefore directed the Department of Environmental Protection to

reevaluate its criteria for allocation of SRF funds to better prioritize its core water quality and public health goals.

Similarly, while one of the goals of this project is to reduce the cost of water to consumers in Framingham, the project is likely to result in greater costs for residents of other MWRA communities. For example, the MWRA has invested in certain capital infrastructure assets to connect Framingham to the underground MWRA pipeline and serve the Framingham population. The MWRA has indicated that the current annual debt service to repay its capital investments in Framingham is significant, and that the gap created by the decrease in Framingham's annual assessment will create rate pressure on other communities. For instance, based on initial estimates, the ratepayers of Boston could see an increase in its assessment of more than \$1 million annually as a result of Framingham's project. Framingham's proposal therefore raises considerable questions of public policy that I expect the various stakeholders and observers of this proposal will continue to debate in conjunction with this project and others as they may come forward.

Notice of Project Change, Project Description and Background

As originally described in the Environmental Notification Form and Draft EIR, the Town of Framingham proposes to redevelop and reactivate the Birch Road Wellfield and construct a water treatment plant in order to withdraw and treat 4.3 million gallons a day (MGD) of potable water. The project will allow the Town to replace a portion of its drinking water supply that is currently obtained from the Massachusetts Water Resources Authority (MWRA) with this local water supply. The Notice of Project Change (NPC) submitted with the FEIR proposed the reduction in well withdrawal average daily volume from 4.3 MGD to an average daily withdrawal of 3.17 MGD, which is a 26% reduction from the original proposal.

Historically, the Town of Framingham has used three municipal wells located at the Birch Road Wellfield as sources of public water supply. From 1939 until 1966 the wells were in continuous use, and they continued to be used intermittently until 1979 to supplement the water supply that was then provided by the Metropolitan District Commission. These wells have been variously referred to as the Birch Road Wells, the Cochituate Wells, and the Saxonville Wells. The wells were shut down in 1979 due to elevated iron and manganese levels that could not be mitigated by treatment at that time. Since then, the Town has maintained the wells for emergency use. The wells were last used for a 15-day period in 1984. The wells have been continuously maintained and have never been formally closed or abandoned under the Department of Environmental Protection's (MassDEP) well abandonment process.

The Town has now concluded that, given the present cost of water from the MWRA, it is cost-effective to install a filtration treatment plant and restore the Birch Road wells as a source of public water supply. The Town is proposing four new wells to replace the existing wells, at locations referred to as TW-1 through TW-4. A 12-inch diameter gravel-developed test well has been installed at each location, at depths ranging from 60 to 74 feet below the ground surface. With the NPC submitted, the Town seeks approval to utilize the wells to withdraw a total of 3.17 MGD of water. Framingham's average water demand in 2006 was 6.96 MGD, while its maximum day demand was 10.57 MGD. Therefore, the wells would not replace the Town's use of MWRA water entirely, but they would significantly reduce it.

Site Location

The proposed Birch Road Wellfield lies between Lake Cochituate (located approximately 1,700 feet to the south), and the Sudbury River (located approximately 1,500 feet to the north). The proposed wells are situated above an aquifer that fills a bedrock valley extending to the south beneath the lake. The stratified drift deposits become very thick just south (upgradient) of the wells, though not all of the material is coarse-grained. Between the Birch Road site and the northern end of Lake Cochituate, bedrock has been measured at depths of 203 and 163 feet beneath the land surface. The depth to bedrock reaches 265 feet, about one-half mile southeast of the Birch Road wells, according to the Hydrologic Data of the Lake Cochituate Drainage Basin, Framingham-Natick, Massachusetts, U.S. Geological Survey, Massachusetts Hydrologic-Data Report No. 23, 1981. The Town of Natick's Evergreen and Springvale wells also are located in this aquifer, about 1.7 and 2.4 miles south-southeast of the Birch Road wells.

Jurisdiction

The project is undergoing review pursuant to Section 11.03(4)(a)(1)(b) of the MEPA regulations because the project requires State Agency Action and involves a new withdrawal or expansion in withdrawal of 1.5 MGD or more from a groundwater source. The project will require a Water Management Act (WMA) permit and a New Source Approval from the Department of Environmental Protection (MassDEP) and a MWRA Sewer Use Discharge Permit. A portion of the project may be subject to approval by the Water Resources Commission (WRC) under the Interbasin Transfer Act. The project will also require a U.S. Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The U.S. National Park Service is also reviewing this project because of its proximity to the Sudbury River, a federally designated Wild and Scenic River. Section 7 of the Wild and Scenic Rivers Act (the Act) protects the outstanding resource values of a Wild and Scenic River from any direct and adverse impacts caused by water resource projects that have federal permits and/or federal financial support. Because this project is seeking federal State Revolving Fund (SRF) funding it comes under the auspices of Section 7 of the Act.

In addition, because the Proponent is seeking Financial Assistance from the Commonwealth through the SRF, MEPA jurisdiction over this project is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

REVIEW OF THE FEIR/NPC AND SCOPE FOR THE SUPPLEMENTAL FEIR

The Supplemental FEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Certificate. The Supplemental FEIR should outline any changes in the project since the filing of the FEIR/NPC.

Interbasin Transfer Act

The Town has been in consultation with the Water Resources Commission (WRC), the Department of Conservation and Recreation (DCR), the MWRA and MassDEP regarding the question of whether the project requires approval under the Interbasin Transfer Act (ITA). The ITA regulations, 313 CMR 4.00, require review by the Water Resources Commission for actions that increase present rates of interbasin transfer of the surface or groundwater of a river basin.

Using historical reports and records, the Town of Framingham, MassDEP, and WRC staff have agreed that the original capacity of the Birch Road Wells is 3.17 MGD. Withdrawal of water from the Birch Road Wells represents an interbasin transfer of water from the Concord River basin to the Massachusetts Coastal basin. However, in accordance with 313 CMR 4.02, replacement of existing wells to their original capacity is exempt from ITA review, as long as the original sources are then abandoned (or decommissioned) so that there is no "increase over the present rate of interbasin transfers of the surface or groundwater" (M.G.L. 21, Section 8C). As the owner of the wells, the Town of Framingham is able to formally abandon and decommission the original Birch Road Wells. Accordingly, all parties are in agreement that Framingham has 3.17 MGD of grandfathered capacity to withdraw water from the Birch Road Wells without further review or approval under the ITA.

However, the NPC submitted with the FEIR proposed the reduction in well withdrawal average daily volume from 4.3 MGD to an average daily withdrawal of 3.17 MGD. The FEIR refers to withdrawal and transfer of 1,157 million gallons per year. The FEIR uses terms "equivalent daily withdrawal" and "daily average pumping". The ITA regulates hydraulic capacity, not volume. The WRC considers the exempt hydraulic capacity of the Town of Framingham's water supply facilities for ITA purposes to be the MassDEP approved yield for the existing Birch Road Wells of 3.17 MGD. According to the definitions from MassDEP's 2001 Guidelines and Policies for Public Water Supplies, the approved yield is the maximum volume of water that may be pumped from a ground water source in any 24-hour period. As indicated in the WRC's comments, if the Town is proposing to pump and transfer more than 3.17 MGD in any given day, the ITA is triggered and the Town must apply to the WRC for approval under the ITA. The Supplemental FEIR must therefore clarify whether the project will involve withdrawal in excess of 3.17 MGD during any 24-hour period. If 3.17 MGD will be an average withdrawal limit rather than a maximum daily limit, the Supplemental FEIR must address the applicability and requirements of the ITA.

If it is determined that the project will need to comply with the ITA, the proponent should note that the WRC uses the MEPA process as its ITA application process. The WRC included a scope with its comments on the Draft EIR for the information required to be included in an ITA application. The Town of Framingham should consult with the relevant state agencies and, if required, include the information needed for the ITA application in the Supplemental FEIR.

Water Management Act Permit

In February 2008, the Town submitted its Water Management Act permit application (MassDEP Permit Category BRPWM03) and the pumping test final report for the Birch Road wells (MassDEP Permit Category BRPWS19). The Water Management Act review process evaluates the wells' potential impacts upon environmental receptors, such as wetlands and streamflow. The pumping test final report focuses on the wells as sources of public water supply, taking into consideration the quantity and quality of water produced by the wells and delineation of the Zone II wellhead protection area.

MassDEP guidelines allow overburden wells to be approved for a water withdrawal rate of up to twice the rate at which the pumping test stabilized, when the pumping test is conducted using smaller test wells than the finished production wells. This is done to accommodate the difference in well efficiency between a gravel-walled test well (8 to 12 inches in diameter) and a finished gravel-packed well. Accordingly, the maximum pumping rate that is approvable by MassDEP is the lower of 1) twice the pumping test stabilization rate, and 2) the calculated approvable yield (CAY), which is based on pumping rate, drawdown, and available water column.

The FEIR proposes a withdrawal based on a total annual withdrawal of 1,157 million gallons per year. According to MassDEP's comments, the MassDEP's Water Management permit authorizes groundwater withdrawals by both annual daily average and maximum daily withdrawal rates based on the best available environmental analysis. In the case of the Birch Road wellfield, the MassDEP Drinking Water Program, in its preliminary review of the Source Final Report, has identified a calculated approvable maximum daily yield of 3.96 MGD based on the pumping test. However, if MassDEP approves the Water Management Permit for the 3.17 MGD that is currently proposed, any subsequent proposal to increase the annual average withdrawal rate above 3.17 MGD would require a new Water Management Permit application, the amending of any existing permit, and the filing of an NPC with MEPA. I also note that if the withdrawals exceed 3.17 MGD on a maximum daily basis and therefore require approval under the ITA, MassDEP cannot revise the permit until the approval is granted by the WRC. MassDEP will incorporate any conditions established for the inter-basin transfer by the WRC into the Water Management Act Permit. These issues must be addressed in the Supplemental FEIR.

Water Budget Model

To evaluate potential pumping impacts upon Lake Cochituate, a numerical water budget model was developed and the results were described in the Draft EIR. The model used a U.S. Geological Survey (USGS) streamflow dataset (1977-1979) for Lake Cochituate and Cochituate Brook, from a 1985 study of water and nutrient inflows and outflows to Lake Cochituate, to create and calibrate a model that converts precipitation data into the resultant streamflow in the inflow streams to Lake Cochituate. After the model was calibrated, precipitation data from 2003 to 2007 was used, along with pumping data from Natick's Evergreen and Springvale wells, to evaluate the lake level in both wet and dry years, and to determine the additional impact that pumping the Birch Road wells would have upon the lake level. In the pumping simulations presented in the Draft EIR, the maximum short-term drop in the Lake Cochituate level caused by

pumping the Birch Road wells was 3.33 inches. The Town did not use Birch Road wells and/or the pumping test data in the modeling of the water budget.

A consequence of not using Birch Road wells and/or the pumping test data in the modeling of the water budget is that any extremely high or extremely low transmissivities of the aquifer at the Birch Road wells would not affect the model in any way. The model only had an estimate for the portion of the Birch Road well water that is induced infiltration from Lake Cochituate. This is referred to in the Draft EIR as the "induced infiltration coefficient," and its estimate is based on a 2001 USGS report, which used an isotope analysis to determine that 64 percent of the water pumped by Natick's Springvale wells was induced infiltration from the lake. The model estimated that 30 percent of the water pumped by the Birch Road wells would be induced infiltration. The methodology also assumed that the aquifer characteristics of the Birch Road wells are the same as at the Springvale wells. The model was not based on any actual data from the Birch Road wells except the proposed pumping rate.

As a result, the Draft EIR Certificate noted that Birch Road wells and/or the pumping test data were not used in the modeling of the water budget and that the FEIR should include a re-run of the model with data. The Town did not present in the FEIR a revised water budget model based on Birch Road pumping test data, as required in the Draft EIR Certificate. Therefore, the Supplemental FEIR should contain the results of the water budget model re-run with data from Birch Road wells and the pumping test data.

The Town instead proposed to monitor impacts during the first three years of operation by reviewing data from the U.S. Geological Survey (USGS) stream gages and groundwater monitoring wells and engage stakeholders to review data after three years of initial operation and data collection. The Town's operating plan, which the FEIR characterize as sufficiently protective of river resources to allow the project to move forward now, is based on trigger dates and pumping reductions derived from hydrograph and calendar triggers, rather than target flows designed to protect aquatic resources. There is no discussion of what the actual flows are and no discussion of stream flow levels targeted for protection. While I recognize that the FEIR references USGS stream gages and engaging stakeholders to review data after three years of initial operation and data collection, the FEIR does not specifically commit to USGS evaluations of the data collected during the initial three year operating and monitoring period. There is also no commitment in the FEIR to follow up on environmental impact analyses after the monitoring period or to decrease or cease use of the wells if the monitoring program demonstrates that environmental harm has resulted from their operation.

Groundwater Withdrawals and Model

The Draft EIR Certificate directed that the FEIR should include revised groundwater modeling, since the pumping test observations were affected by the re-circulation of water from the pumping test discharged to Lake Cochituate. Additionally, the Draft EIR Certificate directed that the FEIR should contain an assessment of drawdown impacts on Lake Cochituate and the Sudbury River. The Town was further directed to revise and use this revised groundwater model to analyze potential impacts to surface water resources. However, the FEIR did not contain a revised groundwater model. The Supplemental FEIR must contain a revised groundwater model.

The comment letter from DCR maintains, and I concur, that the groundwater modeling advocated in its previous comment letter on the Draft EIR would be an appropriate tool for quantifying impacts to water resources and other water supplies in the project vicinity. Moreover, the model could be utilized as an important tool to evaluate the time delay of pumping alterations on water resource impacts and include an explanation of any changes made to the ground water model to reflect the Town's alteration of groundwater recharge rates.

As stated in the Draft EIR Certificate the use of a surface water model, standing alone, is insufficient to determine the maximum amount of drawdown and the impacts of lower water levels on the lake and the watershed because the surface model does not take into account the complex hydrogeology at the north end of the lake. Therefore the Draft EIR directed the Town to use a groundwater model which is a more effective means of evaluating the impacts to Lake Cochituate and the Sudbury River.

In addition, the Draft EIR Certificate noted that the Draft EIR did not address DCR's comments submitted during the review of the Expanded Environmental Notification Form (EENF) requesting that the Town use a groundwater model to determine the effect on Lake Cochituate of pumping the Birch Road Wells. During the Birch Road pumping test in May 2006, Framingham pumped the wells through a pipeline that discharged to Lake Cochituate, essentially re-circulating the water back "upstream" from the Birch Road wells. However, during proposed well use, all the water pumped from the Birch Road wells will leave the Sudbury River basin and be discharged to the MWRA wastewater system. The Draft EIR Certificate directed the Town to include a revised groundwater model, since the pumping test observations were affected by the recirculation.

The Draft EIR Certificate also indicated that the ground water model should also assess impacts on Lake Cochituate and the Sudbury River. In the EENF, the Town of Framingham utilized a groundwater model to delineate the wellhead protection Zone II around the Birch Road well field. The Draft EIR Certificate indicated that the model should be revised and used to analyze potential impacts to surface water resources. The model should also be used to evaluate the time delay of pumping alterations on water resource impacts. The Supplemental FEIR should contain this information.

The Sudbury River at Saxonville fell below the proposed Birch Road wells water withdrawal rate during three weeks between August and October in 2007. Similarly, the Sudbury River flows could have been reduced by at least 50% for most of the period between August 19, 2007 and October 18, 2007 if the Birch Road withdrawals were to deplete streamflow. The Supplemental FEIR should discuss how these potential impacts will be monitored and mitigated. And in particular, the Supplemental FEIR should assess the time delay of pumping alterations on streamflow in order to design an appropriate mitigation plan to avoid impacts during the months of July through October, which are typically the driest.

The FEIR states that the proposed operation plan will protect flows in the Sudbury River by using a combination of calendar and streamflow thresholds during the first three years. However, the FEIR does not demonstrate how the proposed plan is protective of the aquatic environment, nor does it address potential impacts to Lake Cochituate. Similarly, the Town did not fully explain the rationale for its selection of trigger dates and proposed withdrawal

reductions. Consequently, several commenters have raised concerns about the time delay of pumping impacts to both Sudbury River flows and Lake Cochituate levels. The Supplemental FEIR should evaluate how the proposed withdrawals would affect flows remaining in the river and compared these to flow needs for aquatic habitat and downstream wastewater assimilation. The Supplemental FEIR should address rapid fluctuations in Sudbury River flows at the Saxonville gage and how these would be addressed in the Town's well management plan.

With respect to Lake Cochituate, maintenance of water levels is critical for boating passage between the three ponds in the Lake Cochituate complex; operation of the boat ramp at the state park; and to allow flow releases from the reservoir to Cochituate Brook, which feeds the Sudbury River. Drawdown of Lake Cochituate via groundwater withdrawals from the proposed project may affect all of these activities. In prior comments on this project, DCR noted that Lake Cochituate already experiencing low water levels that impact recreation, has identified issues that presently exist at Lake Cochituate, including boat passage at four openings, operation of beaches, the boat ramp, and invasive aquatic plants all without withdrawals from the Birch Road wells. DCR's comments discuss the historic lake level data and note that in the past 12 out of 13 years, lake levels fell below the thresholds needed for recreation. The FEIR did not include any additional analyses or mitigation with respect to these problems. The Supplemental FEIR should therefore address these issues and discuss potential mitigation alternatives associated with each.

Stormwater

The Town of Framingham is exploring various best management practices (BMPs) to remediate stormwater entering Lake Cochituate. The Draft EIR proposed replacing approximately 10 percent of catch basins with deep sump catch basins with hoods to improve water quality and sediment capture. In order to fully assess impacts on Lake Cochituate, the Draft EIR Certificate directed that the FEIR should contain details as to the numbers and locations of the targeted catch basins. This information was not included. Therefore, the Supplemental FEIR should contain details, including numbers and locations of targeted catch basins. The Draft EIR also directed that an Operation and Maintenance (O&M) plan be developed and implemented for all improvements, that the Proponent commit to ongoing O&M, and that a schedule for these recommended improvements be provided in the FEIR. The Supplemental FEIR should contain this information.

Water Treatment

The proposed water treatment plant will use membrane filtration and treatment processes that include aeration, pre-oxidation with potassium permanganate, and disinfection to remove the naturally occurring iron and manganese from the well water. Most of the backwash water is to be recycled, and the remaining wastewater and residuals will be discharged to the municipal sewer system. I note that the plans and specifications for construction of the permanent pumping facilities and for the water treatment facility must be submitted to MassDEP for review and approval prior to construction.

MassDEP cannot grant final approval for the Birch Road wells to be activated until the Town of Framingham has implemented zoning and non-zoning controls that meet the requirements of 310 CMR 22.21(2) to protect the Zone II wellhead protection area from

incompatible land uses. Although the Town passed a Groundwater Protection District Bylaw in October 2004 that met most of these requirements, to be in full compliance with the requirements of 310 CMR 22.21(2), the Town also must do the following:

- Implement a prohibition on floor drains in existing facilities in the Zone II;
- Revise its Groundwater Protection District overlay map as necessary to include the entire final Zone II for the wells; and
- Demonstrate that it has used its best efforts to get the Town of Wayland to apply zoning and non-zoning controls to the portion of the Zone II that lies in Wayland.

I commend the Town for considering using energy efficiencies from passive solar and energy efficient lighting, green roofs, photovoltaics, and recycled materials in the building of the water treatment plant. I note that according to the American Water Works Association Research Foundation, pumps consume most of the power at water treatment facilities, using about 85 percent of the power for distribution and 9 percent to convey raw water to the plant. The Town should consider optimizing pump equipment and operations to achieve greater energy efficiency and also reduce greenhouse gas emissions.

The Town is considering using a water-source heat pump geothermal system for heating/cooling. The proponent should be aware that if geothermal wells are installed, they may not be discharged within the Zone I of the Birch Road wells. In addition, geothermal wells must be registered with MassDEP.

The water treatment plant, access road, and parking area are directly uphill from Well TW 1 and the groundwater pump control station. Much of the facility and roadway are within the Zone I of Well TW-1. The Draft EIR Certificate indicated that the FEIR should indicate where runoff from the access road, parking area, and roof runoff from the facility will be directed which was not included in the FEIR. The Supplemental FEIR must contain this information. I note that infiltration basins for road runoff must not be sited within Zone I of the wells. In addition, sodium chloride should not be used for de icing purposes on the access road and parking area.

The Draft EIR Certificate requested clarification on how the facility will be heated, because if heating oil is used, secondary containment should be installed around the storage tanks. Cleanup materials such as absorbent pads and booms should be maintained at the facility in case a release occurs during delivery. The Supplemental FEIR should clarify these details.

Wastewater

A Sewer Connection/Extension Permit will be required for the discharge of treatment plant wastewater and residuals to the sewer. The Draft EIR estimated that following backwash recycling, one percent of the average daily flow treated by the facility will end up as a wastewater stream to be conveyed to the sewer. Even if only one percent waste volume from the treatment plant is discharged to the sewer, the projected wastewater flow generated would be

59,000 gallons per day (gpd), which exceeds the 50,000 gpd threshold for a Sewer Connection/Extension Permit. MassDEP had indicated in its comments during the Draft EIR that this estimate seemed low, considering that a nearby town reported recently that its new membrane filtration plant, which the Town of Framingham proposes to use, is designed to limit wastewater losses to two percent. The Draft EIR directed the Town to confirm the wastewater generated by the project in the FEIR. Because this information was not presented, the Supplemental FEIR should confirm the wastewater generated.

The Town of Framingham intends to discharge its water treatment residuals to the MWRA system and indicates that the sludge discharged from the water treatment facility into the sanitary sewer system will not exceed the allowable 3% maximum total suspended solids concentration. The Town intends to submit a Sewer Use Discharge Permit Application for Publicly Owned Drinking Water Plants to MWRA at least 90 days prior to commencement of operations, pursuant to MWRA's Sewer User Regulations (360 CMR 10). Along with the application, I remind the Town that a complete and detailed hydraulic analysis of the sewer system that will receive the effluent from the water treatment plant must also be submitted. This analysis is required to ensure adequate capacities are available. Framingham must also have the capacity to hold its discharge from its water treatment facility for at least three days.

Mitigation / Draft Section 61 Findings

A separate chapter on Section 61 mitigation, including updates and summarizing proposed mitigation was included. The FEIR describes project impacts and mitigation measures but does not include clear commitments to particular stormwater or I/I projects, does not provide estimated costs or implementation schedules for stormwater recharge and treatment projects, I/I reduction, implementation of the operational pumping plan, sediment dredging, or long term streamflow gage installation. Without these details, we cannot determine whether impacts to the environmental receptors of concern will be mitigated. In addition, the FEIR did not include the costs of mitigation alternatives and a schedule for implementation.

The Supplemental FEIR should include a separate chapter updating and summarizing proposed mitigation measures. This chapter should also include separate permit-specific updated draft Section 61 Findings for each State agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

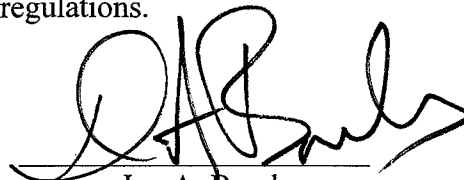
Comments/Circulation

The Supplemental FEIR should contain a copy of this Certificate and a copy of each comment letter received. The Supplemental FEIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The Supplemental FEIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.

The Town should circulate the Supplemental FEIR to those parties who commented on the FEIR/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.

October 30, 2009

Date



Ian A. Bowles

Comments Received:

10/23/2009	Senator Karen Spilka, 2 nd Middlesex & Norfolk
10/15/2009	Massachusetts Association of Conservation Commissions
10/13/2009	Tom Sciacca
10/21/2009	U.S. Department of the Interior, Fish and Wildlife Service
10/21/2009	Charles River Watershed Association
10/21/2009	The Sudbury, Assabet and Concord Wild & Scenic River Stewardship Council
10/21/2009	Sudbury Valley Trustees
10/23/2009	Water Supply Citizens Advisory Committee
10/23/2009	Town of Framingham, Town Manager
10/23/2009	U.S. Department of the Interior, Office of the Solicitor
10/23/2009	U.S. Department of the Interior, National Park Service
10/23/2009	Department of Environmental Protection
10/23/2009	Town of Framingham, Board of Health
10/22/2009	Town of Wayland Department of Public Works Wellhead Protection Committee
10/22/2009	Town of Wayland Surface Water Quality Committee
10/23/2009	Town of Wayland, Conservation Commission
10/23/2009	MA Division of Ecological Restoration
10/23/2009	A. Richard Miller
10/23/2009	Cochituate State Park Advisory Committee
10/23/2009	Water Resources Commission
10/23/2009	Organization for the Assabet River
10/23/2009	U.S. Environmental Protection Agency
10/23/2009	Massachusetts Rivers Alliance
10/26/2009	Department of Conservation and Recreation

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