



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval Patrick
GOVERNOR

Timothy Murray
LIEUTENANT GOVERNOR

Ian Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

January 22, 2007

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

PROJECT NAME : Rivet Well Field Public Water Supply Development
PROJECT MUNICIPALITY : Acushnet
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 13924
PROJECT PROPONENT : Town of Acushnet – Board of Public Works
DATE NOTICED IN MONITOR : December 23, 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 **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of the construction of five (5) gravel packed wells with an annual withdrawal of 432,000 gallons per day (gpd), or a collective average of 300 gallons per minute (gpm). The project will also include the construction of a small 600 square foot (sf) pump house, numerous monitoring and observation wells, and approximately 2.8 miles of new water main to connect to existing infrastructure. The new well field is proposed as an effort to facilitate water independence for the Town of Acushnet. Under existing conditions, the Town of Acushnet purchases all of its water from the City of New Bedford (579,000 gpd). Upon completion of the proposed well field, it is anticipated that approximately 143,000 gpd will still need to be imported from the City of New Bedford in order to meet peak demand periods within the Town of Acushnet.

The project site is on the Town owned Rivet Property, located on the east side of the New Bedford Reservoir on the Acushnet River. The project site is 14.5 acres in area and is accessed across adjacent town-owned property on North Main Street. The project site is minimally

developed with an existing gravel access road and ranges from densely to sparsely wooded. Bordering Vegetated Wetlands (BVWs) are located adjacent to the edge of the New Bedford Reservoir and are located proximate to the proposed well locations. The Zone I area associated with the well field will be contained entirely on Town-owned property; the Zone II will be delineated subsequent to the Water Management Act permit process and will likely extend onto adjacent privately held properties. The Town of Acushnet will be required to establish an Aquifer Protection Overlay District under their local zoning bylaw to outline further protective measures and performance standards to protect areas adjacent to the proposed water supply. It is my understanding based upon information presented at the ENF site consultation session, that the New Bedford Reservoir is not actively used as a surface public water supply source. Additionally, the project will consist of an additional 2.8 miles of water main, to be located in Leonard Street and North Main Street, connecting the proposed water wells to the existing water infrastructure within the Town of Acushnet.

The project is undergoing review pursuant to Section 11.03 (4)(b)(1) because the project requires a state permit and it consists of a new water withdrawal of 100,000 or more gpd. The project requires a Water Management Act (WMA) permit and a New Source Approval by the Massachusetts Department of Environmental Protection (MassDEP). The project will require an Interbasin Transfer from the Water Resources Commission due to basin discrepancies between water supply sources and wastewater discharge locations. The project will also require an Order of Conditions from the Acushnet Conservation Commission, and in the case of an appeal, a Superseding Order of Conditions from MassDEP.

The proponent has undertaken a baseline habitat study to document existing habitat and evaluate potential impacts to wetland resources. This study consisted of: a review of existing information about the aquatic/wetland habitats associated with the pond/riverine system; a reconnaissance-level, on-site field study to document habitat types and readily observable species associated with these habitats; a preliminary assessment of potential for adverse impact on these habitats from the operation of the proposed well field; and a discussion of likely permitting issues. The general conclusion of this report indicated that while installation and use of the wells were unlikely to have a large scale impact during times of normal rainfall, negative environmental affects may occur during periods of drought or low flow within the Acushnet River.

The proponent should use this study to assist in the State and local permitting processes and as a foundation for anticipated future studies, monitoring, and reporting efforts. In addition, the proponent should work with the Division of Marine Fisheries, the New Bedford Harbor Trustee Council, and the Acushnet Conservation Commission during their preparation of their Water Management Act permit application to assess the specific impacts of the proposed water withdrawal on the recently completed fish passage restoration projects within the Acushnet River and the overall affects on anadromous and diadromous fish species migration. Furthermore, as stated by MassDEP and several other commenters, the proponent will be required to evaluate the effects of the proposed water withdrawals on cranberry growing operations in the area and existing dedicated water withdrawal permits. The proponent should address these concerns as part of the Water Management Act and Interbasin Transfer application process.


In conjunction with the proposed efforts to achieve an independent water supply, I encourage the Town of Acushnet to continue, and, as feasible, expand its programs to upgrade and replace existing infrastructure and reduce unaccounted water loss from the system. Additionally, the Town should continue efforts to reduce water demand through citizen education, compliance with regulations requiring low-demand fixtures and limiting water use for irrigation purposes.

I anticipate that as part of the State Agency permit review and approval processes, the Town of Acushnet will work with agencies to address all comments made to the ENF, as well as subsequent detailed agency comments pertaining to hydrogeological modeling performed, pumping test results, and operational conditions, such as monitoring of ground and surface water levels, streamflow gauging, preparation of annual reports, determined as necessary to ensure resource protection.

The proponent has yet to file with the Water Resources Commission (WRC) with regards to the proposed Interbasin Transfer or a determination of "insignificance" from the WRC. If the WRC determines that the proposed transfer of water is not considered insignificant subsequent to the Interbasin Transfer Act regulation (313 CMR 4.04(4)), the project proponent should file a Notice of Project Change with the MEPA office to determine if a mandatory EIR would then be required for the project.

However, based on the information in the ENF and after consultation with relevant public agencies, I find that the potential impacts of the project and appropriate mitigation can be addressed during the permitting process. No further MEPA review is required at this time.

January 22, 2007
Date



Ian A. Bowles

Comments received:

01/08/2007	Walton E. Braley
01/08/2007	Massachusetts Historical Commission
01/11/2007	Cape Cod Cranberry Growers' Association
01/11/2007	Richard H. Kendrick, Jr.
01/11/2007	New Bedford Harbor Trustee Council
01/11/2007	Division of Marine Fisheries
01/12/2007	Water Resources Commission
01/12/2007	Riverways Program
01/12/2007	Massachusetts Department of Environmental Protection – SERO
01/12/2007	Acushnet Conservation Commission

IAB/HSJ/hsj