



The Commonwealth of Massachusetts

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July 21, 2006

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

PROJECT NAME : Country Road Well No. 2
PROJECT MUNICIPALITY : Westford
PROJECT WATERSHED : Merrimack River Basin
EOEA NUMBER : 13825
PROJECT PROPONENT : Westford Water Department
DATE NOTICED IN MONITOR : June 21, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report.

As described in the Environmental Notification Form (ENF), the project involves development of a new well with associated infrastructure to connect the well with the existing distribution system. The proposed project includes the construction of a 625 square foot pump station and a gravel access road with underground electrical lines and water main running alongside the access road. This site was identified as a potential public water supply during test drilling in 1987. A prolonged pumping test was conducted on a test well at the site in 1990. The pumping rate was stabilized at 325 gallons per minute (gpm).

The project is undergoing review pursuant to Section 11.03(4)(b)1. of the MEPA regulations, because the project involves withdrawal of more than 100,000 gallons of water per day and requires new construction for the withdrawal. The project will require a Water Management Act permit and New Source Approval from the Department of Environmental Protection (DEP). The project will also require an Order of Conditions from the Westford Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). MEPA jurisdiction extends to the broad issues of water use and management, and to issues involving wetlands and land alteration.

I note that in order to obtain New Source Approval, the proponent must evidence control of the protective radius (Zone I) around the well, and ensure appropriate zoning and non-zoning controls in the defined zone of contribution to the well (Zone II). The Westford Water District (WWD) owns the entire Zone I protective radius around the proposed well except where the Country Road passes through the Zone I, which is about 300 feet from the well. DEP does not generally approve a well with a roadway in the Zone I. However, in this case, DEP will allow a public water supply at the proposed site on the condition that the WWD abandon the existing Country Road Well, which is 370 feet away. The abandonment of the existing well will provide a significant overall improvement in protecting the proposed well against potential sources of contamination. The newly proposed well will also provide greater yields and water quality. I advise the proponent to work closely with DEP to provide the necessary material outlined in their comment letter.

The Natural Heritage & Endangered Species Program (NHESP) has reviewed their databases which have indicated that the Blanding's Turtle (*Emydoidea blandingii*), Blue-spotted Salamander (*Ambystoma laterale*), and the American Bittern (*Botaurus lentiginosus*) and their habitats are located in close proximity to the subject area. Each species is protected from a "take" pursuant to the provisions of the MA Endangered Species Act (MESA) (M.G.L. c.131A) and its implementing regulations (321 CMR 10.00). NHESP has expressed concerns that construction of the associated roadway, utilities, and water main may result in physical harm and possibly mortality to the Blanding's Turtle and Blue-spotted Salamander during their active periods in the spring and summer, while disrupting annual migration, feeding and breeding for both species. Additionally, NHESP is concerned that visual and auditory effects during construction and water withdrawal may potentially impact courting, nesting, and chick rearing of American Bittern utilizing suitable wetlands associated with Forge Pond. This Certificate assumes that the proponent will be able to lay out and design the project so as to avoid a "take." Therefore, if the NHESP should subsequently find that the project will require a Conservation Permit pursuant to the MESA, I will require the proponent to submit a timely Notice of Project Change that explains impacts and evaluates avoidance/mitigation strategies. The proponent should continue consultations with NHESP and address the comments submitted by NHESP.

The review of the ENF has served to demonstrate that the potential impacts of the project do not warrant the preparation of an EIR. The proponent can resolve any remaining issues during the DEP permitting process.

July 21, 2006

Date



Stephen R. Pritchard

EOEA #13825

ENF Certificate

07/21/06

Comments received:

07/12/06 Division of Fisheries & Wildlife
07/12/06 Northern Middlesex Council of Governments
07/14/06 Department of Environmental Protection NERO

SRP/ACC/acc