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August 9, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Fruit Street Master Plan – Wastewater Treatment Facility
 PROJECT MUNICIPALITY : Hopkinton
 PROJECT WATERSHED : SuAsCo
 EOE NUMBER : 13092
 PROJECT PROPONENT : **Town of Hopkinton**
 DATE NOTICED IN MONITOR : July 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** the preparation of a Supplemental Environmental Impact Report (EIR).

The proposed project consists of a wastewater treatment facility (WWTF), which is a component of a Master Plan for development of a 257-acre parcel off Fruit Street. The Fruit Street Master Plan includes affordable and senior housing, a school, recreational facilities, roadways, water and wastewater infrastructure, and a Department of Public Works (DPW) facility.

Project History

A Special Review Procedure (SRP) was established for the review of the Fruit Street Master Plan (SRP Certificate, September 22, 2003). The SRP established an EIR process that consists of the filing of a Single Master Plan EIR (SEIR) and subsequent filings of a series of Notices of Project Change (NPC) to provide a more detailed level of analysis for specific project elements. On December 30, 2004, I issued a Certificate on the SEIR requiring a Supplemental SEIR (SSEIR) and in a Final Record of Decision (February 11, 2005), I granted a Phase I Waiver for certain project components including gravel access road improvements, athletic field construction, removal of existing

buildings and underground storage tanks (USTs), and drainage improvements for a portion of Fruit Street. A Certificate on the SSEIR was issued on November 14, 2005 in which I required a second SSEIR to address the analysis of alternatives and other issues that required further clarification. In a Certificate issued March 3, 2006, I determined that the second Supplemental Single Environmental Impact Report (second SSEIR) adequately and properly complies with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

The NPC for the WWTF has been filed in accordance with the requirements of the SRP established for the project. Additional information and analysis relevant to the WWTF was also provided during review of the Town of Hopkinton's Comprehensive Wastewater Management Plan (CWMP). The Fruit Street site was identified as the preferred location for a WWTF in the CWMP. A Certificate on the Phase IV-Final Recommended Plan/Final Environmental Impact Report (FEIR) for the CWMP (EOEA# 12654) was issued on January 28, 2005, with a determination that the FEIR adequately and properly complies with MEPA and its implementing regulations.

Jurisdiction and Permits Required

The Fruit Street Master Plan project is undergoing environmental review and required the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(1) and (2) of the MEPA regulations because it involves alteration of 50 acres or more of land and creation of 10 acres or more of impervious area. The project is also undergoing review pursuant to Section 11.03 (4)(b)(1) because it involves withdrawal of 100,000 or more gallons per day (gpd) from a water source requiring new construction for the withdrawal, Section 11.03(5)(b)(1) because it involves construction of a new wastewater treatment and disposal facility with a capacity of 100,000 or more gpd, and Section 11.03(2)(b)(2) because it involves a take of a state-listed rare species. The project is undergoing MEPA review pursuant to Section 11.03(6)(b)(13) and (15) because it will generate 2,000 or more vehicle trips per day and involves construction of 300 or more new parking spaces, and Section 11.03(5)(b)(3)(c) because it involves construction of ½ or more miles of sewer mains.

The project requires a Water Management Act Permit, a Groundwater Discharge Permit, New Source Approval, and a Sewer Extension Permit from the Department of Environmental Protection (DEP). The project also requires a public hearing by DEP for the proposed WWTF in accordance with MGL Chapter 83, Section 6. The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife (DFW), Natural Heritage and Endangered Species Program (NHESP). The project requires an Order of Conditions from the Town of Hopkinton Conservation Commission (and, on appeal only, a Superseding Order from DEP) and other local permits. The project also requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The proponent is seeking financial assistance from the Commonwealth for the project. Therefore, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA regulations.

NPC Review

The WWTF project component includes treatment and land disposal of approximately 350,000 gpd of effluent and construction of associated infrastructure. The first phase of the WWTF will be designed to treat 100,000 gpd of effluent. The proposed WWTF is being designed to serve the proposed Fruit Street development and the Town of Hopkinton designated needs areas, as identified in the CWMP and NPC. The Hopkinton Board of Health raised questions regarding the projects' conformance with the CWMP. I encourage the proponent to consult with the Hopkinton Board of Health regarding its comment letter and to clarify the project goals in the context of the CWMP.

The WWTF project component, as described in the NPC, does not involve any material changes since the filing of the second SSEIR. The NPC was filed to provide additional information as required by the Special Review Procedure (SRP) and previous Certificates on the project. The NPC provides additional information on the WWTF facility design and permitting, water supply protection, secondary growth impacts, an update on the Town's Infiltration and Inflow (I/I) program, and a response to comments on the second SSEIR. The NPC also includes draft Section 61 findings for the DEP Groundwater Discharge Permit. The proponent has committed to water supply protection measures including groundwater monitoring wells and an emergency plan to address potential problems in the event of WWTF system failure. The NPC indicates that effluent will be of an appropriate quality for reuse. I encourage the proponent to incorporate plans for wastewater reuse as an integral component of the WWTF design.

The proponent will be required to file a Notice of Intent for a portion of the proposed WWTF access road that is located within the buffer zone and over an existing wetlands crossing. As further detailed in the comments from the Town of Hopkinton Conservation Commission, this road and crossing will be upgraded to provided permanent access to the WWTF site and will impact 4,500 square feet (sf) of wetlands.

The Department of Conservation and Recreation (DCR) in its comment letter, highlights the importance of Whitehall Brook as an Outstanding Resource Water within the boundaries of the Cedar Swamp Area of Critical Environmental Concern (ACEC). Whitehall Brook goes dry periodically and it is unclear based on current data whether it is meeting state surface water quality standards. As further detailed in its comment letter, DCR is satisfied that the proposed WWTF discharge will enhance both flows and water quality in Whitehall Brook as long as the effluent quality is highly treated.

Some commenters raised concerns regarding nutrient loading to Whitehall Brook. As further detailed in the DEP comment letter, the WWTF will be designed to meet stringent effluent limits of 0.5 mg/l for phosphorous and 5 mg/l for Nitrate, which are more strict than other facilities with groundwater discharge within the state. DEP is also

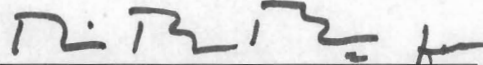
satisfied that the groundwater discharge will keep water local and recharge the brook without any negative impacts. In addition, the proposed discharge is well outside the DEP mandatory two-year travel time from a water supply.

DCR has recommended that the Town of Hopkinton quantify the influence of the WWTF discharge on stream flow under low flow and dry conditions. This information could be useful to the Town as it explores options for mitigating increased water withdrawals. I encourage the Town to conduct the additional analysis recommended by DCR and I ask that DEP consider the recommendations of DCR and other commenters during the WWTF site assignment and groundwater discharge permitting process.

I am satisfied that any outstanding issues can be resolved during the state and local permit and review processes. The project as proposed in the NPC requires no further MEPA review. I remind the DEP to forward a copy of the final Section 61 findings to the MEPA Office for the project file.

August 9, 2006

DATE



Stephen R. Pritchard, Secretary

Comments Received:

7/26/06	Water Supply Citizens Advisory Committee
7/27/06	Cedar Swamp Conservation Trust
7/27/06	Town of Hopkinton, Office of the Selectmen
7/31/06	Town of Hopkinton, Board of Health
7/31/06	Town of Hopkinton, Conservation Commission
7/31/06	Riverways Program
7/31/06	Kevin Kohrt
7/31/06	Mary Pratt
8/02/06	Carol DeVeuve
8/02/06	Department of Environmental Protection, Central Regional Office
8/04/06	Department of Conservation and Recreation (DCR), Area of Critical Environmental Concern (ACEC) Program

SRP/AE/ae