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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 – Well H-2
PROJECT MUNICIPALITY	: Hopkinton
PROJECT WATERSHED	: SuAsCo
EOEA 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 construction of a new well (Well H-2) and pumping station as 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 determine 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).

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 of 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 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 is broad and extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA regulations.

NPC Review

The proponent is proposing to construct a new water supply well and pumping station east of Fruit Street and the existing three Fruit Street wells to provide operational flexibility and meet long-term needs of the Town of Hopkinton. As described in the NPC, the proposed new well may produce up to 0.72 million gallons per day (MGD). As

further detailed in the DEP comment letter, the Town was issued a Water Management Act (WMA) permit amendment on July 6, 2006 to add the new withdrawal location, Well H-2. The new well is limited to the currently authorized withdrawal volume for the existing three Fruit Street wells and the WMA permit does not authorize additional withdrawal volume.

The H2 Well 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. Since the filing of the second SSEIR, a new Water Protection Resource Overlay District (WPROD), which includes Well H-2, was approved at the Annual Town Meeting (May 2006). The NPC provides additional information on the proposed well including the new WROPD map, stormwater operations and maintenance plan, water conservation measures, draft Section 61 Findings, and a response to comments on the second SSEIR. The NPC also indicates that the Town is pursuing the use of artificial turf for the recreational fields, which would reduce potential irrigation needs and use of chemical controls. The proponent will be required to file a Notice of Intent with the Hopkinton Conservation Commission for work in the wetlands buffer zone associated with the proposed road and other aspects of well construction.

The Town's water conservation program includes a conservation bylaw, drought management plan, and public education program. As further detailed in the DEP comment letter, the Town of Hopkinton's WMA permit includes performance standards for residential water use of 65 gallons per person per day and a system-wide restriction of 10% unaccounted for water. If the Town fails to meet the performance standards, it will be required to develop and implement an enhanced water conservation plan. The Town is required to limit non-essential outside watering to two days per week from May 1 to September 30 or to one day per week based on stream flow triggers. The Town's WMA permit also includes an offset feasibility study should the Town's water use exceed its current water use of 0.94 MGD.

The Town is also proposing a new Wastewater Treatment Facility (WWTF) at the Fruit Street location, which is included as a component of the Fruit Street Master plan, and is the subject of an NPC filed concurrently with the NPC for the proposed Well H-2. The Zone II of the Fruit Street wells must be re-delineated for approval by DEP if the proposed groundwater discharge facility is approved and constructed. At that time, as indicated in DEP's comment letter, the Town of Hopkinton may also request authorization to change the Maximum Daily Withdrawal Rate for Well H-2; however the Town's overall permitted withdrawal rate will not change.

The Board of Health in its comment letter raised concerns regarding potential impacts associated with roadway construction in the vicinity of a former hazardous waste site on the property. The proponent has indicated that this site has been closed out in accordance with the Massachusetts Contingency Plan (MCP) and that groundwater monitoring for the proposed well will be conducted as required by DEP water supply permits.

Comment letters from the Riverways Program and the Cedar Swamp Conservation Trust raised concerns regarding the impacts of the proposed Well H-2 on Whitehall Brook. The Department of Conservation and Recreation (DCR), in its comment letter, notes that the proposed project has the potential to influence Whitehall Brook, which flows north along the project's eastern boundary before entering the Cedar Swamp Area of Critical Environmental Concern (ACEC). According to the NPC, and previous MEPA filings for the project, the proposed H-2 withdrawal will not significantly impact Whitehall Brook or the Cedar Swamp ACEC. DCR concurs that the Well H-2 will not impact the Cedar Swamp ACEC because the total volume of water that the Town of Hopkinton can withdraw from the Whitehall sub-basin will not increase as a result of the new well. DCR also notes that the Town will be required to mitigate or offset any increased withdrawal above the current WMA permit withdrawal limit of 0.94 MGD. In addition, the DEP is satisfied that the proponent has provided adequate information in the NPC. I encourage the proponent to consult with Riverways and the Cedar Swamp Conservation Trust regarding their comment letters, which raised concerns about impacts to Whitehall Brook.

Some commenters raised concerns regarding elevated sodium levels in test wells. As further detailed in the DEP comment letter on the second SSEIR, any future water supply will require treatment to reduce sodium concentrations, and any proposed on-site salt storage facilities will need to comply with 310 CMR 22.21(2)(b)2.

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	Town of Hopkinton, Board of Selectmen
7/27/06	Cedar Swamp Conservation Trust
7/31/06	Riverways Program
7/31/06	Town of Hopkinton Conservation Commission
7/31/06	Town of Hopkinton Board of Health
7/31/06	Mary Pratt
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

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