



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

Deval L. Patrick  
GOVERNOR

Timothy P. Murray  
LIEUTENANT GOVERNOR

Ian A. Bowles  
SECRETARY

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

May 8, 2009

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

PROJECT NAME : Rag Rock Mountain Water Storage Tank Replacement  
Project  
PROJECT MUNICIPALITY : Woburn  
PROJECT WATERSHED : Charles River  
EEA NUMBER : 14403  
PROJECT PROPONENT : City of Woburn  
DATE NOTICED IN MONITOR : April 8, 2009

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) 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 (EIR).

As described in the Environmental Notification Form (ENF), the project consists of the construction of a replacement 3.9 million gallon concrete water storage tank on an upland parcel of land located adjacent to an existing water storage tank on Rag Rock Mountain (off Hillside Avenue) in Woburn. The project will also include the construction of associated drain and water lines, the demolition of the existing water tank, construction of a paved access road, construction of a small water quality monitoring building, and creation of a stormwater management system. The project requires the transfer of City-owned lands subsequent to approval in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth. The project site contains mapped habitat for rare or endangered species according to the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP).

As noted by the Massachusetts Department of Environmental Protection (MassDEP), the existing Rag Rock water storage tank was built in 1959. Since that time, corrosion of the roof and mesh screening has led to birds infiltrating the tank, compromising water quality. In March 2007, MassDEP issued a Boil Water Order to the City of Woburn when coliform bacteria detections, including a detection of *E. coli*, were found in samples from the Rag Rock tank. While the roof was repaired and the Boil Water Order lifted, this project is proposed to mitigate future water quality concerns and improve the overall safety and security of the City's water supply system.

### Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03(1)(b)(3) because the project requires a State agency action and will result in the conversion of land held for natural resources purposes in accordance with Article 97. The project will require a Distribution System Modification for a System Serving More than 3,300 People (BRPWS32) from MassDEP. The project has been reviewed in accordance with the Massachusetts Endangered Species Act (MESA). The project will also require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA). The project will require a No Hazard Determination from the Federal Aviation Administration (FAA) for construction period impacts.

The City of Woburn is seeking monies through the State Revolving Fund (SRF) and American Recovery and Reinvestment Act of 2009 to help fund the project. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined by the MEPA regulations.

### Land

The project will require a series of land transfers in accordance with Article 97 to accommodate the proposed project. The City of Woburn will obtain approximately 2.2 acres of land on Rag Rock, presently under the care and custody of the Conservation Commission, to facilitate the construction of the new storage tank. The easements providing access to the existing storage facility will be extinguished, as they will no longer be needed once the existing tank is removed. In return for the 2.2 acre Rag Rock parcel, the Conservation Commission will receive care and custody of two parcels: the existing tank site (approximately 0.5 acres) and a 3.0 acre parcel located adjacent to the Woburn Parkway along the Winchester side of Horn Pond Mountain. These parcels are contiguous with existing City of Woburn controlled properties (although these adjacent parcels are not necessarily Article 97 lands). This project is consistent with the terms of the Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy.

### Water

The project will result in the removal of the existing 4.5 million gallon storage tank and the construction of a new 3.9 million gallon storage tank on an adjacent parcel. Prior to removal of the existing storage tank, the City will remediate lead and chromium paint-waste material that has contaminated soils within an approximately 20 foot radius from the tank. Additional remediation of the existing storage tank site will be conducted during demolition of the tank to minimize the accidental release of contaminated paint materials on the tank walls. MassDEP has indicated that the contamination remediation work is being performed under Release Tracking Number 3-27746. The existing gravel/dirt access road to the tank facility and the tank site itself will be restored to a natural state upon completion of remediation activities.

Approximately 1,780 linear feet of new water and sewer mains will be installed to facilitate connection to the broader water supply distribution system. New water mains will be located on-site, as well as within some stretches of Hillside Avenue. The new tank will be located at a higher elevation than the existing tank, resulting in improved water pressure for the distribution system. A hydraulic mixing system will also be implemented to maintain a consistent water quality throughout the tank. The design plans and specifications for construction of the replacement storage tank must be approved by MassDEP in accordance with BRPWS32 prior to construction. I also note the request by the Massachusetts Port Authority that a No Hazard Determination be obtained from the FAA pertaining to the temporary placement of construction cranes on site. At the MEPA site visit it was determined that blasting of bedrock will be necessary to construct the project. The Proponent should consider and follow the MassDEP recommendations for the use of blasting agents, where feasible, to avoid the potential for environmental impacts, including but not limited to, contamination from Perchlorate.

### Rare Species

The NHESP has indicated that the area around and including the proposed water tower is mapped as habitat for the Linear-leaved Milkweed (*Asclepias verticillata*) and the Large-bracted Tick-trefoil (*Desmodium cuspidatum*). These plants are listed as Threatened and individuals in their habitat are protected pursuant to the Massachusetts Endangered Species Act (MESA, M.G.L. c.131A) and its implementing regulations (321 CMR 10.00). While the ENF contained the results of a habitat and rare species survey conducted by the Proponent's botanist, this information was deemed inconclusive by the NHESP. However, the site was previously surveyed by the NHESP as part of their routine inventory responsibilities. The NHESP has determined that the Linear-leaved Milkweed is unlikely to be present within the proposed work footprint and that the Proponent's commitment to protect the potential Large-bracted Tick-trefoil will be adequate to avoid harm to State-listed species. The NHESP has indicated that they anticipate that the project will not result in a "take" under the MESA regulations, provided all work and vehicles remain within the proposed limit of work. Conditions to avoid a "take" of these species were outlined in correspondence between the NHESP and the Proponent, dated April 29, 2009 subsequent to MESA review. The NHESP has requested that the Proponent develop a long-term habitat management plan to benefit the Linear-leaved Milkweed and Large-bracted Tick-trefoil at this site. Such a plan could be reviewed pursuant to 321 CMR 10.14(11).

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to State permitting.

May 8, 2009

Date

  
\_\_\_\_\_  
Ian A. Bowles

Comments received:

04/28/2009 Massachusetts Department of Environmental Protection – NERO  
04/28/2009 Massachusetts Water Resources Authority  
04/29/2009 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species  
Program  
04/29/2009 Massachusetts Port Authority

IAB/HSJ/hsj