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September 7, 2006

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

PROJECT NAME : Wellesley-Newton-Weston I-95 Resurfacing and
Median Construction
PROJECT MUNICIPALITY : Wellesley, Newton, Weston and Cambridge
PROJECT WATERSHED : Charles River Watershed
EOEA NUMBER : 13858
PROJECT PROPONENT : Massachusetts Highway Department
DATE NOTICED IN MONITOR : August 8, 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 (EIR). However, I note that mitigation commitments related to the Hobbs Brook/Stony Brook Watershed Highway Drainage Improvements Project (EOEA# 8263) have yet to be completed. The Environmental Notification Form (ENF) did not address these mitigation commitments, which included stormwater controls in the project area. I will allow the proposed project to proceed to state permitting agencies on condition that stormwater controls are incorporated as part of the project in accordance with the Certificate on the Supplemental Final EIR (June 14, 1999) and Section 61 Findings for the Hobbs Brook/Stony Brook Watershed Highway Drainage Improvements Project. I am also requiring that a Notice of Project Change (NPC) be submitted for the Hobbs Brook/Stony Brook project.

The proposed project consists of safety and maintenance improvements along Route I-95 (State Route 128) from just north of the Route 9 interchange in Wellesley to the Weston/Waltham town line. The project includes cold planing and paving of the existing roadway, installing crushed stone for shoulders, installing concrete median safety barriers and traffic data collection stations, drainage structure modifications, bridge repairs and other improvements. The project will result in approximately 9 acres of new

impervious area along an approximately 3.8 mile stretch of roadway as a result of replacement of the existing grass median with a concrete median and safety barriers. The project does not involve direct wetlands alteration but will involve work in the wetlands buffer zone.

The project is undergoing MEPA review pursuant to: Section 11.03(1)(b)(2) because it involves creation of five or more acres of impervious area and Section 11.03(6)(b)(1)(b) because it involves widening an existing roadway by four or more feet for one-half or more miles. The proponent has indicated that negative determinations of applicability under the Wetlands Protection Act have been issued by Weston, Waltham and Newton, and that the project will not require an Order of Conditions. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

The project involves financial assistance from the Commonwealth and will be undertaken by a state agency. MEPA jurisdiction therefore extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

A portion of the I-95 state highway in the Town of Weston crosses directly over the Stony Brook Reservoir, which is the primary water source for the City of Cambridge. The northern portion of the proposed project area is located within the Zone A and B of City of Cambridge Water Supply area in Weston. Stormwater outfalls that discharge to the City of Cambridge's public water supply tributaries and reservoirs are located within the project layout. Commenters raised concerns regarding adverse impacts to public water supplies and outstanding resource waters (ORWs) associated with stormwater run-off from roadways in the project area. In addition, the comment letters highlighted the connections between the proposed project and a previous MassHighway MEPA filing, which was not addressed in the ENF. The EIR for the Hobbs Brook/Stony Brook Watersheds Highway Drainage Project (EOEA# 8263) includes an implementation plan for a stormwater collection system maintenance program and a construction schedule for structural controls throughout the Cambridge watershed to mitigate storm water impacts on water supply from the highway.

MassHighway has long-standing mitigation commitments relating to roadway impacts on public water supplies in the project area. As further detailed in the Supplemental Final EIR (SFEIR) and Section 61 Findings for the Hobbs Brook/Stony Brook Watersheds Highway Drainage Project, MassHighway committed to implement structural controls and catch basin retrofits, monitoring and routine maintenance programs, slope stabilization projects, and a snow and ice control plan, and to prepare emergency response maps. The Section 61 Findings identifies 17 structural controls to be designed and constructed by MassHighway. These include several controls at outfall locations within the proposed project area. While MassHighway has implemented drainage improvements at outfall location 8 in Lexington and has incorporated stormwater improvements in its Winter Street Bridge Project in Waltham (location 5), structural controls for outfall locations in the proposed project area and other locations have yet to be completed. I expect that MassHighway will honor its mitigation

commitments and incorporate the required stormwater controls as part of the proposed project. I acknowledge that the SFEIR presented conceptual plans which may need re-evaluation to determine the most feasible locations and design of detention basins and other controls. MassHighway should work closely with the City of Cambridge Water Department during design and implementation of mitigation measures to protect the City of Cambridge water supply resources.

As further detailed in the MassDEP comment letter, proposed and existing catch basins should be designed with pollution control hoods and routine catch basin cleaning and inspection should adhere to the schedule agreed upon in the SFEIR and Section 61 Findings. MassHighway should provide inspection data for new catch basins to the Cambridge Water Department to establish a protocol for fall catch basin cleanouts in accordance with the SFEIR.

Construction activities associated with the proposed project will occur in close proximity to the Charles River, its tributaries, and the City of Cambridge's drinking water supply. The Charles River Watershed Association (CRWA) has raised concerns regarding run-off draining to a section of the Charles River which is designated as a Massachusetts Category 5 Water, impaired by pollutants linked to run-off from transportation. In addition, the wetlands and water bodies in the Hobbs Brook/Stony Brook watersheds are protected as ORW for a public water supply where water quality must be maintained and protected in accordance with the anti-degradation provisions in the MassDEP's Surface Water Quality Standards in 314 CMR 4.04 and the 401 Water Quality Certification regulations in 314 CMR 0.06(3). I strongly recommend that the project be designed to comply with the MassDEP Stormwater Management Policy standards, and in accordance with MassHighway Storm Water Handbook. The proponent should make every effort to meet or exceed the standards for new projects in order to ensure maximum protection of the water supply, rather than meeting the minimum standards technically allowed for mitigation measures. Compliance with the Stormwater Management Policy would also promote consistency with the MassHighway Stormwater Program and NPDES General Permit requirements as further detailed by MassDEP in its comment letter.

I encourage the proponent to consider incorporating Low Impact Development (LID) stormwater controls as recommended by CRWA that may serve to improve sediment control, reduce turbidity impacts, minimize creation of new impervious area, and improve the functionality of the existing swale. I also encourage the proponent to consider recommendations of commenters regarding routine maintenance, deicing and pollution prevention in project design and implementation.

MassHighway has committed to design and construct stormwater improvements at locations 1, 2 and 3, if site conditions allow, as part of the proposed project or as a separate follow-up stormwater improvement project (letter from MassHighway, dated August 28, 2006). Given the delay in implementing mitigation commitments and the lack of clarity as to what controls will be constructed and the timeline for implementation,

MassHighway should file a Notice of Project Change (NPC) with the MEPA Office for the Hobbs Brook/Stony Brook Watershed Drainage Improvement Project.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and that the project may proceed to the permitting agencies. No further MEPA review is required for the proposed project on condition that stormwater controls are implemented in accordance with this Certificate, the Certificate on the SFEIR and Section 61 Findings for the Hobbs Brook/Stony Brook Watersheds Highway Drainage Project.

September 7, 2006

DATE



Robert W. Golledge, Jr. Secretary

Comments Received:

- 8/23/06 City of Cambridge
- 8/28/06 Charles River Watershed Association
- 8/28/06 Department of Environmental Protection, Northeast Regional Office
- 8/28/06 MassHighway
- 8/28/06 Water Supply Citizen's Advisory Committee
- 8/30/06 Metropolitan Area Planning Commission

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