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FILED

March 28, 2003

**CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
THE NOTICE OF PROJECT CHANGE and DRAFT RECORD OF DECISION**

**PROJECT NAME** : Bowman Lane Sewer Expansion Project/Assabet River Consortium  
**PROJECT MUNICIPALITY** : Westborough/ and five other municipalities  
**PROJECT WATERSHED** : Assabet River  
**EOEA NUMBER** : 12348 /12985  
**PROJECT PROPONENT** : Town of Westborough./ The Assabet River Consortium  
**DATE NOTICED IN MONITOR** : February 26, 2003

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 determine that this Bowman Lane Sewer Expansion project **does not require** the preparation of an Environmental Impact Report (EIR). As Secretary of Environmental Affairs, I have reviewed this Phase I Waiver Request from the Assabet River Consortium (EOEA# 12348) pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), and hereby **propose to grant a waiver** (as defined below), allowing this project to proceed to the state permitting agencies without requiring the completion of the Assbet River Consortium's Environmental Impact Report (EIR).

Bowman Lane Sewer Expansion Project

The proposed project consists of the construction of approximately 2.30 miles of sewer main within a 54-acre section of Westborough. The proposed project will require two crossings of Jackstraw Brook and one crossing of an unnamed intermittent stream, and will temporarily impact approximately 20,892 sf of BVW, 890 sf of land under water, 80 linear feet of Bank, and approximately 25,000 sf of flood storage area. The proponent has proposed create approximately 44,000 sf of flood storage mitigation.

According to the information provided in the NPC, the project will be served by municipal water from the Town of Westborough and municipal sewer from the Town of Westborough's Wastewater Treatment Facility at the rate of 31,000 gallons per day (gpd), respectively. The proposed project will not trigger any required EIR thresholds.

### **Assabet River Consortium – NPC/Phase I Waiver Request**

The City of Marlborough together with the Towns of Hudson, Maynard, Northborough, Shrewsbury, and Westborough have joined to form the Assabet River Consortium to prepare a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR, EOE# 12348) to address short term- and long-term regional issues relating to the wastewater treatment and disposal and nutrient loading in the Assabet River on a basin-wide basis. The goals of the CWMP/EIR are to identify environmentally sustainable treatment alternatives that respond to the communities' needs, meet water quality and public health standards, reduce phosphorous loading, and increase water levels in the Assabet river and its tributaries. The Certificate on the ENF for the Consortium required that prior to completion of MEPA review for the Consortium CWMP, projects located within the Consortium communities that seek sewer extension permits from the DEP will also require a Phase I waiver from the EIR requirement for the Consortium. The project proponent has requested such a waiver in a Notice of Project Change (NPC) published in the Environmental Monitor February 26, 2003 and has provided additional information in support of that request.

As described in the NPC, the Bowman Lane Area was identified as an area of need (Sewer Needs Area #002) by the Town of Westborough in its Phase I – Needs Analysis portion of the CWMP/EIR (March 2001). The Bowman Lane Area contains 54 acres located immediately northwest of the Westborough Reservoir and includes 83 developed residential properties and six undeveloped lots located on Rev. Thomas Hooker Road, Sandra Pond Road, Thomas Rice Drive, Bowman Lane, Olde Meetinghouse Road, Olde Coach Road, and Jackstraw Path. The Town of Westborough had recommended the construction of sewers to resolve this area's need for sewage treatment in the Phase II - Alternatives Analysis portion of the CWMP/EIR (May 2002). According to comments received from EPA, the proposed project's increase in wastewater flows to the Westborough Wastewater Treatment Facility (WWTF) will further exacerbate the water quality impacts to the Assabet River. I note that the Westborough WWTF has a current flow of 5.30 mgd, and a design capacity and an NPDES permitted flow of 7.68 mgd.

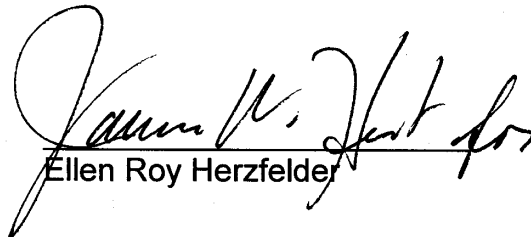
DEP has recommended several measures to mitigate the potential impacts of this project including the implementation of Infiltration and Inflow removal activities (I/I) within the sewer line that this project will connect to, installation of low flow fixtures in residences to be connected, and installation of stormwater lines to dedicated local detention basins during project construction. I adopt DEP's comments as my own and condition the granting of this Waiver Request on the proponent's implementation of the mitigation measures recommended by DEP.

I find that the relatively small amount of additional wastewater flow generated from the proposed project (30,664 gpd) together with the proponent's implementation of DEP's recommended mitigation measures will not result in a significant increase in wastewater flow to the Town of Westborough's WWTF, and should minimize the project's potential impacts on the Assabet Basin.

I have reviewed the waiver request and supporting information and I find that the request has merit, that the impacts of Phase I are insignificant, that ample and unconstrained infrastructure exists to support Phase I, and that implementation of Phase I does not require implementation of future phases or limit potential mitigation for future phases. Based on these facts, I propose to grant the waiver subject to the aforementioned findings and conditions. This Draft Record of Decision (DROD) shall be published in the April 8, 2003 issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

March 28, 2003

DATE



Ellen Roy Herzfelder

Comments received:

03/24/03      Massachusetts Department of Environmental Protection – CERO  
03/26/03      US Environmental protection Agency (EPA)

NPC12348  
ERH/NCZ/ncz