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December 3, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
 ON THE
 SPECIAL PROCEDURE: PHASE IV –
 FINAL RECOMMENDED COMPREHENSIVE WASTEWATER MANAGEMENT PLAN

PROJECT NAME : Assabet River Consortium –
 Comprehensive Wastewater Management Plan
 PROJECT MUNICIPALITY : Hudson, Marlborough, Maynard, Northborough,
 Shrewsbury, Westborough
 PROJECT WATERSHED : Concord Basin – Assabet River
 EOEА NUMBER : 12348
 PROJECT PROPONENT : The Assabet River Consortium
 DATE NOTICED IN MONITOR : October 27, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Phase IV Report: Final Recommended Plan/Final Environmental Impact Report (FEIR), submitted on this project 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).

Overview

Currently the Assabet River does not meet water quality standards due to eutrophication, largely caused by phosphorus from municipal wastewater treatment facilities (WWTFs). Significantly reducing phosphorous from the four WWTFs will serve as a critically important component of a multi-faceted “watershed-based” approach to cleaning up the Assabet River. In addition to upgrading the existing WWTF’s, the successful restoration of the Assabet River will also require a significant reduction (up to 90%) of phosphorous contributions from existing river bottom sediments (through dredging, dam removal, and/or sediment treatment), and from non-point sources. A successful watershed-based wastewater management program for the Assabet River must also restore water balancing through groundwater discharge and stormwater recharge to stressed subbasins.

The goal of the Assabet River Consortium CWMP/EIR is 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, on a basin-wide basis. The result will be a set of comprehensive plans outlining how the six Consortium communities, individually and collectively, will treat and dispose of sanitary sewage for the next 20 years. Five of the six communities (excluding Northborough) are largely built out, with between 85% and 100% of the population within existing sewered areas. The six Consortium communities discharge wastewater into the Assabet River via four existing wastewater treatment facilities (WWTFs), located in Westborough (also serving Shrewsbury), Marlborough (also serving Northborough), Hudson, and Maynard.

The Phase 1 implementation plan for the Assabet Consortium CWMP describes each participating community's commitments for making wastewater treatment upgrades at each of the four WWTFs by the year 2010, along with the implementation of aggressive stormwater management and recharge programs, and reduction of wastewater flows through the use of in-basin groundwater discharges sites, reducing infiltration/inflow (I/I) levels, and implementation of aggressive water conservation programs. In Phase 2, the results of the Massachusetts Department of Environmental Protection's (MassDEP's) and the US Environmental Protection Agency's (EPA's) long-term comprehensive Assabet River in-stream water quality monitoring program (in-stream monitoring program) and sediment abatement study (sediment study) will be evaluated and will form the basis for the design and implementation of the CWMP's Phase 2 activities that may be deemed necessary for further restoring the environmental quality of the Assabet River system.

The project is subject to the Mandatory EIR provisions of the MEPA regulations since it will likely involve construction of more than ten miles of new sewers and may exceed other Mandatory EIR thresholds. The project will require several permits from MassDEP for sewer extensions and connections, as well as compliance with revised water quality discharge limits specified in the federal National Pollution Discharge and Elimination System (NPDES) permits jointly issued by MassDEP and EPA. Because the communities intend to seek state funding or financial assistance from MassDEP under the State Revolving Fund for individual items recommended in the CWMP/EIR, this project is therefore subject to broad scope jurisdiction under MEPA.

Project Background

Special Review Procedure

A Special Review Procedure (SRP) was established in December 2000 to facilitate the development of environmentally sound wastewater management practices within the member communities and in the Assabet Basin as a whole. The SRP provided for the filing of four documents: Phase I – Needs Assessment (including a definition of existing conditions and an analysis of wastewater management needs); Phase II - Development and Screening of Wastewater Management Alternatives; Phase III - Draft of the Recommended Plan; and Phase IV - Final Recommended Plan.

The Secretary's Certificate on the Phase I Report (June 2001) required the Consortium communities to evaluate the technical and economic feasibility for reducing phosphorous concentrations in the wastewater effluent from each of the WWTFs to attain effluent phosphorous levels of 0.1 mg/l and 0.2 mg/l, respectively. The Consortium filed a Phase II Report with the MEPA Office in May 2002 which evaluated and screened potential treatment alternatives and groundwater disposal sites that could address the needs and problems identified in the Phase I – Needs Analysis document. The treatment alternatives considered included the full range of options available under Title 5 (conventional and innovative/alternative systems, both for individual properties and for shared and communal facilities to service multiple properties), and decentralized wastewater treatment plants with groundwater discharges, as well as expansion of the existing WWTFs. The Certificate on the Phase II Report (August 15, 2002) determined that the Phase II Report adequately and properly complied with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00), and required further study of several issues listed below as part of Phase III, so that they can be considered in the evaluation of the most feasible options and a presentation of the Draft Recommended Plan.

Phosphorous Reduction

The Secretary's Certificate on the Phase II Report asked the Consortium communities to explore cost effective strategies for reducing the phosphorous content of wastewater entering each of the four WWTFs. The Consortium communities were asked to conduct a detailed analysis of and plan for phosphorous source reduction strategies, including water conservation, I/I removal, and stormwater management, to reduce the phosphorous content of wastewater influent. As MassDEP has indicated, reducing the use of phosphorous in industrial processes, commercial applications, and residential uses could significantly reduce the phosphorous content in WWTF effluent and in non-point source runoff.

Concurrently with the CWMP/EIR process, MassDEP conducted a Phosphorous Total Maximum Daily Load (Phosphorous TMDL) study for the Assabet River to predict how the Assabet River will respond to changes in phosphorous pollutant loading from the four WWTFs currently discharging to the river. As described in MassDEP's 2004 report *Assabet River Total Maximum Daily Load for Total Phosphorous, DEP, DWM TMDL Report MA82B-01-2004-01*, the water quality modeling conducted to date clearly demonstrates that at their current effluent limits, the WWTFs are the primary source of phosphorous causing eutrophic conditions in the Assabet River, accounting for between 60% and 80% of the current phosphorus discharges to the Assabet River, with the balance coming from releases from river bottom sediments and stormwater runoff. To achieve the necessary water quality goals for the Assabet River, EPA and MassDEP established an interim Phase 1 effluent total phosphorous limit of 0.1 mg/L for each of the 4 WWTFs discharging to the Assabet River. In 2005, each of the 4 WWTFs were issued National Pollutant Discharge Elimination System (NPDES) permits with permitted flow amounts and 0.1 mg/L effluent total phosphorous concentrations. The Phosphorous TMDL study also indicated that significant (90%) reductions of phosphorous from existing river bottom sediment will likely be required to achieve applicable water quality standards for the Assabet River at current wastewater flows and 0.1 mg/l phosphorous concentration at the four WWTFs.

I note that according to EPA and MassDEP, additional improvements to the four WWTFs to achieve further reductions in phosphorous may be required in Phase 2 if EPA and MassDEP determine that sediment remediation of the Assabet River bottom sediment cannot reduce phosphorous contributions to achieve applicable water quality standards for the Assabet River.

Groundwater Discharge

Groundwater recharge of wastewater and stormwater could serve as an important component of a watershed-based approach, in order to minimize the existing basin inflow/outflow imbalances affecting the river system. Because more water is currently being withdrawn from certain subbasins and discharged to the River as wastewater effluent than is being returned to the subbasins as groundwater recharge, there is a serious water balance deficit within several subbasins. The analysis to date strongly suggests that most of the cost-effective methods of groundwater recharge of WWTF effluent will require wastewater to be transported to existing WWTFs for treatment and then transported from the WWTF to one or more groundwater disposal sites (as opposed to the creation of localized treatment plants).

The Consortium was also required to include in the Phase III Report a detailed technical and cost evaluations of groundwater discharges for any additional discharges from the four WWTFs above existing flows, flow limits specified in the federal National Pollution Discharge and Elimination System (NPDES) permits issued by the U.S. Environmental Protection Agency (EPA), the projected “build out” flows. The Consortium was asked to advance for further study potential discharge sites that are located within tributary subbasins that are experiencing water balance deficits. In response to the specific comments of MassDEP, EPA, and others, a number of specific potential groundwater discharge sites were to be retained for further study.

Stormwater Recharge

The diversion of stormwater recharge from the ground directly to the Assabet River reduces subbasin groundwater levels and impairs natural stream flows. As a result, in most of the Consortium communities the estimated stormwater deficits resulting from the collection and piping of stormwater runoff directly to the Assabet River and its tributaries are larger than the deficits associated with each community’s water withdrawals and wastewater discharges. Clearly, stormwater recharge must play an important role to offset subbasin water imbalances. Part of an effective stormwater strategy should be protection of existing forested areas, and incentives for revegetation and on-site recharge at developed sites to enable the subbasin groundwater recharge of existing and future.

Sediment Abatement

Achieving significant reductions in phosphorous releases from existing sediments in the Assabet River will play a critical role in the “watershed-based” approach for cleaning up the Assabet River to achieve water quality standards. Nearly all of the commenters to the MEPA review process for the Assabet River Consortium’s CWMP have pointed to MassDEP’s TMDL modeling work which shows that up to a 90% reduction in the phosphorous contribution from river bottom sediment, coupled with effluent phosphorous limits of 0.1 mg/l for the four WWTFs at current flows, will likely be required to achieve the state’s minimum water quality standard in the Assabet River.

The Secretary's Certificate on the Phase II Report required the proponent to include in the Phase III document a detailed analysis of sediment abatement alternatives, including technical and cost evaluations. Alternatives to be studied included dredging, sediment capping, and full removal or partial breach of the four dams along the Assabet River (George Nicholas dam – Westborough, Ben Smith Dam - Maynard, Assabet River Dam - Northborough, and Washington Street Dam – Hudson).

Wastewater Flows

Reductions in wastewater discharges to the Assabet River will also play a significant role in achieving the low discharge limits of total phosphorous to the Assabet River. Reduction of wastewater flows can be achieved by utilizing in-basin groundwater discharges sites, reducing infiltration/inflow (I/I) levels, increasing wastewater reuse (for example, for irrigation purposes), and implementing aggressive water conservation programs for each Consortium community. As noted in the many comments received to date, the wastewater contribution from I/I represents approximately 25% of the average annual wastewater volume discharged by the four WWTFs to the Assabet River. As a result, the Consortium communities were asked to include in the Phase III document, detailed proposals, with cost estimates, for reducing infiltration/inflow (I/I) levels, increasing wastewater reuse, and implementing aggressive water conservation programs.

In-Stream Monitoring

The need for a long term Assabet River monitoring plan will be particularly important if the Consortium's recommended plan proposes the phasing in of project elements. The Consortium was asked to include in the Phase III report a detailed technical and cost evaluation for a long-term in-stream monitoring program. The in-stream monitoring program would evaluate the effectiveness of the watershed-based wastewater management approach for reducing phosphorous in the Assabet River to be achieved from a phosphorous reductions in WWTF effluent, sediment reduction (dredging, dam removal and sediment treatment), and control of non-point sources.

Notice of Project Change

In June 2005, the Assabet Consortium filed a Notice of Project Change (NPC) with the MEPA Office describing the Consortium's proposed changes to the Phase III Scope of Work. The NPC described the need to develop long-term modeling tools, monitoring programs, and feasibility studies, to be implemented as part of the NPDES permit review process for each of the 4 WWTFs, or through separately conducted long-term studies, to evaluate the Assabet River's responses to incremental water quality improvements resulting from reduced phosphorous loadings, and increased groundwater recharge. These modeling tools, monitoring programs, and feasibility studies will have development and implementation timelines that extend well beyond the MEPA review timelines for the Consortium's CWMP. The Assabet Consortium, together with MassDEP and the US Environmental Protection Agency (EPA), proposed a two-phased (Phase 1, Phase 2) 10-year adaptive management plan for the implementation of the Consortium's Assabet River CWMP. The Consortium identified a number of project elements, listed below, that would be addressed under the adaptive management plan and implemented through the NPDES 5-year permit review process.

Phosphorous Limits

The Consortium communities proposed to design and construct upgrades and improvements to four WWTFs necessary to attain 0.1 mg/l total effluent phosphorous levels by 2010.

Stormwater Recharge and Wastewater Reduction

As described in the NPC, the phased CWMP program and implementation schedule will coincide with the Consortium communities' 2005 and 2010 NPDES Stormwater permitting process. The NPDES permitting process will require each Consortium community to develop and implement a Stormwater Management Plan that maximize infiltration of stormwater flow in stresses basins. Each Consortium community's on-going I/I activities would also be managed under their respective NPDES permits. The Consortium agreed to include in the CWMP/FEIR each Consortium community's water conservation plans with implementation schedules.

Groundwater Discharge

The Consortium communities and the agencies agreed to limit the hydrogeological studies and cost estimates for potential groundwater discharge sites originally identified in the CWMP/DEIR Phase II Report only to those potential sites that may be located within those Consortium communities whose projected future wastewater flows exceed their respective NPDES-permitted design flow limits.

Sediment Abatement

As described in the NPC submittal, a Sediment Study is a long-term undertaking that cannot be accomplished within the time frame for completing the CWMP/EIR process. The Consortium communities therefore proposed to limit their ongoing Sediment Study efforts in the CWMP/EIR process to identifying the legal owners of all existing dams and adjacent property owners.

In-Stream Monitoring

The Consortium communities and the agencies committed to designing and implementing an in-stream monitoring program through an alternative scope and schedule outside of the CWMP/EIR process.

Assabet River Consortium CWMP - Final Recommended Plan

Phase 1 Implementation Plan

As part of Phase 1 of the Assabet River Consortium CWMP, the Assabet Consortium communities will complete improvements and upgrades to the 4 WWTFs discharging to the Assabet River by July 2010, and will implement their respective water conservation programs, I/I programs, and stormwater management programs.

WWTFs upgrades

The Consortium Communities have identified their preferred treatment technology alternative and commitment to make the necessary upgrades/improvements to the WWTFs to achieve 0.1 mg\L Phosphorous.

Under the terms of their respective current (2005) NPDES Permits, the Consortium communities are required to achieve a discharge level of phosphorous of 1.0 mg/L. to reduce the phosphorous levels from each of the four WWTFs to the 0.1 mg/l NPDES permit level by 2010 and within their respective 5-year NPDES permit periods. As noted elsewhere in this Certificate, the proposed Phase 1 improvements and upgrades to each of the four WWTFs will be designed to accommodate additional treatment technologies that may be required as part of the CWMP's Phase 2 plan to achieve further phosphorous reductions and improved water quality standards for the Assabet River if deemed necessary based upon the results of the Sediment Study and the In-Stream Monitoring Program.

Water Conservation Program

According to the information provided in the Phase III/FEIR, some Assabet Consortium communities have begun implementing water conservation programs that may be consistent with the guidance on water conservation measures provided by the Massachusetts Resources Commission's Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, October 2000. I continue to strongly encourage each Consortium community to incorporate water conservation and water use efficiency in their respective project designs to comply with the March 1989 state plumbing code. Specifically, each Consortium community should commit to employing efficient residential water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances (dishwashers, washing machines). Consortium communities should also consider implementing an Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. An IMP could involve the use of amended soils and compost, the planting of native and drought-tolerant species of trees, shrubs, and turf grasses, an automated water efficient irrigation system, and a water management protocol for drought conditions. I ask that each Consortium community consult with MassDEP, and refer to the Massachusetts Water Resources Commission's during the final design of the proponent's IMP.

I/I Program

Each Consortium community will be required to complete an I/I Analysis and complete a Sewer System Evaluation Survey (SSES) to determine the existence, amount and location of extraneous water entering the sewer system. The I/I Analysis and SSES will be prepared in accordance with MassDEP's Guidelines for Performing Infiltration/Inflow Analyses and Sewer System Evaluation Survey, (January 1993). The Consortium communities are required to take corrective action to remove Infiltration and Inflow (I/I) from their respective sewer collection systems.

Stormwater Management Plan

Each Consortium community has agreed to include in the CWMP/FEIR a Stormwater Management Plan that maximizes infiltration of stormwater flow in stressed basins. The Phase IV Report/FEIR includes a summary description of each Consortium community's Stormwater Management Program plan.

Sediment Removal

The Consortium communities, MassDEP and EPA, have indicated that a Sediment Study is a long-term undertaking that cannot be accomplished within the time frame for completing the CWMP/EIR process. As described in the Phase IV document, the Consortium communities, in consultation with EPA and MassDEP, have agreed to limit their ongoing Sediment Study efforts in the CWMP/EIR process to identifying the legal owners of all existing dams and adjacent property owners.

Wastewater Flows

The Phase IV/FEIR summarizes current wastewater flows, NPDES-permitted wastewater flows, and revised projected future wastewater flows at full build-out for each of the Consortium communities and the four WWTFs, as follows:

Assabet Consortium CWMP – WWTF Flows to the Assbet River

Municipal WWTF	Current Flows (mgd)	2005 NPDES Permit Flows (mgd)	Projected Flows 2025 (mgd)	Projected v. NPDES Permit Flows (mgd)
Marlborough - 1.83 Northborough - .04	2.13	2.89	4.15	+ 1.26 ^A
Hudson	2.30	3.00	3.05	+ 0.50 ^C
Maynard	1.21	1.45	1.45	No Change
Westborough Shrewsbury	5.30	7.68	7.68 ^B	No Change
Total	10.94	15.02	17.71	+ 1.71

^A City of Marlborough has requested a 1.26 mgd increase in 2005 NPDES Permit Flows to accommodate the future Projected Flows for the City of Marlborough (2.89 mgd) and the Town of Northborough (1.25 mgd)

^B Town of Westborough - 2.89 mgd, Town of Shrewsbury - 4.39 mgd.

^C Town of Hudson proposes to develop a groundwater discharge site for the disposal of treated flows in excess of 3.0 mgd.

Town of Shrewsbury – The Town of Shrewsbury has committed to limit their wastewater flows to the Westborough Wastewater Treatment Facility to 4.39 mgd. The Town has also committed to reduce their existing I/I flows from 0.77 mgd to 0.59 mgd by the year 2020.

Town of Hudson - The Town of Hudson has proposed to construct a groundwater discharge facility, to be located on the Hudson Department of Public Works’ (DPW) property off Municipal Drive in Hudson (DPW site), to provide for the groundwater discharge of any future additional wastewater flows in exceedence of Hudson’s 2005 NPDES permit (3.0 mgd) flow limit, anticipated from the proposed sewerage of the Lake Boone area in Hudson.

City of Marlborough - The City of Marlborough’s final recommended CWMP plan continues to include a proposal to increase the City’s 2005 NPDES-permitted discharge flow limits and TMDL phosphorous loading allocation established for the Marlborough Westerly Wastewater Treatment Facility (Westerly WWTF) from 2.89 to 4.15 mgd to accommodate the future total wastewater flows (1.26 mgd total) anticipated from the long term growth projections and municipal sewer expansion plans in the City of Marlborough and the Town of Northborough.

According to the information provided in the Phase IV/FEIR, the City's final recommended plan is the most environmentally sustainable and least costly alternative for serving the design year wastewater flows from the City of Marlborough and the Town of Northborough. The City of Marlborough has indicated that the proposed final CWMP for Marlborough will maintain, protect and improve the existing uses of the Assabet River and will meet or exceed NPDES permitting requirements.

Many commenters on the FEIR have continued to express significant concern with the City of Marlborough's and the Town of Northborough's recommended plans, and their potential impacts to the water quality standards established for the Assabet River, and the restoration of streamflow and water balance in the watershed. According to the comments received, phosphorous loading to the Assabet River will increase significantly. Under the EPA-approved TMDL for phosphorous for the Assabet River (September 2004), the Assabet River can not accommodate wastewater flows and phosphorous loading from the Marlborough Westerly WWTF in excess of the facility's current NPDES permitted wastewater flow of 2.89 mgd and still meet applicable water quality standards. I have also received numerous comments on the FEIR again indicating that along with the City of Marlborough's proposed increased wastewater discharge flows, the Town of Northborough's extensive sewer expansion plans and proposed re-activation of its local municipal water supply wells will result in serious streamflow deficits and water quality impacts to the sub-watersheds and tributaries to the Assabet River including Cold Harbor Brook, Howard Brook and Hop Brook. In their comments, the Organization for the Assabet River (OAR) has pointed out that studies conducted by the US Geological Survey (USGS) indicate that well pumping combined with expanded sewerage is likely to have significant impacts on streamflows in the tributaries in Northborough.

In their comment letter on the FEIR, MassDEP has indicated that the Phase IV/FEIR has provided sufficient information to identify and analyze the environmental impacts of the project and has sufficiently demonstrated the Assabet Consortium's efforts to avoid, minimize, and where necessary, mitigate impacts for MassDEP's regulatory purposes. According to EPA, the City of Marlborough will need to file an NPDES Permit Modification with EPA and MassDEP and will need to provide sufficient information and analysis to successfully demonstrate compliance with the Federal Clean Water Act and the Massachusetts Surface Water Quality Standards. As part of the NPDES Permit Modification review process, the City of Marlborough will also be required to satisfactorily demonstrate to EPA and MassDEP that the proposed increase of the City's discharge flow limits would be in compliance with applicable water quality requirements for the Assabet River, would not cause or contribute to a violation of water quality standards, and that no feasible alternatives exist to the City's proposed wastewater flow increase, as described in the FEIR. In consultation with the MEPA Office, EPA has indicated that EPA's NPDES Permit Modification review process will require additional analysis of the City of Marlborough's proposed increase of the City's discharge flow limits and its potential impacts to the water quality standards and designated uses established for the Assabet River and its tributaries; to stream flows and watershed imbalances to the Assabet River and its tributaries; and to the Concord River, a designated Wild and Scenic River.

The NPDES Permit Modification review process will also require the City of Marlborough to further evaluate water conservation, I/I removal and water reuse alternatives to identify additional opportunities to reduce Marlborough's and Northborough's future wastewater flow estimates.

Historic and Archaeological Resources

In their comments, the Massachusetts Historical Commission (MHC) has proposed to review each Consortium communities' phased wastewater management plans as they are designed. The Consortium communities should incorporate a review of both the State and National Register of Historic Places and MHC's Inventory of Historic and Archaeological Assets of the Commonwealth to accurately determine the presence of any significant historic and archaeological resources that may be located within their respective project areas. The Consortium communities will need to provide MHC with detailed information on any proposed directional drilling work, including, but not limited to, the proposed depth of drilling and the proposed locations for drilling set-up and access areas.

I ask that each Consortium community work closely with MHC in the completion of its archeological investigations for their respective phased sewer expansion projects. Project information should be submitted to MHC early on the project design phase for each phase of sewer project improvements or expansion. I note that the City of Marlborough and the Towns of Northborough, Shrewsbury, Westborough and Hudson, will also need to provide MHC with detailed information for each wastewater management project phase as they are developed, including a USGS topographic map, scaled project plans depicting existing and proposed conditions within the project area to determine what effect the proposed phased sewer expansion project may have on historic and archaeological resources.

Phase 2 Implementation Plan

Under Phase 2 of the Assabet River Consortium's CWMP, MassDEP, EPA and the Consortium communities will evaluate the results of MassDEP's Sediment Study and the In-Stream Monitoring Program and will identify the need for additional Phase 2 work that may be required to achieve and maintain the water quality standards established for the Assabet River including, but not limited to, additional upgrades and improvements to the four WWTFs' effluent phosphorous concentrations, and in-stream river bottom sediment removal.

In-Stream Monitoring

As part of Phase I, MassDEP will implement an in-stream monitoring program to evaluate the results of the 0.1 mg/L Phosphorous effluent on the water quality of the Assabet River. In Phase 2, MassDEP, EPA and the Assabet Consortium communities, will evaluate the results of the in-stream water quality monitoring program. MassDEP and EPA have requested that the Consortium communities identify local funding sources and staff to participate with the agencies in the development and implementation of a monitoring program.

Sediment Study

In July 2005, MassDEP, together with the US Army Corps of Engineers (ACOE), initiated a study of sediment abatement alternatives (Sediment Study), including dredging of river bottom sediment, sediment capping, and full removal or partial breach of the four dams along the Assabet River (George Nicholas dam – Westborough, Ben Smith Dam - Maynard, Assabet River Dam - Northborough, and Washington Street Dam – Hudson). MassDEP is sponsoring the majority of the Sediment Study with partial funding to be provided by the Consortium communities. As described in the Phase IV/FEIR, the Consortium communities will participate in the evaluation of the Sediment Study results and the In-Stream Monitoring Program.

As noted elsewhere in this Certificate, Phase 2 will likely include activities related to further upgrades to the 4 WWTFs and/or sediment reduction (dredging, dam removal and sediment treatment), and control of non-point sources, to be determined by EPA and MassDEP, in consultation with the member communities of the Assabet Consortium. Future filings under MEPA may be required if proposed Phase 2 activities exceed MEPA review thresholds or are determined to constitute material changes to measures proposed and evaluated in the FEIR. Furthermore, I ask that MassDEP consult with MEPA as ongoing studies are completed, to determine whether a subsequent filing for Phase 2 may be appropriate or necessary. If so, I would expect that appropriate elements of a Phase 2 filing may include a summary of the results of MassDEP's Sediment Study and the In-Stream Monitoring Program, a detailed description of any proposed Phase 2 activities and a proposed schedule for their completion.

December 3, 2007

DATE



Ian A. Bowles, Secretary

Comments received: (continued on next page)

- 11/19/07 Massachusetts Historical Commission (MHC)
- 11/07/07 Massachusetts Department of Environmental Protection (MassDEP) – CERO
- 11/26/07 Marlborough 2010
- 11/26/07 Cedar Swamp Conservation Trust
- 11/26/07 Christopher W. Kirk
- 11/26/07 Sudbury, Assabet and Concord Wild & Scenic River Stewardship Council
- 11/26/07 Organization for the Assabet River (OAR)
- 11/28/07 Town of Stow, Conservation Commission
- 11/27/07 Conservation Law Foundation (CLF)
- 11/28/07 Massachusetts Department of Environmental Protection (MassDEP) – Boston
- 12/3/07 United States Environmental Protection Agency (EPA)

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