
***APPENDIX A
CERTIFICATE OF THE SECRETARY OF ENERGY AND
ENVIRONMENTAL AFFAIRS ON THE
ENVIRONMENTAL NOTIFICATION FORM (FEBRUARY 12,
2016)***



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

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

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

February 12, 2016

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

PROJECT NAME : Nagog Pond Water Treatment Plant
PROJECT MUNICIPALITY : Acton
PROJECT WATERSHED : Nagog Pond
EEA NUMBER : 15446
PROJECT PROPONENT : Concord Public Works, Water and Sewer Division
DATE NOTICED IN MONITOR : December 9, 2015

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.03 and 11.06 of the MEPA regulations (301 CMR 11.00), I have reviewed the Environmental Notification Form (ENF) and hereby determine that this project **requires** a Mandatory Environmental Impact Report (EIR).

Project Description

As described in the ENF and supplemental information¹, the project consists of improvements and upgrades to the Town of Concord's public water supply system infrastructure adjacent to Nagog Pond in Acton. The project includes replacement of the 1,290-square foot (sf) Ozone Disinfection Facility with a 7,165-sf two-story water treatment plant (WTP); replacement of the cast iron intake pipe into Nagog Pond with a 16-inch high-density polyethylene (HDPE) pipe; and, construction of an accessory solar photovoltaic (PV) array to power the new facility. The proposed WTP will have a hydraulic capacity of 1.5 million gallons per day (mgd), which is

¹ References to the ENF in the Certificate include supplemental information provided by the Proponent during the MEPA review period, including information provided on 1/22/16, 1/25/16, and 2/2/16.

equivalent to the existing facility. It will be a zero discharge facility, wherein all waste, with the exception of sanitary waste, will be recycled.

The Town of Concord is operating under a Filtration Avoidance Waiver for Nagog Pond under the Surface Water Treatment Rule (SWTR). The SWTR imposes rigorous requirements for use of a public surface water supply that does not provide filtration treatment. Construction of the proposed WTP will allow the Town to meet SWTR standards and provide the Town with more flexibility in managing its water sources. The WTP will treat water pumped from Nagog Pond with potassium permanganate for pre-oxidation, polyaluminum chloride for coagulation, flocculation, dissolved air flotation for clarification, ozone for primary disinfection, granular activated carbon filtration for particulate removal, potassium hydroxide for pH adjustment, zinc orthophosphate for corrosion control, sodium hypochlorite for secondary disinfection, and sodium fluoride for fluoridation.

Treatment infrastructure will be located in a 7,165-sf building that will be constructed within the footprint of the disinfection facility. Access to the WTP will be provided via the existing driveway from Skyline Drive. The PV array will be located within an area of approximately 60,000 sf on both sides of the access road near the WTP. Associated structure will occupy approximately 20,000 sf. The project will include a stormwater roof runoff collection and infiltration system.

The project will be constructed in phases. Construction of the PV array will begin in April 2016 and be operational by December 2016. Construction of the WTP is anticipated to commence in February 2017; however the existing facility will remain operational until August 2017. Once the existing facility is taken off-line for demolition, the intake project will also commence. Replacement of the intake pipe will occur from September to December 2017. Both the new intake and WTP are scheduled to be operational by summer 2018.

Project Site

The 60-acre project site consists of two parcels in Acton owned by the Town of Concord. Nagog Pond, located in the Towns of Acton and Littleton, is a public surface water supply for the Town of Concord. The intake pipe for the water supply and an ozone disinfection facility are located in Acton. Access to the site is provided via Skyline Drive. The site is partially developed including the dam/intake structure, disinfection facility, and associated appurtenances (gatehouse, raw water wetwell, valve and meter vault, etc.). The remainder of the site is undeveloped forested land.

Nagog Pond is used by the Town as a supplemental source to augment its water supply from groundwater production wells. As a public water supply, Nagog Pond is classified as an Outstanding Resource Water (ORW) by the Massachusetts Department of Environmental Protection (MassDEP). The disinfection facility was built in 1995 and has a hydraulic capacity of 1.5 mgd. The facility is located approximately 200 feet from Nagog Pond. The Nagog Pond dam and water intake pipe were constructed over 100 years ago. The dam was rehabilitated in 2012. The 16-inch diameter cast iron intake pipe extends approximately 1,800 linear feet (lf) into Nagog Pond from the gatehouse at the dam and is in poor condition. Ozone gas is added to raw

water at the disinfection facility for oxidation and disinfection, which then flows by gravity to the Route 2A Satellite Pumping Station via a second 16-inch main (circa 1909) for final treatment (disinfection, pH adjustment, fluoridation, and corrosion control). Finished water is pumped into the water distribution system which provides service to the Town and to several businesses located along Route 2A in Acton.

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include the temporary alteration of approximately 16.23 acres of Land Under Water (LUW) for the drawdown of the pond coincident with the permanent alteration of 290 square feet (sf) of LUW for placement of concrete collars to anchor the intake pipe. In addition, the project will alter 1.6 acres of land, create 0.24 acres of new impervious area, and may impact archaeological resources.

Measures to avoid, minimize and mitigate impacts include: reconstruction of the WTP on the existing disturbed site; replacement and expansion of existing infrastructure; adherence to guidelines in the Drawdown section of the 2004 *Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Report (FGEIR)* to the greatest extent practicable; coordination with the Division of Fisheries and Wildlife (DFW) at commencement of drawdown; employment of best management practices (BMPs) based on recommendations from DFW; retaining services of a third party independent Environmental Monitor; pumping water from the cove section to the main body of pond to maintain adequate water supply; constructing a bypass system to transfer water from main body of pond to Nagog Brook; maintaining dewatering pumps to transfer water from isolated low spots in the dewatered area; provision of a dewatering plan for review and approval by the Acton Conservation Commission prior to implementation; drawdown of the pond at a controlled rate to allow fish and mammals to adapt and relocate; and, implementation of erosion and turbidity controls, and turbidity monitoring. In addition, the Proponent will conduct an archaeological sensitivity assessment.

Permits and Jurisdiction

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to 301 CMR 11.03(3)(a)(1)(b) of the MEPA regulations because it requires State Agency Actions and will alter ten or more acres of other wetlands. The project will require an Approval to Construct a Water Treatment Facility (BRP WS 24), a Chapter 91 (c. 91) License and a Section 401 Water Quality Certification (401 WQC) from MassDEP.

The project will also require: an Order of Conditions from the Acton Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP; authorization from the U.S. Army Corps of Engineers (ACOE) under the General Permits for Massachusetts in accordance with Section 404 of the Federal Clean Water Act; review by the Massachusetts Historical Commission (MHC) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800); and a National Pollutant Discharge Elimination System Construction General Permit (NPDES CGP) from the U.S. Environmental Protection Agency (EPA).

MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required State Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations. Because the project requires a c. 91 License, MEPA jurisdiction is functionally equivalent to broad, or full scope, jurisdiction pursuant to 301 CMR 11.01 (2)(a)(3).

Waiver Request

The project, as described in the ENF, did not exceed a Mandatory EIR threshold; however, at the MEPA site visit, the Proponent described a change in the construction methodology for the intake pipe. The ENF proposed dredging for placement of the intake pipe. The alternative consists of dewatering the “cove” section of Nagog Pond for up to four months. This alternative will temporarily expose 16.23 acres of LUW and therefore, exceed the mandatory EIR threshold at 301 CMR 11.03(3)(a)(1)(b).

In accordance with Section 11.05(7) of the MEPA regulations, the Proponent submitted supplemental information with a request that I waive the requirement for a Mandatory EIR. The supplemental information addresses the project’s consistency with the criteria for a Waiver. The ENF and supplemental information was subject to an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. Prior to requesting the EIR, the Proponent was granted a two-week extension of the comment period to submit supplemental information regarding the revised construction methodology and avoidance of impacts to buffer zone. Subsequently, the Proponent requested and was granted a three-week extension of the comment period to submit the EIR Waiver request.

Review of the ENF

The ENF provides a project description, including purpose and goals and its physical elements. It includes existing and proposed conditions plans and identifies environmental resources. The ENF provides a discussion of project alternatives, and identifies measures to avoid, minimize and mitigate potential impacts.

The ENF indicates that several alternative locations within the project site were considered for construction of the WTP. These alternatives were rejected because of site constraints, including wetland resource areas and the presence of ledge/bedrock on-site. The Preferred Alternative was selected because it would minimize the amount of land clearing and excavation, including ledge/bedrock removal, and minimize impacts to abutters. Installation of the existing infrastructure included 25-foot deep excavations that were blasted from bedrock.

In addition, several alternative intake designs and locations for PV systems were evaluated and considered. Intake alternatives included rehabilitation of the existing intake pipe, hydraulic dredging, and directional drilling. Temporary dewatering is proposed to conduct work under dry conditions, which will not add or remove soil/sediment to the pond bottom.

The siting of the PV array was guided by the Nagog Pond Watershed and Solar Feasibility Study (dated July 17, 2013). This study was provided as supplemental information

during the MEPA review period. It recommended locating the PV array near the WTP. To reduce potential impacts associated with the solar array, all construction activities associated with the PV system have been moved outside of the 100-foot buffer zone.

Comments from abutters identify several concerns with the project, including land alteration, water supply protection, wildlife habitat, stormwater, and archaeological resources. I note that comments from State Agencies did not specifically identify alternatives or issues that warrant analysis in an EIR. Additional information regarding alternative designs for the WTP and construction techniques associated with the intake pipe is not required.

Land

The ENF indicates that the project will not result in conversion of land held for natural resource purposes in accordance with Article 97 to any purpose not in accordance with Article 97. It also indicates that the project will exceed an ENF threshold consisting of release of an interest in land held for conservation, preservation or agricultural or watershed preservation purposes (301 CMR (1)(b)(5)). The ENF indicates that two parcels that make up the project site were taken or acquired for and dedicated to the “support, operation, and management of a public water supply system.” It indicates that the PV system is consistent with that public purpose. Supplemental information provided during MEPA review indicates that the land is protected by Article 97 of the Amendments to the Constitution of the Commonwealth.

During MEPA review, the Town indicated that it will lease a portion of the site to a third party for operation of the PV array. A transfer of an interest in Article 97 land requires legislative authorization and compliance with the Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy (the Policy). A primary goal of the Policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth. Commenters assert that the land is protected by Article 97 and that the project constitutes a change in use. The Proponent contends that the parcels are owned and controlled by the Town of Concord for the purpose of maintaining a water supply system and that the improvements and upgrades to the water supply, including the PV array, continue and further that use such that the the project should not be considered a change in use.

The Town submitted a written certification to MassDEP indicating that the project will not have a significant adverse impact upon the water supply, and provided documentation to support this finding in accordance with MassDEP guidelines titled “*Information to be Submitted to MassDEP for Proposed Wind and Solar Energy Projects on Lands Owned or Controlled By Public Water Systems for Drinking Water Purposes.*” Presumptive approval will occur unless MassDEP denies the request or requests additional information within 30 days or subsequent to MEPA review.

Water Resources

The project is proposed to improve the drinking water supply for the Town of Concord and several businesses in Acton. It will remedy the shortcomings of the existing water treatment facility and bring it into compliance with federal and State drinking water requirements. The new

intake pipe will include a two-level screen and an automated cleaning system. Water will be pumped to the head of the WTP, then flow by gravity along existing infrastructure to the existing Route 2A Pump Station. The Pump Station will pump treated water into the distribution system. The Pump Station houses a UV disinfection system, which will serve as a back-up for CT compliance when the new WTP comes on line and provide desired redundancy.

The Town of Concord conducted a treatability study. On March 25, 2015, MassDEP approved a pilot study report that presented the results of the treatability study. MassDEP comments note that the Town's proposed water treatment system will increase the operational flexibility and would likely result in a reduction in water withdrawal from its municipal wells. Comments from MassDEP do not request additional analysis of the treatment facility or alternative designs necessary to support permitting. Additional analysis and information regarding the design and operation of the WTP is not required in the Draft EIR (DEIR), with the exception of identification of mitigation measures and associated draft Section 61 Findings.

Wetlands and Waterways

The Acton Conservation Commission will review the project to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including the stormwater management standards (SMS). MassDEP will review the project to determine its consistency with the c. 91 regulations (310 CMR 9.00) and the 401 WQC regulations (314 CMR 9.00) which incorporate the SMS. The project will require a 401 WQC for temporary and permanent impacts to LUW; however, MassDEP comments indicate a 401 WQC for dredging would not be required if dredging is limited to less than 100 cubic yards.

A section of Nagog Pond will be dewatered temporarily to facilitate replacement of the intake pipe under dry conditions. An existing coffer dam, which is partially submerged, will be rehabilitated and augmented with a temporary coffer dam. Once the temporary coffer dam is in place, the Nagog Pond dam outlet structure will be used to dewater the lower section of the pond. Comments from MassDEP indicate that the temporary drawdown of the "cove" section of the pond will reduce environmental impacts compared to the alternative method that included dredging.

Supplemental information estimates a total of 707,019 sf (16.23 acres) of temporary impacts to LUW associated with dewatering the pond, and 290 sf of permanent impacts to LUW associated with placement of the proposed water intake pipe. There is an additional 16,990 sf of work proposed within the 100-foot buffer zone to Nagog Pond associated with the WTP, pavement, and clearing. The ENF identifies BMPs to mitigate construction period impacts to wetlands and waterways. Supplemental information describes how the project will minimize and control turbidity during construction activities. As recommended by MassDEP, the Town will hire an independent Environmental Monitor to observe field conditions during drawdown process and review findings with the Acton Natural Resources Department.

Nagog Pond is a Great Pond of the Commonwealth. A c. 91 License will be required for the in-water placement of structures (concrete collars and intake screen support column) in

jurisdictional areas. The MassDEP Waterways Program will likely classify this proposal as a water-dependent use in accordance with the Waterways Regulations at 310 CMR 9.12.

Comments from the DFW indicate that Nagog Brook is a coldwater fisheries resource which is sensitive to changes in water quality and quantity. The project should be constructed to avoid or minimize impacts to coldwater fish species. DFW recommends that the Town follow the guidelines outlined in the 2004 *Eutrophication and Aquatic Plant Management in Massachusetts FGEIR* regarding drawdowns to the greatest extent practicable. DFW recommends that all in-water work should be conducted during low-flow periods throughout the year, to the greatest extent practicable and work should be avoided when flow is high. The ENF describes the BMPs that will be implemented in accordance with the guidelines outlined in the FGEIR with one notable exception. Although the recommended target time period for beginning a lake drawdown is early November, the Town is proposing to begin the process in September, following the peak summer demand, when water levels in Nagog Pond are typically at their lowest, which would minimize the volume of water required for drawdown. In addition, beginning in September will reduce the construction duration because the cove will both drain and refill faster. The Town proposes to complete the replacement of the intake pipe by the end of December before freezing weather conditions.

The Town will contact DFW during the drawdown period if at any time fish may become isolated to determine if salvage operations are desired and/or feasible. The Town should not allow heated or sediment laden water to enter Nagog Brook directly during dewatering.

Stormwater

The project will add 0.24 acres of impervious area. According to the ENF, cover type and grading will generally mimic existing conditions with the exception of the PV array which will require clearing of wooded areas. The ENF includes a comprehensive Stormwater Report that describes the project's consistency with the MassDEP SMS and the stormwater regulations at 310 CMR 10.05(6) 2 (k) 1-10. In the vicinity of the WTP, runoff will be directed into a series of underground recharge chambers via deep sump hooded catch basins, a drywell, and underground piping. The stormwater management system will provide recharge, attenuate peak discharge, and remove total suspended solids (TSS). Runoff from the access road will be directed towards the existing swale. The ground surface of the PV array will be seeded to encourage the growth of a meadow.

Historic and Archaeological Resources

According to MHC the project will be reviewed under Section 106 of the NHPA of 1966, as amended (36 CFR 800). The Town has retained the services of Public Archaeology Laboratory (PAL) to conduct an archaeological sensitivity assessment. According to the Scope of Work from PAL, the project area includes the previously recorded Acorn Park Quarries archaeological site (ACT-HA-1), a 19th and 20th century complex of historic granite quarries. PAL also indicates that an intensive (locational) archaeological survey was completed in 1994 as part of the initial WTP, although subsurface testing was not conducted across the entire current project area or in the vicinity of the recorded quarry pit. PAL also completed archaeological

survey and assessment in the adjacent Quail Ridge Country Club and Residences at Quail Ridge project areas in 2002 and 2011, respectively. The assessment will compile information about previously documented cultural resources within the project's Area of Potential Effect (APE), and assess the archaeological sensitivity of any areas where ground disturbance may occur. The results of the assessment will be used to make recommendations regarding the need for and potential scope of additional cultural resource investigations, if necessary.

MHC provided a copy of a letter it submitted to the Proponent's consultant (dated December 9, 2015) regarding the ENF and PNF. The letter indicates that the Proponent should submit project information to the Acton Historical Commission for its review and comment. It does not request additional information regarding historic and archaeological resources through MEPA review. If submerged or terrestrial cultural resources are encountered during the course of the work, the Proponent should take steps to limit adverse affects and notify the Massachusetts Board of Underwater Archaeological Resources (BUAR), MHC, and other appropriate agencies in accordance with BUAR's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources* (updated 9/28/06).

Conclusion

Based on review of the ENF and supplemental information provided during the review period, consultation with State Agencies, and a review of comment letters, I decline to grant a Waiver of the requirement to submit an EIR. I appreciate the Town's commitment to respond to issues, questions and comments that have arisen during the MEPA review period and acknowledge that the ENF and supplemental information provided to date provide a level of information regarding alternatives and mitigation commitments that is typically provided in a DEIR. However, I cannot make a determination that preparation of an EIR would result in an undue hardship to the Town. Therefore, the Proponent shall prepare a DEIR consistent with the Scope outlined below.

SCOPE

General

The DEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Scope. The DEIR should clearly demonstrate that the Proponent has sought to avoid, minimize and mitigate Damage to the Environment to the maximum extent feasible.

The project is proposed to improve the resiliency of this public water supply and the Town has provided significant information regarding the project, environmental impacts and mitigation during review and provided additional opportunities for public comment. This supplemental information has responded to many questions and concerns raised by commenters and I expect that the Town can adequately address the Scope contained herein.

Project Description and Permitting

The DEIR should present a cohesive stand-alone document that provides a detailed project description and analysis of the project and its alternatives. It should include site plans for existing and post-development conditions at a legible scale. Plans should illustrate proposed elevations, structures, access roads, stormwater management systems, and utility connections associated with the project. The DEIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of how the project will meet those standards. The DEIR should include a list of required State permits, Financial Assistance, or other State approvals and provide an update on the status of each of these pending actions. It should clarify whether an air quality permit is required from MassDEP for the back-up generator and whether the Town will seek Financial Assistance in the form of State Revolving Funds (SRF) from MassDEP.

Land Alteration

The project will alter approximately 1.6 acres of land and create 0.24 acres of impervious area. This level of alteration is well below ENF thresholds of 25 acres and 5 acres, respectively. As a WTP, it is proposed in proximity to an important water supply. The Town intends to improve the quality and reliability of its water supply while limiting potential impacts. The Town should demonstrate that it will avoid land alteration to the maximum extent feasible while meeting project goals.

The DEIR should identify the total amount of land alteration and include a breakdown of alteration associated with each project element, including buildings, roadways, water and stormwater infrastructure, landscaping, and the PV array. It should identify the type and extent of clearing associated with the PV array. It should describe alternative sites and designs considered for the PV array (including rooftop installation) in the context of the project purpose and need, identify the criteria used to evaluate alternatives (e.g. capacity of the system, energy production, avoidance of environmental impacts) and compare benefits and impacts associated with each. The DEIR should indicate how alteration could be reduced to limit clearing. I note abutters' concerns regarding potential glare and desire to maintain a visual buffer to the site. I encourage the Proponent to consider these comments and potential revisions to design and/or mitigation could be addressed accordingly.

The DEIR should address whether the land was taken for purposes consistent with Article 97 or was designated for Article 97 uses subsequent to acquisition. If the Town affirms that the land is protected by Article 97, the DEIR should address required legislative authorization and the applicability of the EEA Article 97 Land Disposition Policy. In addition, the DEIR should include the written certification provided to MassDEP indicating that the project will not have a significant adverse impact upon the water supply and provide documentation to support this finding in accordance with MassDEP guidelines titled "*Information to be Submitted to MassDEP for Proposed Wind and Solar Energy Projects on Lands Owned or Controlled By Public Water Systems for Drinking Water Purposes.*"

Wetlands and Waterways

The DEIR should identify potential impacts to wetlands and waterways, address how the Preferred Alternative is designed to meet regulatory standards and requirements and identify measures to avoid, minimize and mitigate impacts. The DEIR should address DFW comments regarding compliance with Standard 6 regarding Critical Areas and use of protective BMPs, such as subsurface, infiltration, gravel wetland and bioretention should be used that ensure that no untreated or warmwater runoff from impervious surfaces directly enters coldwater fisheries resources.

Greenhouse Gas Analysis

This project is subject to review under the May 5, 2010 MEPA GHG Policy and Protocol. The DEIR should include an analysis of GHG emissions and mitigation measures in accordance with the standard requirements of the Policy, which requires projects to quantify carbon dioxide (CO₂) emissions and identify measures to avoid, minimize or mitigate these emissions. The analysis should quantify the direct and indirect CO₂ emissions for the project's energy use (stationary sources) and transportation-related emissions (mobile sources). Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions associated with vehicle use by employees, vendors, customers and others. Because this project will not generate significant vehicle trips, transportation emissions are not included in the Scope.

Acton is designated as a Green Community and has adopted the Stretch Energy Code. The DEIR should model the building's compliance with the applicable portions of the Stretch Energy Code. Mitigation measures identified in the GHG Policy Appendix that can support consistency with the Stretch Code and increase energy efficiency include: minimize energy use through building orientation; high performance building envelopes; use of high-albedo or reflective roofing materials; install high-efficiency HVAC systems; reduce energy use through peak shaving or load shifting strategies; incorporate window glazing to balance and optimize daylighting, heat loss and solar heat gain performance; incorporate lighting motion sensors, climate control and building energy management systems; install energy efficient lighting, both exterior and interior, and incorporate reduced lighting power density (LPD); and, evaluate measures to reduce project plug loads, including the use of more efficient equipment (such as Energy Star).

As a significant amount of energy may be associated with process equipment, I strongly encourage the Town to meet with MEPA and the Department of Energy Resources (DOER) to discuss the GHG analysis and potential mitigation measures including energy consumption as a factor in the selection of equipment, power management techniques, high-efficiency motors and variable frequency drives. GHG emissions reduction potential associated with mitigation elements should be evaluated to assess the relative benefits of each measure. In addition, Mike DiBara of the MassDEP Clean Energy Results Program can provide relevant resources. The DEIR should explain, in reasonable detail, why certain measures, that could provide significant

GHG reductions, were not selected – either because it is not applicable to the project or is considered technically or financially infeasible.

The GHG analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which Damage to the Environment can be avoided, minimized and mitigated to the maximum extent feasible. The Proponent should identify the model used to analyze GHG emissions, clearly state modeling assumptions for each project element, and explicitly note which GHG reduction measures have been modeled. The DEIR should include emission tables that compare base case emissions in tons per year (tpy) with the Preferred Alternative showing the anticipated reduction in tpy and percentage by emissions source (direct or indirect). Other tables and graphs may be included to convey the GHG emissions and potential reductions associated with various mitigation measures as necessary.

The installation of a PV array could offset a significant percentage of the project's energy use. The DEIR should identify the capacity of the proposed system and alternative systems and identify associated emissions offsets. For additional information regarding opportunities to increase efficiency at the WTP, the Proponent may access resources on the MassDEP website: <http://www.mass.gov/eea/agencies/massdep/climate-energy/energy/water-utilities/energy-efficiency-at-water-and-wastewater-facilities.html>.

Construction Period

The project must comply with MassDEP Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54 during construction and demolition. The DEIR should identify construction period impacts, including erosion and sedimentation, air quality and solid waste disposal, and strive to minimize construction impacts (including but not limited to land disturbance, noise, dust, odor, nuisance, vehicle emissions, and construction-related traffic) and consider feasible measures that can be implemented to eliminate or minimize these impacts. The DEIR should identify BMPs to control erosion and sedimentation during the construction period to reduce potential impacts to wetland resource areas and fisheries resources.

I encourage the Town to use after-engine emissions controls that are EPA-certified, or their equivalent, on all of the off-road diesel vehicles/equipment in an effort to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD).

Mitigation and Draft Section 61 Findings

The DEIR should include a separate chapter summarizing proposed mitigation measures and draft Section 61 Findings for each State Agency that will issue permits for the project. The DEIR should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Responses to Comments

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the DEIR should include direct responses to comments to the extent that they are within MEPA jurisdiction. This directive is not intended, and shall not be construed, to enlarge the scope of the DEIR beyond what has been expressly identified in this Certificate.

Circulation

The Proponent should circulate the DEIR to those parties who commented on the ENF, to any State and municipal agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. To save paper and other resources, the Proponent may circulate copies of the DEIR to commenters other than State Agencies in a digital format (e.g., CD-ROM, USB drive) or post to an online website. However, the Proponent should make available a reasonable number of hard copies to accommodate those without convenient access to a computer to be distributed upon request on a first come, first served basis. The Proponent should send a letter accompanying the digital copy or identifying the web address of the online version of the DEIR indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. The DEIR submitted to the MEPA office should include a digital copy of the complete document. A copy of the DEIR should be made available for review in the Concord and Acton public libraries.



February 12, 2016

Date

Matthew A. Beaton

Comments received:

12/24/2015	Massachusetts Board of Underwater Archaeological Resources (BUAR)
12/29/2015	Massachusetts Department of Environmental Protection (MassDEP) – Northeast Regional Office (NERO) and Central Regional Office (CERO)
01/10/2016	Quail Ridge Residents
01/27/2016	Quail Ridge Residents (2)
02/01/2016	Quail Ridge Residents (3)
02/01/2016	James Engell
02/01/2016	Linda Rhen
02/02/2016	Lisa Lapinski
02/02/2016	MassDEP CERO (2)
02/02/2016	Donald MacIver
02/03/2016	Massachusetts Division of Fish and Wildlife (DFW)

MAB/PPP/ppp