

**TOWN OF WAYLAND
DEPARTMENT of PUBLIC WORKS
WATER DIVISION
WELLHEAD PROTECTION COMMITTEE
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778**

July 24, 2009

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
Anne Canaday, EOE #14197
100 Cambridge Street, Suite 900
Boston, MA 02114

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**RE: BIRCH ROAD WELLFIELD REDEVELOPMENT
AND WATER TREATMENT PLANT EOE #14197 DEIR**

Dear Secretary Bowles and Ms. Canaday:

The Wayland Wellhead Protection Committee appreciates this opportunity to submit written public comment for the proposed project titled "Birch Road Wellfield Redevelopment and Water Treatment Plant," EOE #14197, located in Framingham, MA. As part of its mission our committee is charged with developing strategies to protect the Town of Wayland's water supply. The proposed project calls for constructing four new wells and a new treatment plant over an aquifer on which Wayland's water supply also depends.

Considering the magnitude of the project, relatively few parties submitted comments on the Expanded ENF. None were from town departments in Wayland whose close proximity to the Birch Road wellfield should trigger interest and input into the project. Although our committee chairperson sent a letter dated October 24, 2008 to the Framingham DPW, SEA consultants and to the MEPA analyst requesting our committee be included in the Distribution List going forward, we found out about the issuance of the DEIR by checking the Environmental Monitor on-line, and then had to request copies of the document.

Further considering the passage of decades and the significant changes in water uses, land uses and the condition of the already stressed Sudbury River, and the plan to draw four times the amount of water at this one new facility that Wayland draws from all its wells, it is imperative that all stakeholders have the opportunity to provide input into the review process and take part in the due diligence required to avoid environmental harm.

We have reviewed the April 18, 2008 MEPA Certificate on the Expanded Environmental Notification Form and the DEIR submittal. We respectfully request that you not allow the proponent's request that the Draft EIR be considered the Final EIR. We are particularly concerned that the negative impacts to the Sudbury River and to Wayland's water supply have not been sufficiently analyzed and quantified and, as a result, may have been significantly understated.

Groundwater and Surface Water Withdrawals Affecting Water Supply

It is pointed out in the EENF Certificate that the groundwater in the area is constantly flowing north toward the Sudbury River and all water removed by additional withdrawals is water that would have flowed into the river. Instead of feeding the river the groundwater will be pumped for use in Framingham and then sent out of the area to the MWRA treatment plant and lost to the existing watershed. It should be noted that the extent of this loss surpasses the average withdrawals from all of the towns downstream along the Sudbury to the Assabet River. It would especially exacerbate stress to the river in dry years.

Once the flow of the Sudbury is significantly compromised by these additional withdrawals, it is conceivable that Wayland's withdrawals will be reduced by the state through the permitting process to compensate for the negative impact of the Birch Road wells. Wayland's wells would no longer be allowed to maintain their necessary pumping rate to provide the Town with its current withdrawal levels. The effect of the proposed withdrawal of 4.3 MGD may negatively affect existing permitted withdrawals by the Town of Wayland from its wells.

We request that the proponent provide a detailed quantitative analysis of the potential impacts on the Sudbury and the concomitant effects on Wayland's wells during dry, not average, years. As stated in the EENF Certificate the proposed wells should not have a "significant impact on flows in the Sudbury River." The proponent should be required to show conditions, as demonstrated by pumping tests, during the late summer rather than during the spring when groundwater is highest. The proponent should also detail the scenario, now only vaguely alluded to, as to how action can be taken under the Water Management Act to shift usage to MWRA supplies in a timely manner so as to eliminate the admitted negative effects on the river during dry years.

The proponent contends that Wayland's wells would not be negatively affected by the proposed new withdrawals due to a purported hydrological barrier between the recharge areas of the Wayland and Framingham wells (Figure 3-2). Although such a barrier may exist along West Plain Street in Wayland separating Lake Cochituate from Dudley Pond, the proponent has not provided any documentation that such a barrier extends along the town line through Pod Meadow Conservation Area in Wayland to the river (Exhibit A: 1996 map of Pod Meadow Conservation Area and Environs). It is noted that the DEIR omits mention of this conservation area, which contains water bodies that will be affected by the proposed project. The attached map shows that any such barrier would in fact

transect the large pond in Pod Meadow shared by both towns (Exhibit B: current GIS of area). In view of the undocumented hydrological barrier as described, we request that the proponent provide an alternative analysis of the interaction of the Wayland and Framingham recharge areas and the potential effect upon the Wayland wells.

We further note that the proponent has applied to MassDEP for a change to the Zone II which extends into Wayland, thereby reducing its size and overlap of the Town's boundary. We request that the proponent provide any information submitted to MassDEP relative to this request as well as a detailed explanation of the reasons such a change is warranted since the information cited in the DEIR is inconclusive.

It was reported in the local media that Nestle Waters North America has withdrawn millions of gallons of water annually from the town's municipal source, the MWRA, at its facility in Framingham. We request that the proponent describe what effect, if any, this arrangement may have on the proposed project (Exhibit C).

Protection of the Zone II From Incompatible Land Uses


MassDEP stated in its comment letter that final approval of the project will be predicated upon Framingham's implementation of zoning and non-zoning controls to protect the Zone II from incompatible uses. Page 7 of the EENF Certificate instructed the proponent to implement such controls by "...us[ing] its best effort to get the Town of Wayland to apply zoning and non-zoning controls to the portion of the Zone II that lies in Wayland."

In Section 1.5.2 of the DEIR, Project Coordination, Wayland is listed as one of the parties contacted. Later in the DEIR, in Section 3.3.8, Town of Wayland Regulations, contact with Wayland's Health Director is described. These phone conversations involved general information regarding existing controls in Wayland but no specific steps were discussed or proposed for new legislation or effective enforcement of the existing regulations. It is noted that despite the Town's concerted efforts to regulate septic systems in the densely populated areas in the vicinity of the Birch Road wellfield, failure of aging and substandard septic systems is an unfortunate reality. While our local Board of Health does have septic and hazardous materials regulations in place, this serious issue was inadequately addressed by the proponent in conjunction with this proposed project.

Our colleagues in Wayland Town Hall other than the Health Director tell us they recall no contact concerning this project. Had the proponent approached the Town via acceptable communication channels, e.g. correspondence or phone contact with the Town Administrator, Selectmen, Water Department, our wellhead protection committee, the Surface Water Quality Committee, the Planning Board (where zoning legislation is vetted), the Zoning Board, and/or the Conservation Commission, MassDEP's and MEPA's instructions to make "best efforts" could have paved the way for implementation of a comprehensive and effective plan for protecting the Zone II. This omission represents a serious flaw that must be addressed by the proponent in coordination with appropriate Wayland officials.

In view of the afore-mentioned concerns and the failure of the proponent to completely analyze the project and its environmental impacts in the DEIR, we strongly feel and therefore request that the proponent be required to submit an FEIR. Thank you for your consideration.

Very truly yours,



Sherre Greenbaum, chairperson

Copies: John Viola, MassDEP
 Peter Sellers, Framingham DPW
 Mary Beth Taylor, SEA Consultants
 Wayland Selectmen
 Brian Monahan, Wayland Conservation Commission
 Steve Calichman, Wayland Board of Health,
 Don Millette, Wayland Water Division
 Don Ouellette, Wayland DPW
 Surface Water Quality Committee