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April 9, 2004

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Comprehensive Wastewater Management Plan –  
Wastewater Facilities Plan  
PROJECT MUNICIPALITY : Concord  
PROJECT WATERSHED : Concord River  
EOEA NUMBER : 13088  
PROJECT PROPONENT : Town of Concord  
DATE NOTICED IN MONITOR : February 25, 2004

As Secretary of Environmental Affairs, I hereby determine that the Single Environmental Impact Report submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

The Comprehensive Wastewater Management Plan and Single EIR (CWMP/SEIR) is part of a wastewater planning process that has been ongoing since 1999. The process has included a needs analysis, preliminary and final alternative analyses, formulation of a recommended plan, an environmental impact analysis, a public participation program, growth management planning, financing and implementation planning, and a management program for onsite/decentralized systems. Completion of MEPA review of the CWMP/EIR is a key milestone for the Town of Concord, but it does not mark the end of planning for this project. Refinement of plan elements to address neighborhood concerns, additional work and Town Meeting approvals on growth management measures and financing, and final design and permitting are scheduled in the upcoming weeks and months. In addition, the Town is continuing to implement and refine its Water Conservation Plan and its Infiltration/Inflow Control Plan, and to examine the need for upgrades to its wastewater treatment plant.

As described in the Expanded Environmental Notification Form, the proposed plan was to include sewerage parts of the Elmbrook and Fairhaven neighborhoods, the West Concord area and the Concord Center area, with disposal at the existing wastewater treatment plant (WWTP);

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decentralized collection, treatment and disposal to groundwater of the White Pond and Conantum/Kalmia Woods neighborhoods; and an on-site wastewater management program to assist homeowners who will continue to use Title 5 septic systems. A total of 744 parcels were proposed for connection to the municipal sewer and 243 parcels were to be connected to decentralized facilities.

Several changes in the recommended plan are described in the Single EIR:

- The Conantum/Kalmia Woods area is now proposed for continued use of on-site systems for wastewater disposal, due to an inability to reach agreement on a site for effluent disposal; this change reduces the number of parcels proposed for decentralized facilities to the 139 in the White Pond area;
- A recommended plan for the White Pond area is not currently proposed, also due to problems in finding a suitable site effluent disposal site; the Town has agreed to file a Notice of Project Change with the MEPA Office when planning for the White Pond area has progressed further;
- Construction will be done in four phases, over ten years;
- Two parts of the Elm Brook area have been scheduled for a later phase than originally envisioned.

The project is undergoing review pursuant to Section 11.03 (5) (a) 3. of the MEPA regulations (301 CMR 11.00), as it involves construction of one or more new sewer mains ten or miles in length. The various elements of the plan will require a sewer extension permit, a groundwater discharge permit and a 401 water quality certificate from the Department of Environmental Protection, one or more Orders of Conditions from the Concord Natural Resources Commission, and an access permit from the Massachusetts Highway Department. Because the proponent may be seeking financial assistance from the Commonwealth, MEPA jurisdiction extends to all aspects of the project with the potential for significant environmental impact.

Section 11.08(8) of the MEPA Regulations requires that I find a Single EIR adequate even if certain aspects of the project or issues require additional analysis of technical details, so long as "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during MEPA review, that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency taking Agency Action on the Project." After examining the record before me, I find that there is clearly enough information on alternatives, impacts, and mitigation to meet that standard. I am not requiring the Town to prepare a formal response to the comments that were received on the EIR, but ask that they be carefully considered as planning related to this project and proposed upgrades to the wastewater treatment plant continues.

Many of the comments on the CWMP concern growth management. This issue is one of

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the most complex and contentious for communities in metropolitan areas, such as Concord. The CWMP describes a number of measures to address the growth in development that could potentially be induced by improvements in wastewater disposal infrastructure, including changes to sewer and Board of Health regulations, creation of a "Neighborhood Conservation Overlay District (NCOD)" in certain areas to limit expansion of existing homes, and acquisition of open space. Some of these measures are in the process of being implemented -- for example, Town Meeting recently approved purchase of the thirteen acre Pine Tree Farm property and is scheduled to vote on the NCOD proposal in the next few weeks, and the Public Works Commission is expected to vote on revised Sewer Use Rules and Regulations. I commend the Town for working diligently on this important though difficult issue, and anticipate that the discussion and deliberations in Town Meeting and other public forums will serve to ensure that measures that are acceptable to the majority of citizens will be implemented.

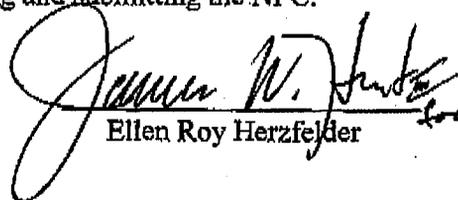
Similarly, the projected costs and funding mechanisms for the project remain the subject of some controversy. While the subject of cost allocation and project financing are beyond the scope of MEPA review, I am confident that the well-developed public participation process in Concord and the need for Town Meeting approval of funding for the project will provide a mechanism for resolving this issue equitably.

The Town has agreed to continue consultation with the Massachusetts Historical Commission as project design progresses, and plans to conduct an intensive (locational) archaeological study of the areas affected by Construction Phase 1. A copy of MHC's comments on the archaeological study should be forwarded to the MEPA Office for the project file, as well as final Section 61 Findings for any state agency actions.

As noted above, the Town plans to file a Notice of Project Change (NPC) when planning for the White's Pond area has progressed further. I recommend that the Town arrange a pre-filing meeting with the MEPA Office before finalizing and submitting the NPC.

April 9, 2004

Date

  
Ellen Roy Herzfelder

Comments received : Karle Packard, 3-1-04  
Cherylene Fletcher, 3-8-04  
WSCAC, 3-11-04  
MHC, 3-25-04  
DEP, 3-26-04  
David A. Wilson, 3-26-04  
Great Meadows Neighborhood Association, 4-2-04

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