

January 25, 2016

Ms. Purvi P. Patel, EIT  
Massachusetts Environmental Policy Act (MEPA) Office  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: Proposed Nagog Pond Water Treatment Plant, Acton, Massachusetts  
Expanded ENF and Request for Waiver of Environment Impact Report  
EEA No: 15446

Dear Ms. Patel:

As indicated in my correspondence yesterday, the Town of Concord is requesting a waiver from completing an Environmental Impact Report (EIR). An EIR is required based on the proposed construction approach for replacing an existing 16-inch diameter cast iron water supply intake pipe that extends into Nagog Pond. The proposed approach includes temporarily dewatering a section of Nagog Pond (approximately 16.23 acres) for up to 4 months. There are no other mandatory EIR thresholds exceeded for the project, and so our request for a waiver is focused primarily on the intake portion of the project. In accordance with 301 CMR 11.11, please find presented herein a summary our request:

1. 310 CMR 11 (1)(a) – the completion of an EIR presents an undue hardship to the project as it would delay the project schedule and there would be no additional benefit gained by further examination of environmental impacts of this proposed project component. If an EIR is required then the time necessary for completion would result in the Town losing valuable Solar Renewable Energy Credits (SRECs). Although the federal government has extended the tax incentive program, there is a cap on SRECs which is nearly exhausted. With respect to the environment, the proposed method of installing a section of the intake pipe includes temporarily draining a small section of Nagog Pond. This process is a widely used method of lake management with documented best management practices and guidelines to be implemented by the project proponent.
2. 310 CMR 11 (1)(b) – as indicated above, completion of an EIR would not serve to further avoid or minimize damage to the environment. A Final Generic Environmental Impact Report (FGEIR) was completed jointly by the DEP and DCR, and it's applicability to the project site (Nagog Pond) was evaluated and applied. The project approach has been developed in consideration of FGEIR guidelines and the specific project site. An evaluation of the proposed project approach indicates that potential short term and long term negative impacts will be mitigated.
3. 310 CMR 11 (2) – a review and evaluation of the information provided in the original and Expanded ENF clearly indicate that the intake pipe replacement portion of the proposed project does not result in any significant environmental impacts. The practice of dewatering a pond section is well established for lake management. Numerous case studies have reported that short term and long term impacts can be mitigated with

recommended best management practices. Our proposed project approach considers the recommendations developed by guidance manuals and our specific project site.

4. 310 CMR 11 (3)(a) – a review and evaluation of the documentation provided in our previous supplemental ENF submittal (1/25/16), and the references reviewed to prepare the submittal, clearly demonstrates that the proposed project is likely to cause no damage to the environment.
5. 310 CMR 11 (3)(b) – the Town of Concord has confirmed that ample and unconstrained infrastructure facilities and services exist to support the project. The Town of Concord has a long history of operating and maintaining the Nagog Pond water supply system. In 2015 the Concord Water Department received a Public Water System Award DEP for outstanding performance. The proposed intake and water treatment plant (WTP) project are part of a master planning effort for Nagog Pond. The ultimate goal of this project is the consistent production of high quality drinking water that meets existing and future proposed drinking water standards. Construction of the proposed WTP will allow Concord to release their filtration waiver associated with the Surface Water Treatment Rule and by doing so will increase the reliability and resiliency of Nagog Pond as a public water supply source.

If you should have any questions or require additional information, please do not hesitate to contact me at (617) 657-0255. I can also be reached via e-mail at [sco@envpartners.com](mailto:sco@envpartners.com).

Very Truly Yours,  
Environmental Partners Group, Inc.



Stephen C. Olson, P.E.  
*Sr. Project Manager*

Encl:

Attachment A: Lake Management Resource Materials, Partial Bibliography  
Attachment B: Figure 1 – Nagog Pond Watershed

CC: Christopher Whelan, Town Manager  
Richard Reine, Public Works Director  
Alan Cathcart, Concord Water/Sewer Division, Superintendent  
Concord Public Works Commission  
Town of Acton, Conservation Commission  
Town of Acton, Planning Department  
Town of Acton, Board of Selectmen