

July 3, 2017

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BY ELECTRONIC MAIL (page.czepiga@state.ma.us)

Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Page Czepiga, EEA No. 15703
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Sudbury-Hudson Transmission Reliability Project
EEA# 15703
(Town of Sudbury)

Dear Ms. Czepiga:

This firm serves as Town Counsel to the Town of Sudbury (hereafter the “Town or “Sudbury”). Please accept these comments on behalf of the Town for consideration by Secretary Beaton in response to the Environmental Notification Form (“ENF”) submitted by Eversource Energy (hereafter “Proponent” or “Eversource”).

In its revised ENF, the Proponent asserts that with revised threshold figures, the Proponent is not required to submit an Environmental Impact Report (“EIR”) but that it has committed to “voluntarily” proceed through the EIR process. However, in light of the uncertainty as to the accuracy of the threshold calculations based upon the incomplete state of the data compiled by the Proponent to date (e.g., no approved resource area delineations, flagging, etc.), the Town urges the Secretary to require a full Draft and Final EIR process. As discussed and confirmed at the MEPA site visit which was held in Sudbury on June 12, 2017, the obvious impacts which this project would have upon sensitive and protected land and jurisdictional resource areas mandate a full EIR process with binding conditions and requirements on the Proponent. Also as discussed and confirmed at the site visit and subsequent scoping session, MEPA has specifically stated that written comments on the Proponent’s ENF should focus upon what should be included in the Scope that identifies the issues and analysis that should be addressed in the Draft Environmental Impact Report (“DEIR”). This is consistent with a mandatory, versus a voluntary process, and the Town trusts that this is how the Secretary is viewing this matter.

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The Town's Conservation Commission, Planning and Community Development Department, and Public Works Department have carefully reviewed the ENF and prepared a number of comments. The Town has also had the ENF reviewed by an environmental consulting firm, Horsley Witten Group, which has also provided comments on what should be included in the Scope of the DEIR. For ease of reference, I have compiled all comments in this single comments letter.

In general, and despite the revised ENF where clarifications to resource area impacts have been asserted, the need for such extensive impacts to jurisdictional resources are not well defined in the ENF. There are discrepancies throughout the document, beginning with reference to an overhead line as the preferred project alternative in the cover letter to the ENF, and continuing with further more substantive discrepancies throughout the ENF, as noted below. Further information is needed to properly understand how the construction and operation of the proposed transmission line will impact wetlands, vernal pools, rare species, and wildlife habitat. The ENF is also deficient in quantifying the total alteration that will occur, e.g. access roads, construction parking, storage and staging areas are not accounted for. In addition, more information is needed to properly evaluate threats to groundwater quality and associated impacts to public and private drinking water wells. Perhaps most significantly, the ENF provides an inadequate review of project alternatives. More information should be presented on alternatives that would avoid and minimize impacts to these sensitive environmental resources.

MEPA Requirements – Avoid or Minimize and Mitigate

MEPA regulations require that a project proponent take all feasible measures to avoid Damage to the Environment or, to the extent Damage to the Environment cannot be avoided, to minimize and mitigate Damage to the Environment to the maximum extent practicable.

Certainly, the interest of "avoidance" was not considered with the choice of the underground route along the long-abandoned rail line/right-of-way owned by the Massachusetts Bay Transportation Authority in Sudbury (the "MBTA ROW"). There will be 13,794 sq. ft. of tree clearing of which 12,962 sq. ft. is permanent fill within bordering vegetated wetland. This alteration does not even account for indirect alteration to biological changes that have been documented to occur through the use of herbicides as part of Eversource's routine maintenance methods.

Sudbury is a town that relies 100% on groundwater wells for its potable water supply. With the exception of a few large businesses in the Rt. 20 area which have individual wastewater treatment systems, the Town has almost 100% reliance on subsurface sewage disposal systems. What the Town puts in the ground, it takes out as its drinking water.

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Sudbury is mostly a low-lying geological lakebed. It has large areas of floodplain mostly near the Sudbury River, Wash Brook, Landham Brook, Dudley Brook and Hop Brook, all of which flow under or adjacent to the MBTA ROW on both the eastern and western side of this project. These rivers have expansive floodplains. Loss of flood storage volume is a critical issue. In 2009, flooding in Sudbury was so severe that the Boston duck boats were brought in on the Wayland/Sudbury line to ferry people to and from their homes, as Sudbury became virtually an island.

The Town is relying on MEPA to require the Proponent to first determine the best alternative that does not result in damage to the environment and then require necessary mitigation for any unavoidable environmental value and function losses. The Town depends on it, and therefore requests that the Scope of the DEIR require a complete revision to the alternatives analysis.

Alternatives referenced in the Proponent's petition to the Energy Facilities Siting Board ("EFSB") were not part of the ENF, including an alternative project involving enhancement of already in-place overhead electric infrastructure which serves the intended project area, as well as under-the-streets options, and no-build alternatives. These alternatives and ranking system should be required in the DEIR, along with detailed analyses which are particular to the MEPA review standards. There are already substantial questions as to whether the ranking system is fatally flawed and skewed to favor a pre-determined outcome. Scope of the DEIR should also require the Proponent to provide further detail justifying why this project is superior to its alternatives and thus justifies its choice to seek to "minimize and mitigate" as opposed to "avoid" Damage to the Environment, as will be the inevitable result of a project within the abandoned MBTA ROW.

The Town requests that the Scope of the EIR require a robust analysis of the actual damage to the environment that will occur from construction, operation and maintenance of this proposed project. The environmental consequences of Eversource's preferred alternative are extraordinary and potentially devastating. Sudbury stands willing to work with Eversource to identify a realistic alternative that preserves the values and functions that the current environment provides. The Scope of the DEIR should include a requirement detailing the Proponent's efforts to work with relevant federal, state, and local regulatory agencies to achieve a solution to its professed electricity enhancement needs which do not involve devastating impacts to protected resource areas. The ENF, even as clarified in the revised ENF, provides very little details regarding these impacts, and the Town urges that the DEIR provide a much more robust alternatives analysis that takes into consideration the ways in which the project can avoid and minimize impacts to wetland resources, rare species, wildlife habitat, water quality, and public and private drinking water supplies.

In Sudbury, the MBTA ROW directly abuts 6,145 linear feet of protected town open space with public access. It contains or directly abuts 5,930 linear feet within state priority and estimated habitat areas. It has at least eight perennial stream crossings; and ten vernal pools (5 certified and 5 with certified data collected) located within 100' of the ROW centerline. Not one, but two National

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Wildlife Refuges, the Great Meadows National Wildlife Refuge and the Assabet River National Wildlife Refuge, have a total of 4,185 linear feet of property line abutting the MBTA ROW in the project area. These lands were all purchased through citizen tax dollars for the purposes of permanent protection of natural resources of the Town, the Commonwealth and the nation.

In addition, the Eversource transmission line directly abuts 2,155 linear feet of parcels that are permanently protected under a recorded perpetuity conservation restriction in accordance with G.L. Chapter 184 s. 31-33. An additional 1,035 linear feet of the MBTA ROW abut a farm (Stone Tavern Farm) that was purchased for permanent agricultural use with local and state funds under the Massachusetts Agricultural Preservation Program. Lastly, 1,995 linear feet of the ROW directly abuts Town of Sudbury land acquired for wetland and water supply protection.

There are over 7,000 acres of permanently preserved land with property directly abutting the MBTA ROW in Sudbury alone. This is as close to wilderness area as you can get in Boston MetroWest. Construction, operation and maintenance of an underground transmission line facility will severely degrade the existing experience on the extensive abutting passive recreation trails. The Town values protected lands and has worked hard to ensure permanent protection. Sudbury alone has invested over \$25 million in the purchase of open space for conservation purposes since 2001 under the Massachusetts Community Preservation Act (“CPA”). Sudbury was one of the first communities to adopt the CPA and adopted it at the full maximum contribution of 3%.

The Sudbury Conservation Commission will serve as the regulatory authority under the Massachusetts Wetlands Protection Act and the more restrictive Sudbury Wetland Bylaw, but has had no meaningful contact with the Proponent to date.

The proposed facility must cross over or go under Hop Brook and its extensive associated wetland, floodplain, and NHESP priority habitat area as well as other sensitive areas along the proposed route. In addition to serving as a regulatory authority for this project, the Conservation Commission is also a direct abutter to the proposed transmission line with approximately 3,825 linear feet of abutting property line with the Hop Brook Marsh Conservation Land. This 93-acre parcel of wetland, floodplain, meadow and forest was purchased by the Town of Sudbury from the Sudbury Rod and Gun Club in 1967. It was the first parcel of conservation land purchased by the Town for the use and passive enjoyment of the trails by the public. It is the most actively used of the Town’s conservation lands and abuts more residential properties in Town than any other conservation land. As was clearly seen during the MEPA site visit on June 12, 2017, which included a visit to this area along the proposed project route, this is clearly one of those “last special places” in the Commonwealth which is demanding of preservation and protection in its natural state. Details concerning the Proponent’s intended disturbance of this area and its consequences must be included as a requirement in the Scope of the DEIR.

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Issues such as access, staging areas, emergency access and turn-around areas, etc. are likely to fall outside the 82.5' of the MBTA-owned parcel. The MBTA land is 82.5' in width. Eversource has not addressed how they plan to deal with access to areas outside the MBTA ROW – whether by eminent domain takings or otherwise. Costs for such issues do not appear to be included into the total project cost. It is also difficult to see how access needs will fail to trigger issues under Article 97 of the Massachusetts Declaration of Rights, as there are several Article 97 parcels along the MBTA ROW. No details on these issues have been provided, nor has the cost of replacement of protected lands been factored into the project cost. A required analysis of such issues should be included in the Scope of the DEIR

The Scope of the DEIR should also require analysis of the disruption and alteration caused by construction impacts, particularly on trestle and areas with wetland directly adjacent to raised rail bed where abutting rail bed is wetland. Sudbury is located within a 10,000 year-old lake bed. This creates some unusual sand plain habitat that is rare in Massachusetts. These lakebed deposits have high sand content that creates a very rare and fragile ecosystem that supports only very specific species of vegetation. Changes to the areas in and near these sand deposits will result in vegetation changes that will have an impact to plants and animals all the way up the food chain.

Contamination and Hazardous Materials Management

Eversource has stated that the transmission line construction will require a cut and fill method to provide a level surface. The state has recognized old rail beds contain numerous contaminants. In order to address the contamination issue and contain the spread of the contaminants, the construction of rail trails require capping of the rail bed. This is accomplished by a prohibition on removing material to lower grades and infiltrating runoff on the rail bed. The DEIR should address how the contamination (coal ash and PAHs in particular) will be contained. Eversource has stated that significant digging will be required for the installation of the transmission lines and especially for the 10' x 30' splice vaults located every 1500 to 1800 feet. Cross section designs, volume of material to be removed, and disposal of excess material plans should be documented.

The ENF states that “no excess soil is anticipated to be generated from construction activities.” No explanation is provided for this statement and the installation of the duct bank and splice vaults would suggest that excess soils will be generated during construction. The ENF also states that if existing soils are removed, they will be stockpiled for “characterization prior to disposal.” No information on the presence of past releases of hazardous materials along the abandoned MBTA ROW is provided. More detail is needed on how soils will be screened for the presence of hazardous materials during the construction process to insure that hazardous materials are properly identified and managed during the construction process, and this should be a further requirement in the Scope of the DEIR.

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Dewatering is likely to be required for the installation of the underground lines and splice vaults in numerous areas. The Proponent should be required to assess whether this dewatering brings contaminants to the surface that will be discharged into surface waters.

The Scope of the DEIR must also require Eversource to address disruption and alteration for further maintenance by chemical herbicides as is Eversource's practice throughout the state. Eversource uses foliar spraying of herbicides for vegetation control. The Scope of the DEIR must require Eversource to identify its intent to use herbicides in the proposed project area and how its intended use shall affect public land and the environment. The chemical used for herbicide treatment has been glyphosate products, notably Rodeo or Round Up. In 2014, the World Health Organization declared these products "probably human carcinogens," and recent national news reports and related studies have raised dramatic public health concerns over the use of such products. Eversource must provide details as to how vegetation will be treated to eliminate it on the gravel access and maintenance roads and keep the vegetation height down within the project zone, border zone, and on private property.

Loss of Shading

Eversource has stated that it will be necessary to clear the air space above the ROW, which will result in significant loss of shading and wildlife habitat features. Removing the canopy, especially those canopy areas that shade wetlands, will result in chemical and biological alterations to the wetlands. The full impact of these altered wetlands were not factored into Eversource's total wetland alteration calculations, and must be included in the DEIR.

Mitigation

On the issue of mitigation, the ENF does not offer any wetland replication, compensatory flood storage volume, or any other type of replacement or offset to the important nature's services that will be lost under Eversource's preferred alternative. These free nature's services provide quality drinking water, protect the Town from flood damage, provide wildlife habitat, protect state-designated cold water fisheries, provide quality passive recreation, and attenuate pollutants in runoff from developed areas. The discussion on proposed mitigation measures is presented as theoretical, and provides no concrete commitment to providing appropriate mitigation. The Town requests that the Scope of the DEIR require that the mitigation section within the DEIR provide a robust discussion of how the unavoidable impacts to wetlands, rare species habitat, and vernal pool habitat will address all applicable statutes and regulations at the federal, state, and local levels. The Scope should also include a required evaluation of whether improvements to wildlife habitat and hydrologic connectivity would be appropriate for wetlands previously impacted by the former train tracks. Specifically, the Proponent should provide appropriate mitigation measures that will

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contribute to the protection of the interests in the Massachusetts Wetlands Protection Act and the Sudbury Wetlands Bylaw that also addresses the Federal Clean Water Act and the Massachusetts Endangered Species Act.

MBTA/Eversource Lease

The actual conditions in the lease agreement should be included as part of the DEIR. MBTA may require conditions that are not disclosed in the ENF materials but may impact damage to the environment.

Historic and Archeological Interests

It is also unclear whether Eversource will undertake a state historic review process under the state act or a federal Section 106 process. Either way, more information must be provided detailing the impacts to historic, archeological and cultural resources, and the regulatory process Eversource intends to follow, and what, if any, related steps have been taken to date.

In-Depth Alternatives Analysis-Design and Build

Assuming, for the sake of argument, that the Proponent provides an alternatives analysis which justifies its selection of a preferred alternative which is unable to avoid damage to the environment, the ENF provides little to no discussion of design and build alternatives for the preferred project that could reduce impacts to environmental resources. Most importantly, there is no information to document the need for a cleared area in the MBTA ROW that is 30 feet in width in order to support a four foot wide duct bank in which the transmission lines will be located. The Town questions the size of the project footprint, and why impacts to vegetated areas within the MBTA ROW need to be so much greater than they will be in the existing streets where the transmission line will be built in Hudson.

The Proponent should be required to provide a more robust discussion on the alternatives considered, including a comparison of estimated resource area impacts. The alternatives analysis, at a minimum, should evaluate an alternative within the proposed location where the transmission line is built below the access road, minimizing the width of clearing that is needed, as well as the feasibility for directional drilling beneath wetlands.

Previous MEPA Filing

The ENF indicates that the “Project provides the opportunity to couple construction of the New Line with the development of a portion of the planned regional Mass Central Rail Trail (“MCRT”) (in reference to EEA #15123; Final Record of Decision (FROD) issued on February 12, 2014). However, the MCRT proponent, Massachusetts Department of Conservation and Recreation

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(“DCR”), proposed a 10-foot wide, 23-mile shared use path for the “Mass Central Rail Trail – Wayside Branch.” The pathway allowed for 2-foot vegetated shoulders and was to be constructed within a 19-foot wide corridor within the MBTA ROW. As stated in the FROD, “This corridor largely follows and is centered on the existing single wide track, ties and ballast” (p. 2).

A 4.6-mile segment of the MCRT project is proposed to be constructed in Sudbury. Reported environmental impacts for the entire 23-mile long corridor that extends through the municipalities of Berlin, Bolton, Hudson, Stow, Sudbury, Wayland, Weston, and Waltham, include the following:

permanent and temporary wetlands impacts that include the alteration of 4,150 square feet (sf) of Bordering Vegetated Wetlands (BVW)~ 475,504 sf of Bordering Land Subject to Flooding (BLSF), 466,599 sf of Riverfront Area, and 2,140 linear feet (lf) of Bank. [p. 3]

It is important to note that the wetlands impacts reported for the DCR project are far less in comparison to those proposed for the installation of this transmission line project, even as they have been clarified. In particular, the reported impacts to BVW along the entire 23-mile MCRT project are a fraction of what is proposed here. Further, the multi-use trail proposed width reductions in sensitive areas to further reduce resource area impacts. This observation confirms the questions regarding the extent of the project footprint and further merits the need for justification on the part of the Proponent for a 30-foot width project footprint.

The Proponent should be required to explore alternatives that allow for a narrower footprint, particularly in sensitive areas. For instance, the proposed transmission line project necessitates a much wider road and shoulder width plus additional workspace to construct splice vaults and installation of the duct bank, with an additional 8 feet of clearing in a 30-foot wide corridor footprint. Yet, in areas within existing roadway, the footprint is much narrower. If it is appropriate and feasible to install the line below an active roadway, it stands to reason that the duct bank could be installed beneath the proposed access road on the MBTA ROW, particularly as the proposed access road will experience minimal traffic. Further, if it is feasible to extend the transmission line across the existing bridge over Hop Brook, which is approximately 15 feet wide, why then is a 30-foot clearing width needed for the remainder of the line? The ENF states that the Proponent “plans to reuse the existing bridge structures and rehabilitate them to accommodate utility crossing” (p. 5). If so, it stands to reason that additional alternatives to the 4-foot wide duct bank could be accommodated, including placing the duct bank within the footprint of the access road. The Scope of the DEIR should require further analysis of these issues and questions.

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A reduction in the width of cleared area would significantly reduce the impacts to environmental resources, specifically wetlands, vernal pools, and rare species. It would also reduce the need to clear vegetation in the future, which could improve the protection of public and private drinking water supplies.

The ENF indicates that the splice vaults will be placed every 1,500 to 1,800 linear feet necessitating additional temporary alteration. This suggests that there is flexibility of up to 300 feet in the distance between these structures. The Proponent should be required to demonstrate in the alternatives analysis that the splice vaults and associated handholes be sited in a way that avoid and minimize impacts to wetland resource areas and buffer zones.

Wetlands Impacts

The ENF describes wetland alterations as involving 13,794 sq. ft. (0.32 ac) of tree clearing and 12,962 sq. ft. of permanent BVW fill. As clarified in the revised ENF, these areas overlap, and it is claimed that 832 sq. ft. of the cleared BVW will be allowed to grow back over time. While the original ENF presented resource area impacts broken out as “tree clearing” vs. “permanent” which may have resulted in overestimating the total impacts, the revised ENF presents this data as “permanent” vs. “temporary” impacts. It is unclear whether temporary impacts equate to tree clearing. It is also unclear whether other resource areas will also be allowed to grow back (as emergent wetlands or shrub swamps) and how the total amount of new other wetland alteration (p. 2 as compared to the table on p. 17) was derived.

In addition, the revised ENF now discloses impacts to inland Bank (32 linear feet), and acknowledges impacts to an Outstanding Resource Water (ORW) (vernal pool).

These impacts are associated with a consistent 30-foot wide cleared area with additional temporary cleared areas to accommodate splice vaults, and creation of the construction platform. However, there does not appear to be any indication within the ENF that these impact areas are based upon on-the-ground, surveyed resource area delineations. The Proponent should be required to clarify this point. If no delineation has occurred along the MBTA ROW, then the resource areas should be delineated in the field and this information should be presented clearly in the DEIR such that the impacts are more accurately defined. This information should be used as the basis for identifying sensitive areas for protection, and for determining appropriate mitigation measures.

Temporary Alterations

The ENF states that 22 feet of the future 30-foot wide corridor will be maintained free of woody vegetation, but that “some plantings with limited woody vegetation may be allowed to grow up to a height of 15 feet (p. 5). The Town questions how these areas will be maintained (cutting?

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herbicide use?), and whether there has been any consideration for managing the inevitable spread of non-native invasive plant species in areas where temporary disturbance will occur, particularly in sensitive wetland and buffer areas. The Town also requests that the Proponent present a Vegetation Management Plan.

Also, the ENF states that “No temporary impacts to wetland[s] are anticipated from construction of the Project” (p. 7) which appears to be contradictory to the proposed temporary wetland impacts reported elsewhere. This statement should be clarified, as it was not removed in the revised ENF, yet temporary impacts to resource areas are presented in the table on p. 17.

Wildlife Impacts

As the project will result in wetland disturbance beyond the regulatory thresholds for BVW, inland Bank, and Riverfront Area, at a minimum, a comprehensive wildlife habitat evaluation should be conducted within the project corridor. This will require the preparation of an “Appendix A” (Simplified Wildlife Habitat Evaluation) as well as an “Appendix B” (Detailed Wildlife Habitat Evaluation) as triggered by the magnitude of the proposed wetland alterations and presence of Important Wildlife Features and or the nature of the Activity for each resource area affected. For instance, as noted above, the abandoned MBTA ROW abuts town/state and federal open space including Great Meadows National Wildlife Refuge. The project also has the potential to disrupt wildlife corridors and fragment habitat.

The Sudbury Wetlands Bylaw and associated Regulations further protect wetland resources and adjacent upland resource areas, particularly with respect to the protection of wildlife habitat values, and require the protection of non-disturbance areas within adjacent uplands, for both general and rare wildlife habitat. Under Section 7.3, “no project may have a significant adverse project/site-specific impact or an adverse cumulative impact on wildlife habitat for more than two growing seasons.” The local regulations also take into account indirect effects on a project-basis. Further, the local regulations require that projects proposed in wetland resource areas and within adjacent upland areas seek practical alternatives to locate the project outside these areas.

The scope of the EIR should include a required robust discussion on how wildlife impacts will be avoided and minimized, proposed mitigation for said impacts, how vegetation in the ROW will be managed to protect values of the adjacent open space, and whether the use of herbicides or pesticides will be prohibited in these sensitive areas.

Rare Species and Vernal Pool Habitat Impacts

The ENF reports potential impacts in two areas of Estimated Habitat of Rare Wildlife/ Priority Habitat of Rare Species, potentially adversely affecting habitat for four state-listed Species of Special Concern, including two turtles, a salamander, and a bird:

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Priority Habitat 1516 and Estimated Habitat 38:

<i>Scientific Name</i>	<i>Common Name</i>	<i>Taxonomic Group</i>	<i>State Status</i>
Ambystoma laterale	Blue-Spotted Salamander	Amphibian	Special concern

Priority Habitat 687 and Estimated Habitat 648:

<i>Scientific Name</i>	<i>Common Name</i>	<i>Taxonomic Group</i>	<i>State Status</i>
Terrapene carolina	Eastern Box Turtle	Reptile	Special concern
Glyptemys insculpta	Wood Turtle	Reptile	Special concern
Caprimulgus vociferous	Eastern Whip-poor-will	Bird	Special concern

However, the ENF contains no usable information to evaluate impacts, and instead indicates that the Proponent will continue to work with the Massachusetts Natural Heritage and Endangered Species Program (“NHESP”) to determine impacts and mitigation measures. As the regulatory authority, NHESP will review the project under the Massachusetts Wetlands Protection Act and the Massachusetts Endangered Species Act and determine whether the project would have an adverse effect on rare species habitat, and whether or not the project could result in a regulatory “take” of one or more protected species.

The Town requests that the Proponent further explore impacts to rare species in conjunction with NHESP and that the DEIR present greater detail on how rare species will be protected and impacts mitigated.

The ENF indicates that a total of 1,136 sq. ft. of vernal pool habitat will be permanently impacted with an additional 0.02 acre of temporary tree clearing as a result of this project. The Environmental Constraints maps identify at least half a dozen additional Potential Vernal Pools (“PVPs”) in close proximity to the project footprint. However, the ENF provides no additional discussion regarding protection of these sensitive areas. Certified vernal pools are regulated as Outstanding Resource Waters (ORWs). The Town requests that the DEIR also discuss how impacts to vernal pools will be avoided or minimized and mitigated.

Maintenance of Vegetation and Potential Impacts to Drinking Water Supplies

The ENF discusses how vegetation will need to be managed in the future, but does not discuss how this will take place. If pesticide or herbicide applications are proposed, this needs to be disclosed and evaluated in detail to ensure that nearby private wells are protected. According to 333

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CMR 11, pesticide applications within a right of way are prohibited within 50 feet of a private well. Applications must also be limited within 50-100 feet of a private well. The locations of private wells in proximity to the ROW are not disclosed by the Proponent and need to be accurately mapped. In addition, the regulations do not differentiate where pesticides can be applied upgradient or downgradient of a private well. If a pesticide is applied to vegetation on the downgradient of a private well, the risk to those drinking the water is likely to be limited, unless the well is pumped at a high rate. However, pesticides applied within 50-100 feet upgradient of a well have the potential to impact drinking water quality. Depending on the depth to groundwater, and the permeability of the aquifer, there is a potential for contamination and this should be assessed in detail. The Scope of the DEIR should include a requirement that the Proponent provide information on how vegetation will be maintained, and also locate private wells within 200 feet of the ROW. The Scope of the DEIR should also require the Proponent to map groundwater flow directions near the wells and groundwater flow velocities and determine the travel time to each well from where pesticides are applied. This will allow a more complete analysis of the private well impacts.

The DEIR should include a list of pesticides proposed for use. The list should include the trade names as well as the chemical names, a discussion of sorption and mobility potential, half lives, and health advisory levels.

Similarly potential water quality impacts may occur to the public drinking water supplies. The proposed Eversource transmission line is located within both Zone II and within the Local Water District wellhead protection areas to the Town of Sudbury drinking water supply wells. These wells are located at a distance of approximately 1,800 feet downgradient of the proposed transmission line with groundwater moving from the transmission line towards the wells. Proposed pesticide applications should be assessed based upon the estimated application rates, time of travel calculations, and published half-life, mobility, and health risks of the chemicals proposed to be utilized, and must be prohibited where the safety of drinking water sources is threatened.

Access Road Construction and Stormwater Management

The ENF does not provide any information on the design of the access road along the MBTA ROW. In the areas where the project is under the jurisdiction of the Massachusetts Wetlands Protection Act, the design must comply with the Massachusetts Stormwater Standards including the need for post-construction treatment of stormwater from any new or redeveloped impervious surface. It is assumed that vehicles will use the road in the future to maintain the transmission line. As such, the Proponent must document how the proposed plan will be in compliance with the State's Stormwater Management Standards. The Town requests that these standards be met for the entire project in order to prevent stormwater discharges from causing or contributing to the pollution of the surface waters and groundwaters of the Commonwealth, which in turn will provide protection of public and private drinking water supplies.

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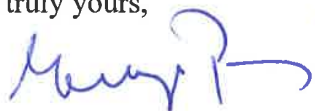
The FROD for the MCRT describes the proposed stormwater design for the rail trail depending on the existing drainage conditions, utilizing country drainage within pervious areas and closed drainage for impervious areas. The Scope of the DEIR for the transmission corridor should require the proposed stormwater management design which at a minimum is consistent with the stormwater management planned for the MCRT project.

The ENF states that a Stormwater Pollution Prevention Plan (“SWPPP”) will be implemented during construction. The SWPPP should specify that refueling of vehicles and equipment will only take place on a paved surface where spills can be identified and remediated. Refueling should not take place along the right of way where it may be difficult to contain a spill.

Conclusion

The Town appreciates your consideration of the foregoing comments and requests as to what should be included in the Scope of the DEIR, in an effort to ensure that the Proponent takes all feasible measures to avoid or minimize and mitigate damage to the environment.

Very truly yours,



George X. Pucci

GXP/man

cc: Town Manager (by electronic mail)
Jeffrey M. Bernstein, Esq. (by electronic mail)
Catherine J. Keuthen, Esq. (by electronic mail)
Cheryl A. Blaine, Esq. (by electronic mail)