

Sewer Connection Permit X235884

Twenty Wayland LLC
400 Boston Post Road
Wayland, MA

Responses to Comments
June 7, 2011

Comments from Anette Seltzer Lewis, 3/23/11, amended 3/26/11, supplemented 5/20/11, and oral comments at 5/19/11 public hearing

1. It is not clear why the applicant will not own and operate the pump station required to convey wastewater flows to the District's treatment facility, and its attendant costs.

The applicant has represented in the permit application that the pump station will be turned over to the District upon completion. This is not an uncommon practice and ultimately vests responsibility for ownership, operation and maintenance of the station to sewer authority operators who are licensed and experienced in such matters. It is typical for the sewer authority to require any preferred design specifications, funding for construction and other facility costs, and any other terms they seek as conditions of accepting responsibilities for the pump station. MassDEP does not require this action and is now aware that negotiations on this matter have been undertaken between the parties. In either case, the pump station must be constructed in accordance with the plans that accompanied the sewer connection application, and the permit conditions will reflect the requirements for properly maintained alarm systems and backup power systems, and for proper operation and maintenance of the station. The permit conditions have been modified to address the possibility that the pump station may be privately owned and operated.

2. The applicant's sewer connection project should have a much shorter timeframe than 5 years. Capital costs for a new WWTP and outfall for the 28 current users will be staggering and the applicant must be on-board early to defray the costs.

MassDEP issues sewer connection permits for a standard period of five years, with a requirement to renew the permit if the project construction period extends beyond five years. MassDEP can issue a permit for a lesser timeframe if such action is needed to ensure compliance with the Massachusetts Clean Waters Act or the federal Clean Water Act. The permit includes restrictions on connection of new flows to ensure compliance with the NPDES permit, and, as such, the permit is being issued with the standard timeframe. MassDEP understands the concerns about costs; however, equitable distribution of costs for construction, operation, and maintenance of the District's treatment works is a matter for both the District and the Town of Wayland to manage, and is outside the scope of this permit proceeding.

3. The draft permit references a groundwater discharge permit which may be pursued by the District, which has not been discussed in any public forum. The District should not be required to pursue and pay costs associated with such a permit. The Town should not have made these

commitments, and needs town meeting approval for transfer of the septage treatment facility to the Town of Wayland through an agreement with the Town of Sudbury.

The MassDEP sewer connection permit does not compel the District to pursue a groundwater discharge permit. However, the permit does establish a procedure for the permittee to demonstrate that sufficient capacity exists at the District WWTP to accommodate for Phase II flows, or, alternatively, that other satisfactory treatment and disposal options will be implemented. Since the Town advanced the concept of restoring the groundwater discharge at the current location of the Wayland-Sudbury Septage Treatment facility, such reference was made in the draft permit. In the absence of a satisfactory disposal option for Phase II flows, the permit specifies that MassDEP may limit or deny connection of further flows. The provisions of the permit provide for appropriate regulatory review before making this determination.

4. The permit should be limited to authorization of only the Phase I flows of 28,000, and a separate and subsequent permit should be required for any further flow authorizations.

MassDEP experience has been that, in some instances, actual flows can diverge from the design flows included in the sewer connection permit program regulations (314 CMR 7.15). The remaining capacity of the District's WWTP in the context of the NPDES permit flow limit will be more suitably determined after a reasonable period of record for the actual flows from Phase I, which must precede a request from the applicant to connect additional flows. The draft sewer connection permit included details on the criteria to be used in rendering a determination on connection of Phase 2 flows, and has been available for public review and comment on the draft Twenty Wayland permit.

5. A full set of construction plans was not available for review at MassDEP.

Plans were provided to MassDEP with the sewer connection permit application which included plans and profiles of the proposed sewer system and pump station, satisfactory to document the essential design components of the sewer system and connection. While not required as an element of the sewer connection permit application, MassDEP, based on requests received from concerned parties, later made publicly available the plan sheet with the legend/notes, and other sheets showing existing conditions.

Comments on specific Plan Sheets:

MADEP-C1:

- a) Plan does not show where connection is made to WWMDC system.

This sheet shows force main from pump station #3 is shown connecting to Future Municipal WWTP on site. This is shown in more detail collectively on sheets MADEP-4A and MADEP-4B.

- b) Plan does not show which lines will be in ownership of WWMDC.

Information included in the sewer connection permit application indicated only the pump station and force main will be “ultimately” owned and operated by the WWMDC. With this matter now in question, MassDEP has clarified responsibilities for proper O&M of the pump station in the conditions of the permit. Unless and until the transfer of the pump station takes place, all of the proposed sewer infrastructure shall be construed to be owned, operated, and maintained by the applicant/permittee.

- c) Pump stations #1 and #2 are not shown.

These pump stations are not part of the project or the sewer connection permit application.

MADEP-4C

- d) This sheet shows the emergency generator, but the generator is not shown on plans MADEP-4A and MADEP-4B.

Sheets MADEP-4A and MADEP-4B depict adjacent areas of the site which don't include the pump station site. The match lines on the sheets show the continuation of the plan and how the plan sheets match together.

Sv-2 & Sv-5

- e) The location of the existing sewer connection is not shown. Lines shown as “F” and “FA” have no listing in the legend.

These sheets, depicting existing site conditions, are not an element of the relevant plans submitted with the sewer connection permit application, and do not include any information on the proposed sewer system which is the subject of the sewer connection permit, hence are not being considered in MassDEP review of the sewer connection permit application.

MADEP-C17

- f) Please review the assumptions used in design of the sewer pump station, which appears to reference 0.5 times the Title 5 design flows.

The engineer did use 50% of the Title 5 flows as a basis of design for the pump system, to optimize the cycling of the pumps. However, the design of the pumps also provides for a flow peaking factor of 5, which accounts for the highest flows expected at the pump station with a margin of safety, and accommodates the design flows specified in 314 CMR 7.15.

6. Special conditions language should be changed from “should” to “shall” to assure enforceability.
Text has been changed in Special Conditions 3, 4, 5, 6, and 7 to address this comment.
7. Special Condition 16: the Section 61 Findings should have been attached to the draft permit.

Typically, MassDEP issues the Section 61 findings at the time of permit issuance. However, in response to this comment, MassDEP provided a draft section 61 finding for public review.

Specific Comments on Draft Section 61 Finding

- a. MassDEP needs to verify the information on the scope of the project, since changes have been made since issuance of the FEIR.

MassDEP has corrected the information in the Section 61 finding to accurately reflect the scope of the development.

- b. MassDEP should strike language referring to a contract between Twenty Wayland and the Town of Wayland, and for transfer of the pump station to the WWMDC.

MassDEP has made changes to the Section 61 Finding and eliminated text.

- c. It is not clear if the Town's parcel will be discharging to the WWTP or to an on-site system.

Twenty Wayland's sewer extension permit application lists a flow allowance in Phase 2 of 3,000 gallons per day as a "municipal allocation." As per Special Condition 1.c of the permit, the permittee must submit information for proposed Phase II connections for review and approval by MassDEP prior to connection of flows.

8. The Legal Notice was defective, and indicated March 26, 2010 to be the date when public comments were due. The year is in error, and the comment period must be extended to the close of business on the next business day when offices are open, March 28, 2011 in this case.

Legal notice on MassDEP's tentative determination to issue the Twenty Wayland Sewer Connection permit was initially published in the Wayland Town Crier on February 24, 2011. The public comment period was extended on two separate occasions thereafter and culminated on May 20, 2011, the day after MassDEP held a public hearing at Wayland Town Hall on issues related to the sewer connection permit, which provided extensive opportunity for public review and comment.

9. MassDEP should hold a public hearing on the sewer connection permit, so that the public is fully aware of the ramifications and impacts of the permit issuance.

MassDEP held a public hearing at Wayland Town Hall on the evening of May 19, 2011, to accept additional public comment. Notice of the hearing was published in the Wayland Town Crier on April 14, 2011.

10. The applicant's description of the facilities to be connected to the sewer system has changed from that listed in the FEIR, and there are concerns about the nature of the waste and potential impacts on the treatment operations.

The MassDEP sewer connection permit only allows sanitary waste to be conveyed to the District's WWTP. Any industrial waste, as defined in MassDEP regulations (314 CMR 7.00 et al), can only be discharged in accordance with the regulations, and is subject to separate approval and permitting requirements.

11. MassDEP should have information on existing and (non-Twenty Wayland) future sewer connection commitments by WWMDC in order to establish the capacity for the Phase I and Phase II Twenty Wayland flows.

MassDEP requested and received information from WWMDC relative to the existing connections to the sewer system and the future commitments. Fred Knight, Chairman of the WWMDC, supplied updated information on present and future connections on May 31, 2011. The information supports the issuance of the phased sewer connection permit to Twenty Wayland.

Comments from Thomas Sciacca, dated March 24, 2011, and oral comments at 5/19/11 public hearing

12. MassDEP should hold a public hearing on the sewer connection permit.

MassDEP held a public hearing on May 19, 2011.

13. What will be the impacts from the wastewater generated from the planned facilities? How will food waste, or other chemical waste be managed?

MassDEP's sewer connection permit X235884 authorizes only the discharge of sanitary, non-industrial waste to the sewer system. The design of the new WWTP accounts for flows and pollutant loads associated with all sanitary waste connected to and to be connected to the District's sewer system. The design of the WWTP also accounts for the range of wastewater flows allowed under the discharge permit, including times of peak flow.

Any industrial waste, as defined under 314 CMR 7.00 would be subject to separate regulatory requirements. In some cases, separate permits or certifications will be required by MassDEP. A condition of the sewer connection permit has been added to clarify this regulatory requirement.

Relative to oil and grease, both the plumbing code and MassDEP regulations require that owners or operators of restaurants, or other locations where food is prepared, have a properly installed and properly maintained grease trap to treat flows prior to discharge to the sewer. This is a condition of the sewer connection permit.

14. The costs for construction, operation, and maintenance of the pump station should not be borne by the citizens of Wayland.

See response to comment # 1.

15. More information should be provided to describe the alternative of pursuing a groundwater discharge permit, since this has not been discussed publicly.

The Town approached MassDEP to explore the regulatory requirements of such an option. It is the understanding of MassDEP that the Town will not be pursuing a groundwater discharge permit, unless future flows from the development or from other sewerage needs identified by the Town cannot be accommodated under the terms and conditions of the District's surface water discharge permit. If the Town or WWMDC chooses to pursue a groundwater discharge alternative, such an action would require MassDEP approval in accordance with the requirements of 314 CMR 5.00. Connection of flows from the WWMDC's wastewater treatment facility cannot be conveyed for groundwater discharge at the site of the Wayland/Sudbury Septage facility unless and until WWMDC receives an approval from MassDEP for a groundwater discharge permit or for a modification of the current permit. Each of these potential actions requires a public comment period.

Comments from Molly Upton, dated March 18, 2011

16. MassDEP should only authorize connection of Phase I flows, and should require a separate permit prior to the connection of any Phase II flows, to allow for a public process to be an element of MassDEP determinations on issuance of the permit.

See response to comment #4.

17. MassDEP should require a shorter timeframe for construction of the development than 5 years, since current users will be stuck with the majority of the costs in the event the development takes 5 to 10 years to construct.

See response to comment # 2.

18. The Town has negotiated with MassDEP and presented proposals absent public involvement, including acceptance of the pump station and the pursuit of a groundwater discharge permit, and these matters should be discussed as part of a public hearing on the sewer permit.

MassDEP has met with officials from the Town of Wayland and the WWMDC, at their request, to clarify, not negotiate, regulatory requirements for sewer connection permits. With regard to the Twenty Wayland sewer connection permit, MassDEP solicited public comments and also held a public hearing on May 19, 2011 to provide opportunities for public input.

Comments from Linda Segal, via email dated March 24, 2011, supplemented 5/20/11, and oral comments at 5/19/11 public hearing

19. Based on a review of the public record, the Town has undertaken negotiations with MassDEP without the participation of the Wastewater Commissioners, including discussions about reuse of the Wayland-Sudbury Septage facility groundwater discharge facility. MassDEP should hold a public hearing on this permit application.

Blair Davies and David Schofield, of the Wastewater Management Committee, participated at various times in discussions on the Twenty Wayland project. However, in order to pursue a discharge at the site of the Wayland-Sudbury Septage Facility, a groundwater discharge permit application or a groundwater discharge permit modification application must be submitted to MassDEP, and the procedures involved for that application include a public comment period prior to any MassDEP final action.

20. There are no records indicating that a local sewer connection permit was issued for either the existing buildings on the project site or for the proposed facilities.

Unless established under a MassDEP enforcement order, MassDEP does not intervene in matters concerning issuance of local sewer permits. The provisions of 314 CMR 7.00 establish the requirements for MassDEP sewer connection and extension permits. MassDEP's action on the Twenty Wayland sewer connection permit is consistent with these regulatory requirements.

21. Although Fred Knight, Chair of the WWMDC, signed the sewer connection permit application, the Commission never voted to approve or authorize Mr. Knight to sign the November 18, 2010 Twenty Wayland sewer connection permit application, which differed from the prior BRP WP 73 Compliance Certification Form which the WWMDC did vote to approve. Since Mr. Knight was not authorized to sign the permit application, MassDEP should consider the application incomplete and not approve the permit application.

MassDEP's sewer connection permit application includes on page 7 a sign-off from an "appropriate Municipal Official" to recommend approval of the application to MassDEP. In general, for sewer connection permits, MassDEP considers an "appropriate Municipal Official" to be a representative of the sewer authority. In this case, Mr. Knight, as Chair of the WWMDC, satisfies MassDEP's requirements as an appropriate municipal official representing the sewer authority. MassDEP has determined that application and associated documents satisfy the requirements for issuance of a permit.

22. WWMDC did not review the plans for the sewer connection permit application or understand that they would be taking on ownership and O&M responsibilities for the pump station prior to signing off on the permit application.

WWMDC has recently advised MassDEP that they are discussing matters related to ownership and operation of the pump station with the project proponent. MassDEP has revised the conditions of the permit as noted in the response to comment #1.

23. MassDEP, WWMDC, and the applicant should work together to pursue opportunities for reuse of treated wastewater.

MassDEP has met with the applicant on the merits of wastewater reuse and supports the reuse of wastewater for a range of different uses. MassDEP regulations at 314 CMR 20.00 include the regulatory requirements for pursuing these options. However, MassDEP cannot require the

applicant or WWMD to implement wastewater reuse alternatives. MassDEP will continue to be open to and encourage reuse alternatives as an element of the Twenty Wayland project, or as separately pursued by WWMD.

Comments from Alice Boelter, via email dated March 28, 2011, supplemented on 5/20/11, and oral comments at 5/19/11 public hearing

24. Pursuing the Wayland-Sudbury Septage Committee groundwater discharge permit is contingent upon the Town of Wayland authorizing this action at town meeting, which has failed in the past.

MassDEP regulations set forth requirements for transferring a groundwater discharge permit at 314 CMR 5.12. MassDEP is aware that town meeting actions are necessary to support this action. A new application for a groundwater discharge permit or a groundwater discharge permit modification (with plan approval) is also a requirement for use by WWMD. Either of these will involve soliciting public comments.

25. The public should be advised on the cost implications of the new pump station and the District's WWTP upgrade.

The Wayland Wastewater Management District Commission, as the WWTP permittee and being responsible for the treatment works, is empowered to establish the means for cost distribution and should make the information available to the public.

26. The MassDEP plans are not complete, and the Town has made no repository available for review of the full set of plans.

The plans submitted to MassDEP and available for public review include sufficient detail on the proposed sewer system and pump station as to satisfy MassDEP's requirement for plan submittal. It is not uncommon for MassDEP to receive only the drawings relating to the wastewater utility. However, based on a number of requests, MassDEP arranged for the Town to receive a set of plans supplemented with existing condition sheets and legend sheet prior to the public hearing.

27. MassDEP should hold a public hearing on the sewer connection permit application.

MassDEP held a public hearing on May 19, 2011.

28. The WWMD had not seen the full plans of the proposed sewer system when they signed the sewer permit application form, nor had they agreed on the design for, and responsibility for the proposed pump station which is an element of the project.

See responses to comments #1 and #22.

29. The reference to the WWMDC taking over ownership, operation, and maintenance of the pump station and force main should be removed from the Section 61 document.

Given that the WWMDC has informed MassDEP that negotiations are underway with no clear outcome on the ultimate ownership of the pump station, MassDEP has revised the language in the specific conditions of the permit, and in the Section 61 finding.

Comments from Robert Goldsmith, 5/6/11

30. There are abundant reasons that Twenty Wayland should be required to reuse treated wastewater in the project: maintaining compliance with NPDES permit; forgoing any options requiring a pipe connection to the Wayland/Sudbury Septage facility site; and increased aquifer recharge for the watershed. The water quality from the upgraded WWTP will be of excellent quality for numerous forms of reuse, including toilet flushing, landscape irrigation and deep aquifer injection. MassDEP should include reuse as a required condition of the sewer connection permit.

MassDEP supports and promotes the reuse of treated wastewater wherever feasible. In the case of Twenty Wayland, MassDEP advanced discussions of potential reuse options on a number of occasions as a means to preserve water resources, and maintain compliance with the NPDES permit limitations. Under the present regulatory framework, MassDEP cannot require reuse for this project, and, as such, cannot impose it as a condition of the sewer connection permit. However, MassDEP remains committed to working with Twenty Wayland, WWMDC, and other parties to provide technical assistance in moving forward with and permitting reuse alternatives.

Comments from Sarah R. Newbury, via email 5/20/11, and oral comments at 5/19/11 public hearing

31. MassDEP should allow for public comment prior to issuing the Phase II sewer connection approval to Twenty Wayland. In this way, the public will be able to better understand the sewer infrastructure and flows associated with the project, once the first Phase of work is complete.

MassDEP does not intend to solicit public input on the determination to issue approval to connect the second phase of the project since the permit clearly articulates the criteria which need to be met for MassDEP approval for the Phase 2 work. However, MassDEP encourages interested parties to attend meetings of the WWMDC to remain apprised of the impacts of the Phase I project and issues relating to capacity at the WWMDC treatment facility.

Comments from Prescott W. Baston, Jr., via email dated 5/20/11, and oral comments at 5/19/11 public hearing

32. I have concerns that the WWMDC has overallocated capacity at the WWTP, in excess of that allowed under the discharge permit.

MassDEP has monitored existing flows to the WWTP, and has asked for and received a listing of future sewer connection commitments made by WWMDC, which formed the basis of the phased permit for Twenty Wayland. MassDEP's sewer connection permit is intended to ensure that the capacity of the plant, and terms and conditions of the discharge permit will not be violated. Further, MassDEP has authority under 314 CMR 7.04 to restrict any and all sewer connections if such connections will result in violations of the NPDES permit or other applicable wastewater regulations and permits.

33. I have concerns about any actions toward conveying flows to or using the site of the Wayland-Sudbury Septage facility, since the costs of pumping the flow to this site would be considerable (on the order of one million dollars), and impacts to the small number of ratepayers would be substantial. Will MassDEP require the Town of Wayland to secure additional capacity above the 52,000 gpd that the plant can handle?

MassDEP's sewer connection permit is intended to ensure that the capacity of the WWTP will not be exceeded by connecting flows from the proposed Twenty Wayland development, and that the terms of the discharge permit will be met. So long as the terms and conditions of the discharge permit are met, MassDEP will not require WWMDC to seek alternative wastewater disposal alternatives. The Town of Wayland approached MassDEP to explore a future alternative of discharging to the existing sand beds at the site of the Wayland/Sudbury Septage Treatment facility as a means to provide additional capacity for the WWMDC system. While this alternative may be feasible, it must be formally approved by MassDEP as part of a groundwater discharge permit application (or modification of the current permit) before it can be constructed. It is incumbent on the WWMDC to present information to their ratepayers on costs of this alternative in making any determinations to move forward.

Comments from Frank Dougherty, KGI Properties (Applicant), via email 5/20/11, and oral comments at 5/19/11 public hearing

34. Twenty Wayland's sewer connection permit application complies with all MassDEP criteria for issuance of a sewer connection permit. MassDEP should not require a new permit for the Phase 2 flows, which should be subject to MassDEP discretion under the sewer connection permit.

MassDEP is not requiring a separate sewer connection permit for the Phase 2 flows, but as the permittee, you, as the Applicant, will be required to demonstrate that sufficient capacity exists to accommodate the flows for Phase II in accordance with special condition no. 1.c of the sewer connection permit.

35. Twenty Wayland, collectively with the 31 other parties connected to the WWMDC sewer system, is willing to work with WWMDC to explore water reuse, water conservation, and other environmentally beneficial improvements, although such matters must be undertaken by WWMDC, not Twenty Wayland.

MassDEP remains committed to work with WWMDC, Twenty Wayland, or any other parties in exploring opportunities for wastewater reuse or water conservation.

36. Twenty Wayland should not be limited to only the SIC codes identified in item 13 of the sewer connection permit application, and additional uses are being contemplated for the mixed-use development.

See response to comment #13. The conditions of the sewer connection permit have been revised to clarify that industrial wastewater discharges from some of the uses being contemplated, such as dry cleaners and printers, will have additional regulatory requirements. More information on regulation of industrial wastewater can found at <http://www.mass.gov/dep/service/online/erpforms.htm#dc> and in 314 CMR 7.00.

Comments from William J. Murphy, via email 5/20/11

37. The future use of the Wayland-Sudbury Septage Treatment facility site is indeterminate at this time, and the integrity of the facilities is in question.

In response to a MassDEP Administrative Consent Order, and after years of non-compliance, a decision was made to decommission the Wayland-Sudbury Septage Treatment facility. Any effort to restore use of the facility, or any of its elements (such as the sand beds), can only be done in accordance with MassDEP permits and approval.

38. How will fat and grease, and graywater component of the waste stream be managed from Twenty Wayland?

See response to comment # 13.

39. There are many concerns about impacts of construction and operation of sewers and force mains conveying flows to the site of the Wayland-Sudbury Septage Treatment facility, since the route traverses environmentally sensitive areas.

In order to construct a sewer or force main connecting the WWTP to the site of the Wayland/Sudbury Septage facility, the WWMDC must apply for and receive a permit from MassDEP for a groundwater discharge permit (or modification of the current groundwater discharge permit for the site), which must include a full engineering report supporting design, construction, and operation of the conveyance and discharge facilities. Such a permit will be subject to public notice, if and when the WWMDC applies for it, and the public comments will be solicited.

40. Twenty Wayland should explore options for wastewater reuse.

See response to comment # 23.

Comments from Jamie Fosburgh, US National Park Service, 5/18/11

41. NPS supports the phasing of the sewer connections for Twenty Wayland. It is essential that the permit does not result in wastewater discharges exceeding the permit limits from the WWMDC WWTP.

The MassDEP phasing of the sewer connection permit is structured to minimize the risk of flow violations at the WWMDC WWTP.

42. If WWMDC moves forward to seek increased discharge capacity, NPS requests a public review process so that resources can be protected.

If WWMDC pursues a groundwater discharge permit, there is an associated public review process where MassDEP solicits public comment.

Comments from Elizabeth Herland, U.S. Fish and Wildlife Service, 5/19/11

43. Any consideration for extending a pipe across the Sudbury River to convey treated wastewater to the site of the Wayland/Sudbury Septage facility will require consultation with the Service since the pipe will pass through the Great Meadows NWR.

If WWMDC pursues such a pipe connection to the Wayland-Sudbury Septage facility, it can only be done with prior approval and a permit from MassDEP. This process will involve soliciting public comment on the application and plan, which will afford the Service opportunity for input on MassDEP action.

Comments from Susan Crane, Sudbury Assabet & Concord River Stewardship Council, 5/17/11

44. RSC's primary concern is management of Phase 2 flows from the Twenty Wayland development, and any associated plans to convey flows across the Sudbury River to the site of the Wayland Sudbury Septage facility, since there are sensitive resources that could be affected. RSC requests that MassDEP notify the public during the Phase II process of any such plans.

As noted above, no work to construct a pipe connecting flows to the site of the Wayland-Sudbury Septage facility can move forward without an application and engineering plan, which is the subject of a groundwater discharge permit application (or modification). This process includes a public comment period.

45. The Twenty Wayland Plans describe the outfall pipe from the proposed new WWTP as a 36" pipe. This is not correct, and the pipe will be a 6" pipe.

MassDEP notes that the sewer connection permit references a 36" outfall pipe from the WWMDC WWTP (which is not an element of the proposed Twenty Wayland sewer connection work). MassDEP confirms that the new outfall pipe being constructed by the WWMDC, and approved by MassDEP, as an element of the WWTP project is a 6" HPDE pipe.

Comments from Mike Lowery, 5/17/11, and oral comments at 5/19/11 public hearing

46. There are many opportunities for reuse by the Twenty Wayland project, which are all consistent with and favored by MassDEP regulations, policies, and guidance. There are opportunities for aquifer recharge, irrigation, toilet flushing, and other uses, which are not only environmentally sound, but economically sound, and will help preserve Wayland's water resources. MassDEP should require through the permit that Twenty Wayland attain a goal of 20% reuse of treated wastewater.

MassDEP supports and promotes the reuse of treated wastewater wherever feasible. In the case of Twenty Wayland, MassDEP advanced discussions of potential reuse options on a number of occasions as a means to preserve water resources, and maintain compliance with the WWMDC permit limitations. Under the present regulatory framework, MassDEP cannot require reuse for this project and, as such, cannot impose it as a condition of the sewer connection permit. However, MassDEP remains committed to working with Twenty Wayland, WWMDC, and other parties to provide technical assistance in the design and permitting of any potential reuse alternatives.

Comments from Steven Curtin, Wayland Historical Commission, 5/20/11, and comment by Tanya Long at 5/19/11 public hearing

47. The sewer application for Twenty Wayland includes an item (15) where the applicant is asked to indicate if the site is of historical or archaeological significance. Twenty Wayland has indicated that there are no such impacts, but there have been no discussions with the Wayland Historical Commission on this matter, and WHC must review the project location to determine if there are such impacts.

MassDEP notes that matters related to historic resources were among those considered in the MEPA review of the project. The Certificate issued by the Secretary of the Executive Office of Energy and Environmental Affairs notes potential impacts related to areas of traffic mitigation, and in general directs the project proponent to work with the Massachusetts Historical Commission (MHC) and the Wayland Historic District Commission (WHDC) during implementation of the project. MassDEP has added this MEPA directive to the Section 61 finding for the sewer connection permit.

Comments from Diana Humphrey at 5/19/11 public hearing

48. The Town Center location has been subject to flooding during large storm events 2 of the last 5 years, which raises concerns about stormwater management, given that there may be more impervious area.

Proper stormwater management should be included in the permitting of the project pursuant to the Wetlands Protection Act, and MassDEP's Stormwater Policy, which is implemented through requirements imposed by the local Conservation Commission and/or MassDEP.

Comments from Thomas Duffy, at 5/19/11 public hearing

49. There are 31 existing sewer users, and WWMDC needs to inform all parties on how costs will be distributed for the upgrades needed to the WWTP.

As noted in the response to comment #2, the matter of equitable distribution of costs for the upgrades to the WWTP (and any other WWMDC facilities) is not within the purview of a determination on issuance of the sewer connection permit.

Other Comments

MassDEP received many emailed, written comments, and oral comments (at the 5/19/11 public hearing) that are general in nature, largely addressing the merits of the project to the community and without comments on the draft sewer connection permit application and conditions, or to related wastewater matters. As a result, no responses to these comments were warranted. A list of parties providing such comments follows:

William Sterling	5/19/11
Lewis Russell	5/19/11
Kevin Murphy	5/19/11
Siobhan Zane	5/19/11
Susan Yahn	5/19/11
Jamie and Charles Larsen	5/20/11
William Steinberg	5/20/11
Stephanie A. Leong	5/20/11
Scott Brown	5/20/11
Scott and Tania Leichliter	5/20/11
Amy Frankel Nau	5/20/11
Cynthia Levenson	5/20/11
Stacia Boyajian	5/20/11
Paulette Greene	5/20/11
Tom Fay	5/20/11

Copies of the Final Sewer Connection Permit, the Section 61 Finding, and the Response to Comments can also be found on line at

<http://www.mass.gov/dep/about/region/northeas.htm#facilities>