Charles River Watershed Association

February 18, 2009

Ian A. Bowles, Secretary
EOEEA
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn. Nicholas Zavolas, MEPA Office

Re: Supplemental Draft Environmental Impact Report (SDEIR)
The Commons at Prospect Hill, EEA# 13952

Dear Secretary Bowles:

The Charles River Watershed Association (CRWA) submits the following comments on the Supplemental Draft Environmental Impact Report (SDEIR) for the above-referenced project. While the project now has elements designed to reduce impacts on the Charles River and its tributaries, there are still outstanding issues that need to be addressed. A critical one is how the project will comply with the Charles River Nutrient and Pathogen TMDLs, applicable to this site. There are also additional opportunities for mitigating damage to the environment that should be incorporated in the project. As such, CRWA opposes the Proponent's request that this SDEIR be considered for a "rollover" and be reviewed as a Final EIR.

CRWA appreciates the Proponent's efforts to work with the City of Cambridge Water Department to improve the design of the project's stormwater management system, to identify both on-site and off-site improvements, and to mitigate stormwater impacts to receiving waterways. The emergency shut-off valves and emergency response system are critical to protecting the City's water supplies, and regular training and maintenance of this system are essential to its long-term success. We also understand the Proponent and the City have discussed the development of a water quality sampling program, and an adaptive stormwater management approach based on the results of the sampling program. We support this idea, and suggest that the results be made available to MassDEP, the Waltham Conservation Commission and other interested parties in an effort to better understand the impacts of the BMPs employed and the Stormwater Pollution Prevention Plan (SWPPP).

Some LID-type BMPs are included in this design, including one small raingarden, three gravel wetlands, and one vegetated swale. Nevertheless, overall, the project design is relatively unchanged since the filing of the DEIR, with only a 0.7 acre reduction in impervious area. The site remains conventionally designed with buildings spread across the site, surrounded by

impervious, surface parking lots. The design depends on numerous underground infiltration structures, piped drainage networks, deep sump catch basins and water quality inlet structures. There are some areas proposed for porous pavement, but these are very minimal in comparison to the project's size (emergency access and pedestrian paths) and are not clearly defined in the current plan. The overall loss of vegetative cover is significant; there do not appear to be any green roofs. The Proponent has done little to comply with the Secretary's DEIR Certificate which "strongly encourage[d]" the Proponent to explore additional opportunities "to further reduce the project's impacts to water resources within the project area." Additional sustainable design and LID opportunities should be evaluated and incorporated into site design.

Furthermore, stormwater management alternatives are not considered in the alternatives analysis at all. Stormwater management should be a vital driver of planning and development processes for this site given its proximity to water resources and should be addressed in the alternatives analysis. Overall, this project has lost many opportunities to reduce impacts, improve overall project design, increase vegetative cover and increase the sustainability of the site.

CRWA is particularly concerned that the Proponent has not committed to achieving the pollutant reductions necessary to comply with the Charles River Nutrient and Pathogen TMDLs. The current stormwater design is based on achieving TSS removal and will not achieve the required phosphorus reduction in the TMDL. Phosphorous loadings to the river are directly causing or contributing to the euthrophication and excessive algal blooms in the Charles River -- including the very severe toxic algal bloom in the downstream portion of the river that first appeared last year and reappeared this summer. Pursuant to the TMDL, phosphorous loading needs to be reduced by 54% across the watershed to comply with water quality standards. Stormwater (from both overland and piped drainage systems) is a major contributor of phosphorous loading to the river. According to the TMDL, phosphorous loadings from sites such as this one need to be reduced by 65 percent on an annual basis to achieve water quality standards**.** CRWA requests that the Secretary require in the FEIR an analysis of whether the project will meet both TMDLs. If, as a result of this analysis, the project will not meet TMDL requirements, the Proponent should modify the design to comply.[1]

Finally, the Operations and Maintenance Manual should be modified to include the following:

- Monthly vacuum street sweeping – Because phosphorus is a byproduct of gasoline combustion, roadways (and parking lots) are a significant source of phosphorus. Monthly sweeping of parking lots and road areas with high efficiency vacuum sweepers is an effective way to reduce pollutants, including phosphorus.
- Fertilizer tracking program which monitors the volumes, types, frequencies and seasonality of fertilizer applications with the goal of reducing fertilizer use to the minimum, and ensuring an ongoing effort to meet the goal of limited fertilizer application.

[1] MassDEP recently issued draft stormwater regulations that in the Charles watershed will require new development to meet the 65% phosphorus reduction and owners of existing large impervious surfaces (two acres and greater) are given 5 year to design and 10 years to retrofit their properties. It is far cheaper for this project to meet the standard during redevelopment than to do so a number of years after construction.

CRWA appreciates the opportunity to comment on this SDEIR. Please feel free to contact me should you have any questions.

Sincerely,

Kate Bowditch
Director of Projects

cc: Edward Callahan, Waltham Conservation Commission
Chip Norton, City of Cambridge Water Department