



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

**Request for Determination of Applicability
Under the Interbasin Transfer Act
MGL Chapter 21 Section 8b-8d**

**Foxborough
Regional Wastewater System**

**WRC Decision
13 March 2008**

Decision

On March 13, 2008, the Massachusetts Water Resources Commission (WRC), by an eight to one (8-1) vote, found that the Interbasin Transfer Act (ITA) does not apply to the Town of Foxborough's proposal to transfer a small amount of wastewater from the Neponset River Basin to the Taunton River Basin, if certain conditions were met.

Background

On January 30, 2008, The Water Resources Commission (WRC) received a Request for Determination of Applicability from Foxborough, proposing to offset a potential wastewater transfer from the Neponset River basin.

Foxborough has land area in the Neponset River basin, the Taunton River basin, the Ten Mile River basin and a small portion of the Charles River basin. Its water supply sources are located in the Neponset River basin and the Taunton River basin. Two additional wells within the Ten Mile River basin section of town received Interbasin Transfer Approval in 2001. These wells are not yet on-line. Foxborough currently discharges a portion of its wastewater to the Mansfield wastewater treatment facility, located within the town of Norton, in the Taunton River basin. In 2005, the Town completed a Comprehensive Wastewater Management Plan (CWMP). This plan has received MEPA approval and has been adopted by the town.

Foxborough will be implementing a variety of the wastewater disposal options as the town moves forward with its sewerage plans. Most of these will result in water remaining in town and/or its basin of origin, and therefore not subject to the ITA. The option that potentially represents an "increase over the present rate of interbasin transfer" as defined in the Act and its regulations (MGL Chapter 21 Section 8b and 313 CMR 4.02) would be any transfer of water from the Neponset River basin, which is currently being returned to the Neponset River basin, but would instead be transferred into the Taunton River basin via this new regional sewer authority. This Decision is limited to consideration of the amount of flow from this proposed transfer.

Project Description

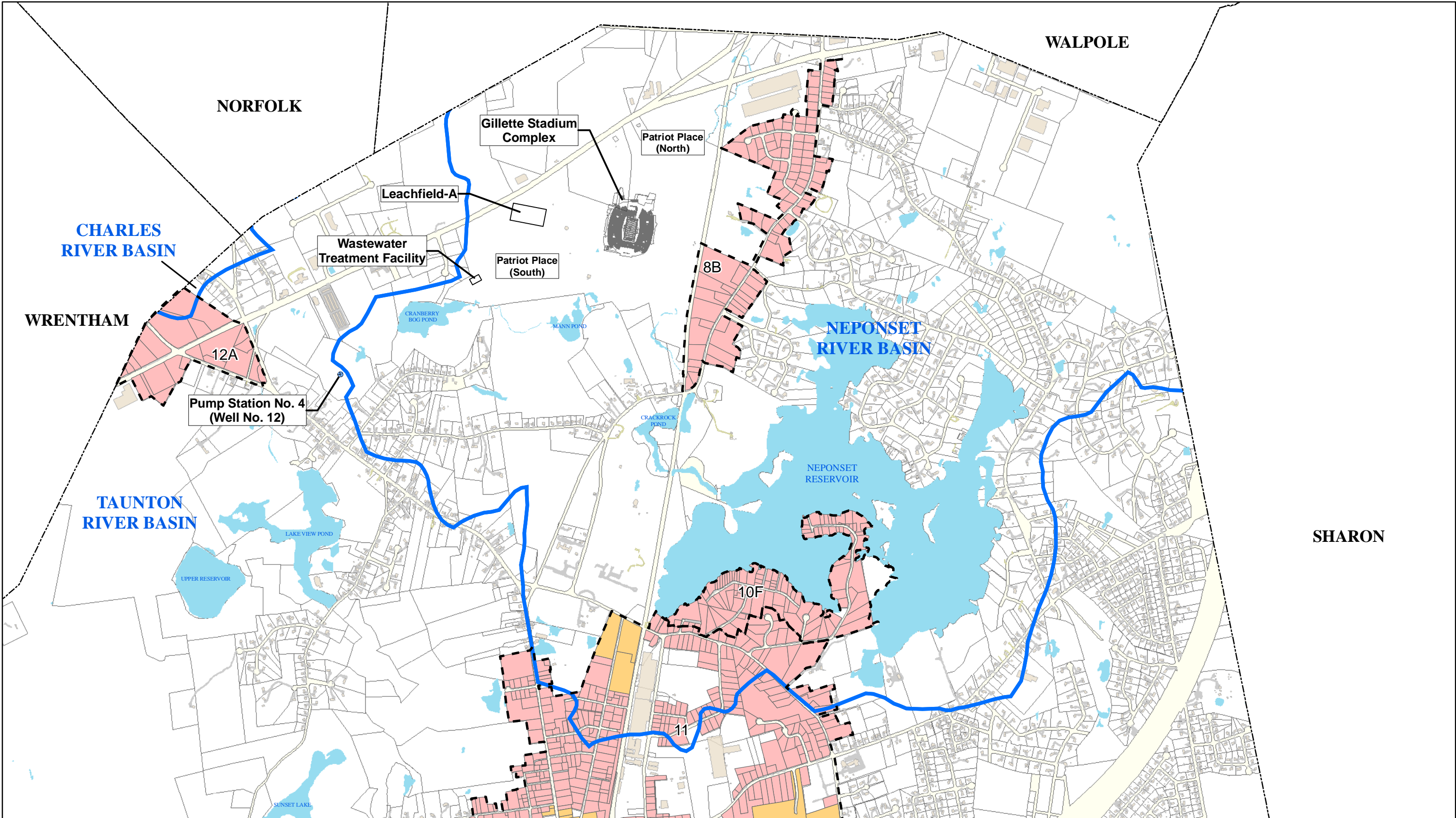
Foxborough provided a lot-by-lot analysis of the flows that would be generated under this scenario. The potential wastewater transfer would be 25,400 gallons per day (gpd) from the Neponset River basin to the Taunton River Basin. The attached figure shows the areas in the Neponset River basin section of Foxborough that could be sewered to the Taunton River basin. Other areas within this section of town are either already sewered, or will remain on on-site septic systems, or will be sewered to the wastewater treatment facility at Patriots Place. Foxborough has stated that, according to the recommendations of the CWMP, it intends to create a sewer district to prevent the expansion of the sewer system beyond the designated needs areas.

Foxborough has proposed to offset the transfer in accordance with the October 2007 WRC Offsets Policy Regarding Proposed Interbasin Transfers, through the pending transfer from the Taunton River basin to Patriots Place in the Neponset River basin. Patriots Place is being developed adjacent to Gillette Stadium. This area is located in the Town's High Pressure Service (Water) Zone and will be supplied exclusively from Well No. 12, located in the Taunton River basin. All wastewater generated by Patriots Place will be collected and treated at the existing Gillette Stadium wastewater treatment plant, located in the Neponset River basin. Construction of the development is on-going and expected to be completed in November 2008. The wastewater flow at buildout is estimated to be 119,000 gpd. Foxborough provided Table 5-1 from Chapter 5 of the Notice of Project Change (EOEA # 12037), Phase III Patriot Place Mixed Use Project, dated May 15, 2006, which estimates potable water use for Patriots Place. This transfer into the basin will more than offset the 25,400 gpd of wastewater that could be transferred to a regional wastewater facility and meets the guidelines of the Offset Policy.

Based on the information provided by Foxborough, on March 13, 2008, **the WRC found that the Interbasin Transfer Act does not apply to the proposed wastewater transfer from the Neponset River basin section of Foxborough, to a regional sewer authority located in the Taunton River basin, if the following conditions are met:**

1. Foxborough must provide documentation that a sewer district is established within town that limits the areas to be sewered to the regional sewer authority in the Taunton River Basin to those described in the CWMP.
2. Foxborough must provide records for Patriots Place demonstrating that wastewater being transferred to the Gillette Stadium wastewater treatment plant equals or exceeds the amount of wastewater flow proposed to be transferred from the Neponset River basin (25,400 gpd).
3. If Foxborough amends its CWMP or expands the borders or the capacity of the proposed sewer district, it must consult with the WRC to determine if the ITA is triggered by that action.
4. This offset proposal applies to this potential transfer only. Any remaining difference in transfer between the from the Taunton River basin to the Neponset River basin will not remain available as an offset to future expansion.

This Decision only applies to the project as proposed by Foxborough. If the project changes in such a way as to trigger the ITA, Foxborough must apply to the WRC for ITA review.

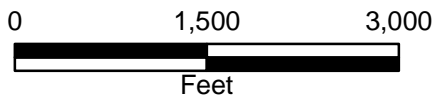


Map Document: (L:\work\103316\GIS\Maps\RequestForDeterminationOfAppl.mxd) 1/16/2008 -- 1:45:48 PM

JANUARY 2008



SCALE: 1" = 1500'



Legend

- Major River Basins
- Sewered Parcels (Town)
- Proposed Parcels to Sewer (Town)
- Water Bodies
- Parcels

Request for Determination of Applicability
Offsets to Potential Wastewater Interbasin Transfer
Foxborough, Massachusetts