



Cedar Swamp Conservation Trust (CSCT)
PO Box 996
Westborough, MA 01581

September 15, 2008

The Honorable Deval Patrick
Office of the Governor
Massachusetts State House
Room 360
Boston, MA 02133

Re: Town of Hopkinton's letter dated September 9 2008

Dear Governor Patrick:

A copy of a letter to you from some members of the Hopkinton Board of Selectmen has recently been published by the local on-line press. The letter requests that your office intervene in the appeal process for a proposed Hopkinton wastewater treatment facility, which was initiated by a number of Hopkinton residents and this organization. The appeals filed in 2007 pertain to decisions made by the Department of Environmental Protection that include the failure to enforce the State's Stormwater Policy in critical resource areas such as Outstanding Resource Waters.

DEP spokesman Joseph Ferson was recently quoted in the Boston Globe referring to a project in Southborough with potential impacts to Outstanding Resource Waters that "the rules have been on the books since 1996 but were rarely enforced until the department streamlined storm-water management regulations, with the new rules taking effect in January"(2008). While it is a significant step for the DEP to address this lack of enforcement for future projects it leaves no recourse other than to appeal for projects reviewed prior to January 2008.

With reference to the Hopkinton Selectmen's request for you to intercede in a civil matter, we ask you to note that the residents of Hopkinton who have chosen to appeal are simply asserting their rights as citizens of the Commonwealth, and have asked the Court to rule on the issue of the DEP's failure to uphold and apply the State and Federal Clean Water Act to protect valuable Outstanding Resource Waters of the Commonwealth. This case has far-reaching implications for the application of the Clean Water Act, the application of the State's Stormwater Policy, the Massachusetts Water Quality Standards and for water resource protection.

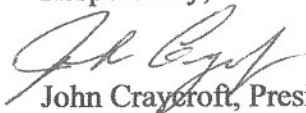
If the Town truly sees an urgent need for wastewater treatment, we and others have proposed an alternative site, rated superior to the site chosen by the Town, that would cost far less (estimated savings of over \$5,000,000) to construct, and cost less to operate. We have sought a grant under the Nyanza mitigation funding program being managed by the Executive Office of Energy and Environmental Affairs to finish the aborted site assessment by the Town at this site.

Among other factors, the alternative site is almost 4 miles closer to the 'needs area', and would provide much-needed recharge of the stressed Indian Brook and Hopkinton State Park Reservoir, which provides public drinking water to both Hopkinton and Ashland through shallow wells on the shore of the reservoir.

Although we are confident you understand that any action taken by your office in this matter would give the perception of prejudice to this process we felt compelled to write to provide some context and to voice our concern.

We respectfully request that you allow the process to follow its normal course.

Respectfully,



John Craycroft, President
Cedar Swamp Conservation Trust

cc: Senator Karen Spilka
State Representative Paul Loscocco
Hopkinton Town Manager
D. Bailey, Rackemann, Sawyer & Brewster
John Pike, Conservation Law Foundation