

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER POLLUTION CONTROL

IN THE MATTER OF THE
CHARLES RIVER POLLUTION
CONTROL DISTRICT

ADMINISTRATIVE CONSENT ORDER
NO. ACO-CE-95-1001

THE PARTIES

- 1) The Department of Environmental Protection ("the Department") is a duly constituted agency of the Commonwealth. The Division of Water Pollution Control ("the Division") is a division within the Department. The Division maintains its principal offices at One Winter Street, Boston, Massachusetts 02108, and a regional office at 75B Grove Street, Worcester, Massachusetts 01605. The Division is established by and responsible for implementing the provisions of the Massachusetts Clean Waters Act, G.L. c.21, §§26-53.
- 2) The Towns of Franklin and Medway formed the Charles River Pollution Control District ("the District") in 1973 pursuant to Chapter 21 of the General Laws. The District presently treats flows from the Towns of Millis and Bellingham under the terms of contracts.

STATEMENT OF FACTS

- 3) The District owns, operates and maintains a wastewater treatment facility ("the Facility") at 66 Village street in Medway. The District is authorized to discharge up to 4.54 MGD of treated wastewater to the Charles River under the terms of a discharge permit (MA0102598) issued jointly by the Division and the United States Environmental Protection Agency (EPA). Each municipality served by the District independently owns, operates and maintains its own sewerage system which collects and transports sewage and other wastewater to the Facility.

MEDWAY-Administrative Consent Order
ACO-CE-95-1001
Sewer Moratorium

page 2

- 4) Facility operating records indicate that the District periodically exceeds prescribed effluent limits for a number of regulated parameters, including monthly average daily flow, Biochemical Oxygen Demand (BOD) and total suspended solids (TSS). The reasons for these exceedances include excessive amounts of infiltration and inflow (I/I). Recent studies by the District's engineering consultant indicate that the Facility receives pollutant loadings that approach or exceed the Facility's design capacity. Unless corrective actions are implemented these exceedances will increase in frequency and severity.
- 5) For the reasons set forth above, and pursuant to the authority granted to the Division and the Department under G.L. c.21 §§ 26-53, G.L. c. 83 § 7, and the regulations promulgated thereunder, the Division, the District and communities served hereby enter into this civil administrative consent order (the "Consent Order"). The District and the communities served hereby consent to this Consent Order and waive their rights to an adjudicatory hearing, a tentative decision and judicial review of this Consent Order and to notice of any such rights of review. This Consent Order shall be binding on the District and communities served and on their successors, heirs and assigns.

DISPOSITION AND ORDER

The District and the communities served shall establish a program to eliminate violations of effluent limits and to reduce extraneous and/or unpermitted flows and organic overloading now entering the sewerage systems served by the District's Facility. In carrying out this program the District and the communities agree to the following corrective actions:

- 6) Within sixty (60) days of execution of the Consent Order, the District and the communities served shall submit to the Division for its review an executed agreement whereby each community served delegates to the District final approval authority for sewer extension and connection permits issued to sewerage systems tributary to the District Facility. Under this arrangement individual sewer applications would first be reviewed by the municipalities and, if acceptable, then be forwarded to the District. The District would then either approve or deny the application and maintain comprehensive records of all applications received and permits approved.

MEDWAY-Administrative Consent Order
ACO-CE-95-1001
Sewer Moratorium

page 3

- 7) Within sixty (60) days of execution of the Consent Order, the District and communities shall submit to the Division for its approval a proposed schedule for conducting an I/I analysis and sewer system evaluation survey for each community served. The schedule shall include:
 - (a) Inspection of all manhole covers and seals not inspected in the previous 12 months for excessive infiltration and inflow.
 - (b) Evaluation of sewers for cracks, leaks, breakage and blockage.
 - (c) Identification and removal of illegal connections to the sewer system, to include sump pumps and roof drains.
 - (d) Evaluation of BOD and TSS loadings from the community to the Facility and any suggestions for decreasing the load contribution.
 - (e) Submittal to the Department for its review of a summary report of conclusions with a schedule of recommended actions, to include repair or replacement of specific sewers and manhole covers, and the estimated reduction in I/I flow (in gpd) each corrective action shall achieve.
 - (f) Upon the Department's approval of the recommended schedule in item (e), each community shall implement the approved corrective actions and notify the Division and the District when this action has been taken.
 - (g) Within a year of acceptance of the above schedule the community shall submit a progress report that summarizes the actions taken to date by each community.
- 8) Within 60 days of execution of the Consent Order, the District shall submit to the Division for its review a systematic tracking system for monitoring all new sewer permits issued to each community, all extraneous I/I removed by each community, the wastewater flows received from each community and the daily septage loadings (in terms of gallons received and the associated pounds of BOD and TSS) treated at the Facility. Upon Division approval the District shall thereafter submit to the Division a summary report on a quarterly basis, 15 days after the quarter ends (January 15, April 15, July 15 and October 15). The report shall

MEDWAY-Administrative Consent Order
ACO-CE-95-1001
Sewer Moratorium

page 4

document all permits issued with allotted flows and the amount of extraneous flows reported removed as of the reporting date.

- 9) Within two hundred seventy (270) days of execution of the Consent Order, the District shall submit to the Division an inventory of industrial users served by its Facility. The inventory will include a listing of the name and address of all industrial users, a description of the type(s) of manufacturing performed with standard industrial code (SIC), and an analysis of each industrial wastewater to include (at a minimum) flow, pH, BOD, TSS and any other pollutants associated with that type of activity.
- 10) Within sixty (60) days of execution of the Consent Order, the District shall submit an evaluation of future flow projections to the facility and a schedule for expanding and upgrading the wastewater treatment facility to treat projected future flows (including future septage treatment).
- 11) Within sixty (60) days of execution of the Consent Order, the District shall submit to the Division for its approval an evaluation of the current septage management at the Facility. Current practice is to introduce all septage into the process train within an eight hour period rather than distributing the loading over a longer period. The evaluation shall, at a minimum, evaluate the current septage storage capacity and the amounts of septage presently treated and what portion of the Facility's total treatment capacity the septage loading represents both in terms of gallons and pounds per day of BOD and TSS. The evaluation shall also evaluate methods to reduce the effect septage has on the facility's treatment capacity, to include increased storage and/or longer introduction time and pretreatment of septage.
- 12) Within sixty (60) days of Division approval of the septage evaluation submitted on behalf of item 11 above, if the evaluation shows there is a problem with the current septage handling procedures, the District will develop and submit an interim septage management plan.
- 13) The above actions are intended to return the District to compliance with the terms of its permit by September 30, 1997 when the District's current permit expires. A review will be conducted in September 1995 and again in September 1996 to determine if the District and the communities are progressing toward compliance. Should the Department

MEDWAY-Administrative Consent Order
ACO-CE-95-1001
Sewer Moratorium

page 5

determine at one of these review periods that the agreed to actions are not achieving a return to compliance sought, the Department shall notify the District of this determination in writing. Within thirty days of receipt of this determination the District shall proceed with more stringent actions, to include the possibility of the establishment of a moratorium, needed to eliminate further increases in pollutant loadings until additional treatment capacity is available.

- 14) This Consent Order shall apply to and be binding upon the District and communities, and their successors. The undersigned for the District and Communities represent that they have the authority to bind the District to this Consent Order. This Consent Order is hereby deemed entered and consented to as of the last date set forth below.
- 15) Each submission required by this letter shall be forwarded to:

James R. Fuller
Regional Engineer
Bureau of Resource Protection
Department of Environmental Protection
Central Region Office
75B Grove Street
Worcester, MA 01605

A copy of all submissions from the Town of Franklin shall also be forwarded to:

Robert Fagan
Regional Engineer
Bureau of Resource Protection
Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

A copy of all submissions from the Town of Millis shall also be forwarded to:

Sabin Lord
Regional Engineer
Bureau of Resource Protection
Department of Environmental Protection
Northeast Regional Office
10 Commerce Way
Woburn, MA 01801

MEDWAY-Administrative Consent Order
ACO-CE-95-1001
Sewer Moratorium

page 6

Nothing in this Consent Order shall be construed to limit the Commonwealth in seeking any remedy or civil or criminal penalty of up to \$25,000 dollars a day otherwise provided by the law for any misrepresentation or material omission by the District in any report or other submission required by this decree; or for failure to pay any stipulated penalties. The parties are agreed that any such misrepresentation or omission shall be deemed a violation of the decree and of Section 42 of the Massachusetts Act.

Nothing in this Consent Order shall be construed as, or operate as, barring, diminishing, adjudication or in any way affecting any legal or equitable right of the Department to issue any future Order with respect to the subject matter covered by this Consent Order, or in any way affecting any other claim, action, or demand which the Department may have with respect thereto. Nothing in this Consent Order shall in any way release the District from any civil or criminal liability, and specifically shall not limit, prevent, or in any manner affect the authority of the Commonwealth of Massachusetts to institute or prosecute any criminal action or procedure.

MEDWAY-Administrative Consent Order
ACO-CE-95-1001
Sewer Moratorium

page 7

THE COMMUNITIES

BY: Albert R. Buell
Charles River Pollution
Control District Chairman

DATE: 6/30/95

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

BY: James R. Fuller
James R. Fuller
Regional Engineer
Bureau of Resource
Protection

DATE: 7/21/95

BY: [Signature]
Town Council, Franklin

DATE: [Signature]

[Signature]
Town Administrator, Franklin

DATE: 6-30-95

BY: Raphael Lopez
Selectmen Chairman, Medway

DATE: 6/30/95

Sandra M. Rice
Sewer Commissioner, Medway

DATE: 7/3/95

BY: James J. McLaughlin
Selectmen Chairman, Millis

DATE: 7/17/95

Charles J. Arpini
Town Administrator, Millis

DATE: 7/17/95

BY: Ray A. Clemente
Selectmen Chairman, Bellingham

DATE: July 7, 1995

mw/rak:capacc6.177