



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 Riverside Drive, Lakeville, MA 02347 508 946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

April 15, 2005

The Honorable Robert G. Nunes
Mayor
City of Taunton
City Hall
15 Summer Street
Taunton, Massachusetts 02780

RE: TAUNTON--BRP/WW
Weir Street Sewer

**ADMINISTRATIVE CONSENT ORDER
WITH PENALTY AND SUPPLEMENTAL
ENVIRONMENTAL PROJECT AND
NOTICE OF NONCOMPLIANCE
FILE # ACOP-SE-05-R006-1N-SEP**

Dear Mayor Nunes:

Enclosed please find one executed copy of the above referenced Administrative Consent Order (the "Order"). Please note the Effective Date of the Order is April 15, 2005.

We appreciate your cooperation in working with us to reach this agreement and hope to work with you to fulfill its terms.

Should you have any questions regarding this matter, please contact me at 508-946-2877 or Attorney Anne Bingham at 508-946-2815 or the Regional Director Gary Moran at 508-946-2712 or at the letterhead address.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of the document is on file at the DEP office listed on the letterhead.

Richard Gioiosa, Program Manager
Regional Enforcement Office

For special accommodations for this event, contact Brenda Chabot at this address or call (508) 946-2707.
This information is available in alternate format. Call Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

RG/re

Attachment: Administrative Consent Order
ACOP-SE-05-R006-1N-SEP

CERTIFIED MAIL # 7004 2510 0005 2421 0757

cc: Steven A. Torres, City Solicitor
City Hall
Taunton, MA 02780

US Environmental Protection Agency
Attn: Steven Couto
1 Congress Street
Suite 1100
Boston, MA 02114-2023

Regional Enforcement Office (2 copies)

ecc: DEP-SERO
ATTN: Gary S. Moran, Regional Director
David DeLorenzo, Deputy Regional Director BRP
Anne Bingham, Esq., Chief Regional Counsel
Dave Burns, BRP
Dick Keith, BRP
Joe Shepherd, BRP
Theresa Barao, Public Affairs

ecc: DEP-BOSTON
ATTN: Mark Casella, BRP Boston

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

)
IN THE MATTER OF)
)

City of Taunton)
_____)

RE: TAUNTON—BRP
Weir Street Sewer

**ADMINISTRATIVE CONSENT
ORDER WITH PENALTY AND
SUPPLEMENTAL
ENVIRONMENTAL PROJECT
AND NOTICE OF
NONCOMPLIANCE
ACOP-SE-05-R006-1N-SEP**

I. THE PARTIES

1. The Department of Environmental Protection (the "Department") is a duly constituted agency of the Commonwealth of Massachusetts. The Department maintains a primary office at One Winter Street in Boston, Massachusetts 02108, and a regional office at 20 Riverside Drive in Lakeville, Massachusetts 02347.
2. The City of Taunton is a duly constituted municipal corporation in the Commonwealth of Massachusetts. The City of Taunton owns and operates the sewerage conveyance system located in Taunton, Massachusetts 02780.

II. STATEMENT OF LAW AND REGULATIONS

1. The Department is charged with the implementation and enforcement of the Massachusetts Water Pollution Control Regulations at 314 CMR 1.00 – 12.00. These regulations have been adopted pursuant to the authority of M.G.L. c.21, Section 26-53.
2. The Department is authorized to assess Civil Administrative Penalties pursuant to M.G.L. c.21A, Section 16 and 310 CMR 5.00.

III. STATEMENT OF FACTS AND LAW

1. Based upon the following facts, the Department has determined that the City has violated the Clean Waters Act, MGL c. 21 ss 27(12) and 34, and the associated regulations 314 CMR 12.00 as identified below. The City has undertaken actions that resulted in a continuous discharge to the Mill River. Documentation indicates that the City was aware or should have

been aware of such discharge for approximately twenty years. This is a violation of 314 CMR 12.03 (7) which states, "All wastes shall receive appropriate treatment as required by 314 CMR 3.00 and 5.00"

2. The City has violated 314 CMR 12.03 (8) which states "No person responsible for the operation of treatment works shall permit wastes to bypass the facility or any portion, unit or part thereof, except as may be necessary under existing design limitations as approved by the Department, unless in accordance with the provisions of a discharge permit. If bypassing due to an emergency condition occurs, the Department shall be notified immediately. Such notification or its acknowledgement shall not be construed as permission by the Department to discharge wastes in contravention of the Massachusetts water quality standards."
3. The City has violated of 314 CMR 12.04: Maintenance of Treatment Works
 - (2) All wastewater treatment facilities shall be provided with adequate operating personnel to ensure proper operation and the required degree of treatment at all times.
 - (8) Any person operating treatment works shall maintain the facilities in a manner that will ensure proper operation of the facilities or any part thereof.
4. The City has violated the following regulations at 314 CMR 3.00 and MGL §§ 27(12) and 34:
 - a. **3.03: Discharges Requiring A Permit**
 - (1) No person shall discharge pollutants to surface waters of the Commonwealth without a currently valid permit from the Department pursuant to M.G.L. c. 21, § 43 and 314 CMR 3.00, unless exempted in 314 CMR 3.05.
 - b. **3.19: General Permit Conditions**
 - (12) **Prohibition of Bypassing:** Except as provided in 314 CMR 3.19(13), bypassing is prohibited, and the Department may take enforcement action against a permittee for bypassing, unless the discharge is to a surface water and:
 - (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notice of the bypass to the Department:
 1. In the event of an anticipated bypass at least ten days in advance, if possible; or
 2. In the event of an unanticipated bypass as soon as the permittee has knowledge of the bypass and no later than 24 hours after its first occurrence.
 - (13) **Bypass not exceeding limitations.** The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if

necessary for the performance of essential maintenance or to assure efficient operation of treatment facilities.

d. **(20) Reporting requirements**

(d) **Anticipated non-compliance.** The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in non-compliance with permit requirements.

(e) **24 hour reporting.** The permittee shall report any non-compliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.

The following shall be included as information which must be reported within 24 hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit.
2. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(f) **Other non-compliance.** The permittee shall report all instances of non-compliance not reported under 314 CMR 3.19(20)(a), (b), or (e) at the time monitoring reports are submitted. The reports shall contain the information listed in 314 CMR 3.19(20)(e).

5. The City has violated the following provisions of its NPDES permit:

The permittee shall continue to implement the Nine Minimum Control Program (NMC) as documented on December 26, 1996. **The permittee shall submit to EPA and DEP an updated NMC within one year of the effective date of the permit** (See Permit Attachment D). The updated NMC shall be implemented upon completion. Thereafter, the permittee may modify its NMC program to enhance its effectiveness, but the NMC program shall at all times include the following minimum implementation levels:

- (1) Proper operation and regular maintenance programs for the sewer system and the combined sewer overflows.
- (2) Maximum use of the collection system for storage.
- (3) Review and modification of the pretreatment program to assure CSO impacts are minimized.
- (4) Maximization of flow to the POTW for treatment.
- (5) Prohibition of dry weather overflows from CSOs.
- (6) Control of solid and floatable materials in CSOs.

(7) Pollution prevention programs that focus on contaminant reduction activities.

(8) Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.

(9) Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.

IV. DISPOSITION

1. As a result of discussions that have taken place between the Department and the City of Taunton, the parties have agreed to negotiate this Consent Order rather than expend the time and resources necessary to adjudicate this matter.
2. This Consent Order is issued by the Department pursuant to its authority under M.G.L. c.21A, Section 16, 314 CMR 1.00 – 12.00, and 310 CMR 15.00.
3. The City of Taunton assents to the authority of the Department to issue this Consent Order and waives its rights to further administrative or judicial review of this Consent Order. The City of Taunton reserves all rights to challenge any requirements imposed by the Department beyond those set forth in this Consent Order.
4. This Consent Order is not an admission of liability or a waiver of defenses that the City of Taunton might raise in any proceeding other than one to enforce this Consent Order. By executing this Consent Order the City does not stipulate to the facts outlined in Section III.
5. Nothing in this Consent Order shall be construed as, or operate as, barring, diminishing, adjudicating, or in any way affecting any legal or equitable right of the Department to issue any future Order addressing future violations, or to seek enforcement of the terms of this Consent Order, or in any way affecting any other claim, action, suit, cause of action, or demand which the Department may initiate.
6. *This Consent Order is also a Notice of Noncompliance*, issued pursuant to M.G.L. c.21 A, Section 16 and the regulations promulgated there under at 310 CMR 5.00.
7. The Department hereby determines, and the City of Taunton agrees, that the deadlines set forth in this Consent Order constitute reasonable times to perform the acts expressly agreed to in this Consent Order and that the activities required pursuant to this Consent Order otherwise meet the requirements of 314 CMR 1.00 through 12.00 and 310 CMR 15.00.
8. The activities required pursuant to this Consent Order are subject to approval by the Department and shall comply with all other applicable federal, state and local laws.
9. The City of Taunton shall not violate this Consent Order and shall not allow its successors, heirs, agents, or contractors to violate this Consent Order.

V. ORDER

1. The City agrees to make an annual appropriation in accordance with MGL c. 44, s. 32 in an amount sufficient to fund the operations, maintenance, repair and replacement of the sewer system as the same is outlined and described in the Sewer System Operation and Maintenance Plan to be completed and submitted to the Department for its approval in accordance with this Order. In addition, the City agrees that in the event that monies remain unexpended in the line item, that those funds will be encumbered in accordance with the Municipal Finance Act and returned to same account item and shall not be returned to the general fund. Subsequent appropriations shall not be reduced downward due to the existence of such surplus but shall supplement such surplus. The City has chosen not to study or implement the use of an Enterprise Fund to finance the Sewer Department at this time. Should such annual appropriations fail to adequately address the current deficiencies in the sewer system and the proper operation and maintenance of the system, then the Department may choose to address this issue with the City through future action.
2. **By May 1, 2005**, the City shall appropriate in its budget additional funds to be utilized in the FY 06 Fiscal Year to repair the sewer system to address the immediate repairs outlined in the Tighe & Bond letter reports identified in the Department's letter dated August 11, 2004 and any other cost effective Inflow/Infiltration report submitted by Metcalf & Eddy that is not included in the construction contract to be funded under the State Revolving Fund (SRF).
3. **By March 1, 2005**, the City shall allocate funds for the purpose of doing a Sewer System Operation and Maintenance Study (SSOMS) to determine adequate funding and staffing of its sewer department including the appropriate personnel positions, the appropriate number of each type of staff, the equipment necessary to provide proper ongoing maintenance of the system, and the annual cost for such personnel and equipment. The study shall look at other municipal systems of similar size and also consider the current physical condition of the Taunton system and requisite requirements for such system including pump stations. Such report shall be completed no later than July 30, 2005 and submitted to the Department for its review.
4. **By January 31, 2005**, the City shall complete inspections of all sewer lines across all bridge crossings in the City and submit a report to the Department on the condition of such pipe crossings by August 31, 2005 and what actions are needed to remedy any deficiencies observed in such inspections.
5. **By July 30, 2005**, the City shall complete the Comprehensive Wastewater Management Plan (CWMP), which will identify a priority list for the elimination of all extraneous cost effective sources of Inflow and Infiltration and the costs for capital improvements to the sewer system.

6. **By November 30, 2005**, the City shall implement a program to eliminate the cost effective sources of I/I identified in the M&E SSES. Such sources shall be completely corrected no later than **November 30, 2006**.
7. Other sources of I/I may also warrant further investigation and elimination. The M&E SSES identified additional areas that should be evaluated. If these additional areas are not identified in the current ongoing CWMP then the City shall implement further study and recommend additional cost effective sources of I/I for elimination. The report shall identify costs and a schedule for undertaking the recommended work. The report on such additional sources and schedule shall be submitted to the Department **by November 30, 2005** for its review and approval.
8. **By June 15, 2005**, the City shall establish either by municipal bylaw, Board of health regulation or other regulation the prohibition of sources of inflow and infiltration from private sources. **Within sixty (60) days of passage of such bylaw**, the City shall notify all property owners where private sources of I/I have been identified with the requirement that such sources be eliminated **within six (6) months of notification**. The bylaw shall contain daily penalties as allowed by law for failure to comply with the requirement.
9. **By May 15, 2005**, the City shall appropriate funds to do a User Rate Study (URS) for paying for the adequate ongoing operation and maintenance of the sewer system, the capital improvements and acquisition of necessary equipment. The URS shall be completed and submitted to the Department for its review and approval within nine (9) months of the appropriation in the FY 06 budget.
10. **No later than March 31, 2005**, the City shall submit the scope of work for the SSOMS and the CWMP to the Department for its review and approval. The scope for the CWMP shall also include a provision for a baseline evaluation of the condition of the combined sewer overflows.
11. The City and/or its consultant performing each of the studies shall respond to any comments or deficiencies noted in any of the studies within thirty (30) days of receipt of such written correspondence from the Department.
12. **Within thirty-five (35) days of the Department's approval or concurrence with the URS**, the City shall establish user rates in accordance with the Department approved study, which are adequate to finance one hundred percent (100%) of the O&M of the sewer system and treatment plant.
13. **Within sixty (60) days of the Department's approval of the SSOMS, which shall include an approvable implementation schedule**, the City shall advertise for acquisition of the necessary equipment and shall hire the adequate staffing identified in the studies and as approved by the Department. The City shall complete the acquisition process in accordance with all applicable state laws and local acquisition procedures.

Upon approval by the Department of the SSOMS, the schedule shall be incorporated by reference herein and made enforceable hereunder.

14. The City shall maintain an adequate budget for the ongoing operation and maintenance of the sewer system, including the employment of adequate personnel and utilization of adequate equipment for such purpose. The budget shall be funded In accordance with Article V sections 1 and 2 above.
15. The City shall file a report annually by February 28th with the Department and EPA for the previous calendar year as required by its permit on its I/I activities. In addition to the permit requirements, this report shall include but not be limited to identifying the City's activities in maintaining the sewer system and pump stations including all repairs to the sewer system and estimates of extraneous flow elimination from both public and private sources, actions taken to enforce elimination of private flow sources, the funding of such activities, and the plan for the activities to be undertaken in the then current fiscal year. If the Department determines that such activities have not been adequate, then the City shall meet with the Department to discuss such report and plan and the methods and timetable for correcting such inadequacies.
16. The City shall annually evaluate its sewer rates and determine whether such rates are adequate to fund the adequate O&M of and Capital Improvements to the sewer system. Such evaluation of rates shall make a recommendation for any rate adjustments that need to be made for the subsequent fiscal year such evaluation to take place no later than February 28th annually, so as to add adequate time to be included in the municipal budget appropriations under Chapter 44, s32.
17. Within ten (10) days following the dates specified in the above paragraphs of this section V. of this Order, the City shall notify the Department in writing of the status of action taken to comply with the provisions of that paragraph.

VI. SUPPLEMENTAL ENVIRONMENTAL PROJECT

1. In lieu of payment of a portion of the Administrative Penalty, the City of Taunton agrees to perform the Supplemental Environmental Projects ("SEPs") identified in Appendices A and B. Appendix A identifies a SEP, which shall consist of the incorporation of a sewer system GIS into the city-wide GIS development currently underway. The value of this SEP is estimated to be \$38,000. Appendix B identifies the second SEP consisting of Flow Gauge Monitoring for the Taunton and Mill River. The value of SEP B is \$70,000 over three years. Credit shall be allocated for each of the SEPs in the amounts identified in Section VII.3. of this Order.
2. The City shall complete the scope of work for each SEP within 60 days of the Effective Date of this Order and be submitted to the Department for its review and approval.

3. Within thirty (30) days of the Department's approval of the SEP, the City shall implement the SEP.
4. Within 180 days of the implementation of SEP A, GIS data integration, the City shall file a report with the Department indicating that the SEP has been implemented and completed. For SEP B, the City shall file a report within 30 days of the end of each calendar year beginning in 2005 through 2007 indicating the results of the stream gauging project. Should the City fail to develop or implement any portion of the SEP in a timely manner then it shall pay the amount of the penalty allocated for each SEP as identified in Appendices A and B upon demand of the Department.

VII. ADMINISTRATIVE PENALTIES

The total administrative penalty for the violations noted above is fifty-seven thousand dollars (\$57,000) to be allocated as follows:

1. For the violations stated above, the City shall pay a Civil Administrative Penalty in the amount of **Ten Thousand Dollars (\$10,000.00)**. The City shall pay the penalty in accordance with the terms of an invoice to be mailed separately by the Department.
2. The City shall pay the Civil Administrative Penalty by certified check, cashier's check or money order, payable to the "Commonwealth of Massachusetts." The name "City of Taunton," the respective Federal Employer Identification Numbers ("FEIN"), and the Consent Order file number **ACOP-SE-05-R006-1N-SEP** shall be clearly printed on the face of the check or money order. Failure to do so could delay accreditation of payment and compromise Ferreira's compliance status. The remittance shall be sent to:

Commonwealth Master Lockbox
P.O. Box 3982
Boston, MA 02241-3982

3. The Department hereby suspends the payment of a portion of the Administrative Penalty in the amount of \$47,000.00 subject to the successful and timely completion of the provisions of this Order by the City, including the performance of the SEPs identified in Section VI and Appendices A and B of this Order. Should the City fail to complete one or both of the SEPs identified in the Appendices within the timeframes set forth in this Order, the City shall pay suspended penalties to the Commonwealth. If SEP A is not completed, the suspended penalty shall be in the amount of twenty thousand dollars (\$20,000.00). If SEP B is not completed the suspended amount of the penalty shall be twenty-seven thousand dollars (\$27,000.00).

VIII. STIPULATED PENALTIES

1. If the City fails to comply with any of the actions or deadlines contained in Section V of this Consent Order, or incorporated herein by reference, without the expressed approval of the Department, the City shall pay to the Commonwealth, upon demand, stipulated penalties in the amount of \$500 dollars per day per violation.
2. Stipulated penalties shall begin to accrue the day after performance is due or the day a violation occurs, and shall continue to accrue until the correction of the violation is completed or the required activity is completed.
3. All payments of stipulated penalties shall be by certified check, cashier's check or money order, made payable to the "Commonwealth of Massachusetts. No other form of payment shall be accepted. The name "City of Taunton" its Federal Employer Identification Number ("FEIN") and the Consent Order file number, **ACOP-SE-04-R004-1N-SEP-STP** should be clearly printed on the face of the certified check, cashier's check or money order. All stipulated penalty payments shall be sent to the following address:

Commonwealth Master Lockbox
P.O. Box 3982
Boston, MA 02241-3982

IX. ADDITIONAL PROVISIONS

1. The terms and conditions of this Consent Order shall take effect on the Effective Date, which is the date that the Department signs the Consent Order.
2. The undersigned represents that he/she has the authority to bind the City of Taunton to this Consent Order. This Order is subject to the approval by the Taunton Municipal Council pursuant to Chapter 174 of the Acts of 1966.
3. The Department represents that the Regional Director has the authority to bind the Department by signing this Consent Order on behalf of the Department with respect to this Consent Order and all applicable statutes and regulations.
4. The Department may extend any deadline established in Section V of this Consent Order by a written amendment hereto. If the City of Taunton has reason to know that any event has occurred or may occur which could cause delay of performance hereunder, the City of Taunton shall immediately notify the Department in writing, specifying the cause for the delay.
5. Failure on the part of the Department to complain of action or non-action on the part of the City of Taunton shall not constitute a waiver by the Department of any of its rights hereunder. Furthermore, no waiver by the Department of any provision herein shall be construed as a waiver of any other provision herein.

6. If any Force Majeure Event occurs which may cause or contribute to a delay in the achievement of compliance with this Consent Order, the City shall promptly notify the Department in writing upon learning of such event. Such notice shall state the nature of the event, the anticipated length and cause of the delay, the measures taken or to be taken to avoid or minimize the delay, and the timetable for taking those actions. If a Force Majeure Event occurs, the performance dates in question shall be extended for a period of time equal to the delay caused or contributed to by the Force Majeure Event. For purposes of this Consent Order, "Force Majeure Event" means any act or occurrence beyond the reasonable control of the City which cannot be overcome by the exercise of due diligence, due care or foresight, having an adverse effect on the ability of the City to comply with any provisions of this Consent Order. Financial inability and unanticipated or increased costs or expenses associated with the implementation of the actions called for in this Consent Order shall not be considered to be Force Majeure Events. Failure to timely provide the notice required by this paragraph shall preclude the City from asserting the Force Majeure defense.
7. The Department and the City agree to use their best efforts informally and in good faith to resolve expeditiously all disputes, including those related to a Force Majeure Event, under this Consent Order.
8. If any term or provision of this Consent Order, or the application thereof, to any person or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this Consent Order, and the application thereof, shall not be affected thereby, and each remaining term and provision shall be valid and enforceable to the fullest extent permitted by law.
9. The City of Taunton reserves any and all rights it has to an adjudicatory hearing, judicial review and rights of appeal under Massachusetts law, including but not limited to the provisions of M.G.L. chapter 21A, section 16, M.G.L. chapter 131, section 40, 310 CMR 5.00 and 310 CMR 10.00, as to whether the City has violated the terms of the Administrative Consent Order.
10. Each document submission required from the City of Taunton by this Consent Order shall be submitted to:

David Burns, Section Chief
Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347

IX. EFFECTIVE DATE

The Effective Date of this Order is the date as designated by signature of the Regional Director.

**ROBERT G. NUNES, MAYOR
CITY OF TAUNTON**

BY: _____
Robert G. Nunes

DATE: _____

FEIN: _____

DEPARTMENT OF ENVIRONMENTAL PROTECTION

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A complete copy of this document
is on file at the DEP office based on the referenced.

BY: _____
Gary S. Moran, Regional Director

DATE: April 15, 2005

APPENDIX A

Supplemental Environmental Project A

Sewer system Geographic Information System Integration

The City of Taunton shall perform the following Supplemental Environmental Project. The project shall consist of the City integrating new GIS information into its city-wide GIS relative to the collection of manhole (MH) GPS point data for up to 2000 MHs and incorporating the GPS points back into the existing planimetric data creating a thoroughly compiled GIS sewer manhole layer. The City shall complete this project by December 31, 2005 and provide evidence of such to the Department by this date.

For the purpose of penalty reduction, the value of SEP A is \$38,000. Should the City fail to undertake and complete such project then it shall pay a penalty in the amount of \$20,000 to the Department as an Administrative Penalty within thirty (30) days of demand by the Department.

APPENDIX B

Supplemental Environmental Project B

Flow Gauge Monitoring

The City of Taunton agrees to under take the following Supplemental Environmental Project. The project shall consists of the City, acting through its agent, Viola Water Systems, WWTP operator, to install and maintain flow metering devices in the Taunton River and the Mill River. The stations will show real time stream flow data on USGS website. The City agrees to appropriate an initial investment in the project not to exceed \$25,000. In addition, the City agrees to appropriate an annual amount for operation and maintenance in the amount of \$15,000 for the first year and an amount of \$15,000 each year thereafter. The City shall implement the project within calendar year 2005 upon approval of the scope of work by the Department and operate and maintain such gauging on an annual basis for at least three fiscal years.

Total Value of SEP B is \$70,000 over a three-year period. Should the City fail to undertake and complete such project then it shall pay a penalty in the amount of \$27,000 to the Department as an Administrative Penalty within thirty (30) days of demand by the Department.

Appendix D
Memorandum for the Record
May 25, 2005 DEP Meeting

Taunton, MA Comprehensive Wastewater Management Plan

Memorandum for the Record

Subject: Meeting with MA DEP, May 25, 2005

Purpose: Review CWMP needs analysis, alternatives evaluation and preliminary conclusions.

Attending: See attached Participant List

DEP:

Jack Hamm
David DeLorenzo
Ron Lyberger
John M. O'Brien
Dick Keith
Joe Shepherd
David Burns
Rich Gioiosa

City of Taunton:

Fred Cornaglia

Metcalf & Eddy:

Don Chelton
Betsy Shreve-Gibb
Hank Langstroth
John Finnegan

Agenda: See attached

References: M&E submittal to DEP dated May 19, 2005 containing:

- Preliminary draft report section on Needs Analysis.
- Map of priority needs areas in Taunton.
- April 6 and May 10, 2005 correspondence to Taunton.
- Preliminary alternative costs summary.

M&E provided an overview of the needs analysis methodology, treatment alternatives evaluation and preliminary conclusions based on the cost effectiveness analysis.

The following were discussed:

1. The financial impact of the estimated \$95M cost of this project will be significant in view of other obligations the City is faced with. Preservation of on-lot treatment systems may be the direction the City will take in the near future. In view of the project costs, the Board of Health should be involved in the needs analysis review and recommendations. A ranking of priority areas should be developed so that a phased approach can be considered by the City.
2. Groundwater recharge vs. nitrogen loading issues should be addressed in the analysis evaluation. Because the priority needs areas are spread out with no dense development, the recharge (water balance) issue is likely of little concern. Nitrogen sensitive areas need to be delineated as they would be affected by on-lot systems.
3. Water Solutions Group has recently increased their contribution limit to the WWTF from 100,000 GPD to 200,000 GPD. This should be accounted for in the flow projections.
4. Recommend that Water Management (withdrawal limits-contact Leslie O'Shea from SERO) and Growth Management issues (contact Andy Gottlieb with Office of Commonwealth Development) be discussed in the CWMP.
5. The Needs Analysis lists several projects which are moving forward in the City. It should be indicated in the report if these projects are in the present service area, the priority areas or the non-priority areas.
6. Expansion of the WWTF needs to address its ability to meet current permitted mass loadings in the plant effluent. Additionally, future permits may carry total nitrogen and phosphorous limits which should be mentioned in conjunction with future plant upgrades/expansion. DEP advised that the requirement for further nutrient removal would not be driven by plant expansion but rather by Taunton River water quality issues.
7. DEP recommended that city carefully review the draft ENF before it is filed with MEPA to be sure that they do want to proceed with the recommended program. It may be that if they decide not to proceed, ENF will not need to be filed.

While the consent order indicates an end of July, 2005 date for completion of the CWMP, M&E's schedule for delivery of the Draft CWMP to the City and DEP is June 30, 2005. Jack Hamm requested that four copies be sent to him for distribution within DEP.

H.G.Langstroth

DEPARTMENT OF ENVIRONMENTAL PROTECTION
MEETING PARTICIPANT LIST



PROJECT NAME/TOWN: TAUNTON - CWMP
DATE: 5/25/09 CONTACT NAME: Dick Keith

NAME	COMPANY	PHONE
DICK KEITH	DEP/SERO	508-946-2784
Joselyn Shepherd	DEP-SERO	781-946-2756
DAVID BURNS	DEP/SERO	908-946-2738
William Longoria	M&E	781-224-6025
Betsy Strube-GLB	M&E	781-224-6172
John Finnegan	M&E	781-224-6230
Don Clifton	M&E	781-224-6025
JACK HAMM	DEP	617-292-5883
DAVID DeLORENZO	DEP/BRP/SERO	508-946-2764
Ron Lyberger	DEP/BRP/BOSTON	617-292-5738
John M. O'BAN	DEP/DMS/BOSTON	617-292-5724
FRED CORNASIA	TAUNTON DEP/ASSESS/DEP/COM	508-821-1434
RICH. GIACIOSA	DEP/SERO	

Taunton Comprehensive Wastewater Management Plan

MA DEP Meeting

May 25, 2005

Agenda

1. Review of Needs Analysis (non-sewered, developed areas)
 - Evaluation criteria
 - Soil data references
 - Mapping
 - Subsystem evaluation-High priority wastewater disposal needs areas

2. Estimated Wastewater Flows
 - High priority areas
 - Low priority areas
 - Build-out
 - Flows from adjacent communities
 - Existing WWTF flows
 - Planning period estimated flows

3. Treatment Alternatives
 - Title 5 community systems
 - Small satellite wastewater treatment facilities
 - WWTF expansion

4. Alternatives Evaluation
 - Site availability
 - Cost analyses
 - Preliminary conclusions

5. WWTF Expansion
 - Permitting issues
 - Regulatory issues

Taunton CWMP
Rating Criteria for Identification of Future Wastewater Needs Areas

- Average Lot Size** - Average lot size for each subarea was determined using lot size information obtained from the Title V septic repair record and assessor's records. Average lot sizes were then compared to assessor's maps to confirm consistency with other lots in the study areas.
Rating: > or equal to 1 acre - favorable (1), <1 Acre but >1/2 acre - less favorable (2), < or equal to 1/2 acre - not favorable (3)
- Extent of Wetlands and Surface Water** - Identified extent of wetlands and surface water in each subarea using the MassGIS wetlands and surface water data layers. Wetland and surface water coverage was evaluated within the study areas.
Rating: low - favorable (1), moderate - less favorable (2), significant - not favorable (3)
- Drinking Water Protection Areas** - Drinking water protection areas were identified using Mass GIS data layers for water protection.
Rating: no protection area within subarea (1), < 50% of subarea is within protection area (2), > 50% of subarea is within protection area (3)
- Soil Suitability-** - Soil suitability was determined using soil descriptions from Title V testing, USDA - NRCS soil classifications, and soil borings performed as part of the 1980 Taunton Facilities Plan.
Rating: suitable for on-site wastewater system - favorable (1), limited soil - less favorable (2), unsuitable soil - not favorable (3)
- Groundwater Suitability -** - Groundwater suitability was determined based on groundwater information obtained from Title V testing. The percentage of Title V testing locations that indicated groundwater conditions unsuitable for on-site sewage disposal systems was used to evaluate subareas. These conditions were also compared to USDA-NRCS soil classifications and soil borings performed as part of the 1980 Taunton Facilities Plan.
Rating: < 10% unsuitable - favorable (2), 10% to 20% unsuitable - less favorable (4), > 20% unsuitable - not favorable (6)
- Cluster of On-Site System Repairs and Frequent System Pumping** - The number of system repair locations and frequent pumping locations were combined to determine the percentage of buildings within each subarea that have required septic repairs or frequent pumping. This percentage or cluster rate was then used to evaluate the subarea.
Rating: < 10% - favorable (2), 10% to 20% - less favorable (4), > 20% - not favorable (6)
- Municipal Sewer in Area** - Availability of Municipal Sewer
Rating: no municipal sewer is in subarea (1), sewer adjacent to subarea (2), sewer partially located within subarea (3)
- Municipal Water in Area** - Availability of Municipal Water
Rating: water service available in subarea (1), water service partially available in subarea (2), no water service available within subarea (3)

Sources

Board of Health Title V records

Water Solutions Group septic system pumping records

Mass GIS database

Commonwealth of Massachusetts, Executive Office of Environmental Affairs Build Out Analysis

USDA - NRCS on-site sewage disposal classifications