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To: jdowning,dpincumb
Date: 3/25/98 11:43am
Subject: Wayland permit

Folks,

I met with Joanna Jerison today from Regional Counsel to discuss issues regarding the Congress Group draft. A brief summary follows:

- We need to better describe our rationale for using a 3:1 trade. The permittee's latest comments suggested a trade of 1.5:1. I will look at the trading guidance and see what I can come up with. Is the Acton permit also going to use a 3:1 ratio? Was there a specific reason for 3:1 in this case?
- Joanna said that we could consider putting a compliance schedule in the permit for the permittee to get down to a lower level of phosphorus, such as 0.1 or 0.2 mg/l, after 2 or 3 years. If this were done, this would result in fewer gallons needing to be tied in to meet the trading performance standard. I said I would try to work up some language to reflect this possibility.
- Although we are calling this a "new discharge" another possibility would be to call it a "recommencing discharge", in case we are challenged on this. Even so, a recommencing discharge cannot cause or contribute to water quality standards violations, so the end result would be the same. Joanna was not sure if the State WQS allowing for a compliance schedule could be done with a new discharger. If not, this would be a good reason to call it a recommencing discharge, if we choose to go with a compliance schedule.
- We must tighten up the language in the permit regarding all the deadlines for submittals and trading. We must come up with concrete dates for compliance purposes, in order to hold the permittee to the trade. The trade must be assured by the permittee - the Town's failure to hook in the septic systems after the permittee has provided the capacity will not get the permittee off the hook.
- I will contact the Town and ask for a map showing where the known failing septic systems are. Once we get a clear handle on the location of these systems, we can specify that the trade addresses failing septic systems within a half mile radius of the facility, for example, or at least close enough where removal of septic discharges and the permittee's discharge would counteract each other.
- The permittee may have objection to our reopener clause. This is just the standard reopener clause with language specific to this permit, which we have done often before. If they still

object, the standard reopener is in Part II and we could invoke it anyway if the trading did not go as envisioned.

- I looked back at Raytheon's permit which had no limits or monitoring for phosphorus. The application showed a one time P sampling result of < 1 mg/l.

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