



CITY OF WORCESTER  
LAW DEPARTMENT  
CITY HALL, ROOM 301  
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ENVIRONMENTAL APPEALS BOARD  
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October 6, 2008

**Via Hand Delivery**

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
Colorado Building  
1341 G. Street, N.W., Suite 600  
Washington, DC 20005

Re: In re: Upper Blackstone Pollution Abatement District  
Millbury, Massachusetts  
National Pollutant Discharge Elimination System  
Permit NPDES No. MA 0102369

Dear Sir/Madam:

In connection with the City of Worcester's Petition for Review of Contested Permit Conditions of an NPDES Permit Issued by EPA Region 1 (the "City's Petition") received by the Environmental Appeals Board ("EAB") on September 24, 2008 (NPDES Appeal No. 08-18), it has come to my attention that pages 10 of 11 and 11 of 11 of Exhibit A to the City's Petition do not appear in the electronic submission appearing on the EAB's website.

In order to correct this deficiency, enclosed please find original pages 10 of 11 and 11 of 11 of Exhibit A to be appended to the City's Exhibit A of the Petition. Thank you.

Sincerely,

David M. Moore  
City Solicitor

Enclosures

cc: Carl Dierker  
Karen A. McGuire, Esq.  
Karen L. Crocker, Esq.  
Rebecca Cutting, Esq.  
Robert D. Cox, Jr., Esq.  
Norman E. Bartlett, II, Esq.  
Fredric P. Andes, Esq.  
Erika K. Powers, Esq.  
Nathan A. Stokes, Esq.  
Christopher M. Kilian, Esq.

**SECTION 14A.** The District may enter into an agreement with a political subdivision of the commonwealth for the collection, treatment and disposal of sewage from a portion of any city or town named in section one, or from a portion of any political subdivision of the commonwealth whose land area lies within the geographic limits of the district. Such agreements shall provide for the apportionment of the cost of original construction, interest on bonds or notes, and the cost of maintenance and operation of any facility necessary for said purpose.

The district may enter into an agreement with any political subdivision of the commonwealth to accept and treat septage or material pumped from on-site domestic sanitary sewage disposal systems at a cost to be provided for in such agreements.

The district may enter into an agreement, for a period of time not exceeding five years, with any political subdivision of the commonwealth to accept and treat sludge from a wastewater treatment facility operated by said political subdivision, at a cost to be provided for in such agreement. Said agreement shall become effective only after certification by the department of environmental quality engineering that there exists within such subdivision an emergency which threatens the health or safety of citizens of the commonwealth.

**SECTION 14B.** Sums apportioned by the district and assessed to the members of the district as provided in section 11, including principal and interest falling due on bonds or notes issued pursuant to section 9, for costs incurred by the district for plant improvements defined in the Upper Blackstone Water Pollution Abatement District Regional Wastewater Treatment Facilities Plan of October 2001, including, but not limited to, work and measures found by the district to be necessary to assure security of the facilities, or to mitigate environmental, social and economic impacts of facilities to be improved or constructed, and the cost of maintenance and operation of the facilities as limited by this section, shall not be subject to the limitations contained in section 20B of chapter 59 of the General Laws, or in any other general or special law, and shall be paid to the district as required by section 11; but these maintenance and operation costs shall become subject to section 20B of chapter 59 of the General Laws after such facilities have been substantially completed and operated for a period of 3 years.

**SECTION 15.** This act may be submitted for approval at any annual or special town meeting of the towns eligible for membership as listed in section 1 of this act or any meeting called of those inhabitants liable to taxation within a sewer district comprising a portion of one or more of these towns listed. The question placed on the warrant of such a meeting shall be in the form of the following question:—"Shall an act passed by the General Court in the year 1968, entitled 'An Act establishing the Upper Blackstone Water Pollution Abatement District', be accepted?" Such a vote shall be a standing vote of at least a majority of those present and voting. The provisions of this act may be adopted by the city council of the city of Worcester at any regular or special meeting of the council called to consider the same question. In order for the provisions of this act to be adopted, a majority of those town or district meeting members present must vote in the affirmative. A majority of the city council must vote affirmatively for its provisions to be adopted by the city of Worcester. The commissions of the metropolitan district commission may accept the provisions of this act by majority vote.

The provisions of this act shall not take effect until acceptance by the city council of the city of Worcester and by at least one other town or sewer district meeting representing a portion of a town. Additional towns or sewer districts representing a portion of a town or towns may by the acceptance of the provisions of this act join as members of the Upper Blackstone Water Pollution Abatement District as provided in section one.

The initial organization of the Board representing the Upper Blackstone Water Pollution Abatement District shall take place within one hundred and eighty days after the affirmative vote of the required minimum number of governmental units for the formation of the district. If the Board does not organize itself and form the district within one hundred and eighty days, the action of the city council, town meeting, or sewer district meeting shall be null and void.

**SECTION 16.** Nothing contained in this act shall be interpreted to authorize the board to construct, operate or maintain the local sewerage system of each member city, town or sewerage district.

The purpose of this act is to establish a district to abate water pollution through treatment of sewerage which the district shall collect from the local systems.

*Approved July 24, 1968.*

**Other Related Legislation:**

**Chap. 1056, Acts of 1971**

**AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO ENTER INTO AGREEMENTS FOR THE COLLECTION, TREATMENT AND DISPOSITION OR DISCHARGE OF SEWAGE FROM THE WORCESTER COUNTY JAIL AND HOUSE OF CORRECTION IN THE TOWN OF WEST BOYLSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any provision of chapter seven hundred and fifty-two of the acts of nineteen hundred and sixty-eight or any other law to the contrary, the county commissioners of Worcester county and the Upper Blackstone Water Pollution Abatement District are hereby authorized to enter into mutual agreements for the collection, treatment and disposition or discharge of sewage from the Worcester county jail and house of correction in the town of West Boylston.

**SECTION 2.** This act shall take effect upon its acceptance by the county commissioners of Worcester county and the Upper Blackstone Water Pollution Abatement board.

*Approved November 11, 1971.*

**Chap. 680, Acts of 1973 (portion)**

**AN ACT FURTHER DEFINING THE POWERS OF THE UPPER BLACKSTONE WATER POLLUTION ABATEMENTDISTRICT RELATIVE TO THE TOWN OF MILLBURY.**

**SECTION 1** Revised original legislation, included in revisions.

**SECTION 2** Any and all action taken by the district pursuant to section six of chapter seven hundred and fifty-two of the acts of nineteen hundred and sixty-eight, as amended by section one of this act, is confirmed and validated notwithstanding that such action was taken prior to passage of this act.

**SECTION 3.** This act shall take effect upon its passage

*Approved August 23, 1973.*