



UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT

Engineer Director / Treasurer Thomas K. Walsh, P.E.

October 12, 2007

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U. S. Environmental Protection Agency
NPDES Permits Unit – CPE
1 Congress Street – Suite 1100
Boston, MA 02114-2023

Attn: Karen McGuire, Esquire
David Pincumbe

**Re: Request for Meeting concerning Draft Permit
Upper Blackstone Water Pollution Abatement District
NPDES Permit No. MA0102369; State Permit No. M-181
Public Notice No. MA-016-07**

Dear Ms. McGuire and Mr. Pincumbe:

This letter is written, on behalf of the Board of Directors of the Upper Blackstone Water Pollution Abatement District (District), to reiterate our request for a meeting with the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) to discuss the District's comments on the draft NPDES permit referenced above prior to release of the final permit. The District requested such a meeting in its May 24, 2007 comment letter and, again, through its legal counsel on July 24, 2007.

On September 5, 2007, the EPA verbally informed the District that the Agency would not meet with the District [without all the stakeholders present] until after it made a final decision on the permit. We are writing to express our disappointment in this response, and to request your reconsideration. Refusing to provide an informal meeting, such as that requested by the District, would constitute a departure from case law, EPA rules, and longstanding Agency policy with respect to the NPDES permitting process.

We understand that such a meeting is permissible and consistent with EPA's policy to conduct meetings with regulated parties or other entities after a comment period has ended, without all stakeholders being present, as long as a summary of the meeting is entered into the public record. In fact, EPA has specifically decided that formal hearing procedures are not justified for issuance of NPDES permits and, consistent with that position, EPA Region I has met with other permittees about a draft NPDES permit after the close of the comment period. We would hope that the Region would be consistent and meet with the District as well.

Accordingly, the District respectfully requests that EPA reconsider its decision not to meet with the permittee prior to issuing the final permit. If there is any possibility that certain issues raised in the public comments may be resolved through focused discussions or further permit modifications, we think it would be best to explore that outcome. Such an approach offers an opportunity to conserve Agency and municipal resources by seeking a mutually acceptable resolution.

To facilitate a productive meeting, attached is a proposed meeting agenda which lists certain permit discussion topics which the District feels may be readily resolved or narrowed through further discussions with EPA and DEP.

We appreciate your attention and assistance in this matter and look forward to hearing back from you soon. If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours;
UPPER BLACKSTONE WATER
POLLUTION ABATEMENT DISTRICT



Thomas K. Walsh, P.E.
Engineer Director / Treasurer

cc: Glenn Haas, Mass DEP
Paul Hogan, Mass DEP
Bryant Firmin, Mass DEP
Fredric P. Andes, Esq., Barnes & Thornburg LLP
Kathleen J. Freeman, Esq., and Robert D. Cox, Jr., Esq., Bowditch & Dewey, LLP
John Gall, P.E., and Jane Madden, P.E., CDM

PROPOSED AGENDA

Upper Blackstone WPAD

NPDES Permit Issues

- I. Peak Flow Management
 - A. Review peak flow management protocol
 - B. Effluent Limits during maximum flow events
 - 1. Through AWT
 - 2. Primary effluent
 - C. Primary effluent testing requirements
 - 1. Bacterial quality, frequency and test
- II. Residuals Management
 - A. Chrome and Nickel limits
 - B. Moisture correction for carbon monoxide analysis.