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FEB - 2 2005

January 31, 2005

Robin E. Neas
Environmental Protection Specialist
US EPA Region I New England
Water Technical Unit
Office of Environmental Stewardship
One Congress Street, Suite 1100
Boston, MA 02114-2023

SUBJECT: Town of Wayland NPDES MA0039853

Dear Ms. Neas:

In response to your letter to the Wayland Wastewater Management District Commission dated December 21, 2004, I am writing on behalf of the Commission to respond to the request for submission of an Optimization Study - Phosphorus. The Commission and I have discussed this in detail and present the following for your consideration.

The Commission has taken ongoing steps since the issuance of the permit to ensure phosphorus compliance. Significantly underutilized capacity has been the biggest single limiting factor in proceeding with a design optimization study that may have resulted in physical improvements. The plan was and continues to be operations optimization in which the plant is operated to the best of its capabilities given extraordinary circumstances. During the time the Commission has been responsible for the treatment users have been added to the treatment plant to address failing and/or inadequate septic systems in the service area.

The user who has the single biggest impact on capacity of the treatment plant is the Wayland Business Center, which is contractually entitled to 45,000 gallons (69%) of the capacity to the treatment plant. The Commission inherited this situation upon assuming ownership. The Center has not utilized this capacity in the time the Commission has been responsible. The highest flows experienced have been less than half the permitted flow. The Business Center has been largely vacant for most of the last five years due to the bankruptcy of its major tenant and then of its owner. These conditions were not foreseeable. The Commission pursued a course of operations optimization to meet its obligations.

This approach to control phosphorus limits at or below the permit level has been successful with few exceptions. It is our opinion that significant phosphorus reductions beyond the current level would not be achieved without construction. To the extent the user base consists of 35 small business and residential users in the Town of Wayland, any cost would be prohibitive especially when one considers that one of the thirty-five users is entitled to 69% of the capacity. Until the Wayland Business Center obtains long-term tenants (permitted uses are offices or retail, for example), any design optimization study cannot accurately predict the nature of needed design improvements. The Commission has been led to believe that the Wayland Business Center would be leased out quite a few times over the years. Unfortunately it has not happened. Leasing of the space is necessary in order for the owner to pay its rightful share of improvements.

The Commission expects the treatment plant would remain in compliance with the permit limits; additional users would be added to the system to the extent that the reserved capacity and the utilized capacity were within the capability of the existing treatment system; and that the additional users and the Center's leased out capacity would generate revenues sufficient to support additional studies and potential construction.

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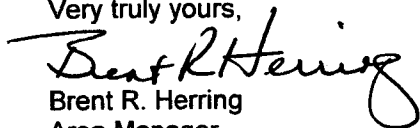
EXHIBIT 33

Ron

The Commission is of the opinion that its actions have been consistent with the objectives of the permit. The Commission will carefully review its obligations in a new draft permit and will monitor such to ensure appropriate communications are sent in a timely manner.

Please contact me if I can be of further assistance or provide additional information. I can be reached on my cell at 603-571-1010.

Very truly yours,



Brent R. Herring
Area Manager

Cc: E. Roberts, Chairman WWMDC
W. Prendergast, WWMDC
L. Carlsson-Irwin, WWMDC
S. Weitz, WWMDC
C. Terry, Aquarion
W. Peterson, Aquarion