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October 18, 1993

BY HAND

Mr. Anthony V. DePalma, Chief
Ms. Ginny Tolland
Michael Wagner, Esq.
U. S. Environmental Protection Agency,
Region I
JFK Federal Building
Boston, MA 02203-2211

Re: Charles River Pollution Control District IPP -
Response to May 26 and September 28, 1993 Letters

Dear Messrs. DePalma and Wagner, and Ms. Tolland:

On behalf of the Charles River Pollution Control District (the "District"), we hereby submit the materials discussed below in response to the requests contained in EPA's letters dated May 26, 1993 and September 28, 1993.

Explanation of District Formation and Structure

As set forth in our letter dated June 12, 1992, the District was created by vote of the Towns of Franklin and Medway in March, 1973 pursuant to the provisions of M.G.L. c.21, §28, as validated by Chapter 1 of the Acts of 1977. Copies of the certifications of the March, 1973 Town Meeting votes by the Towns of Franklin (March 13, 1973) and Medway (March 15, 1973) are enclosed herewith. Accordingly, Franklin and Medway are the "member" towns of the District, and the District Commissioners are appointed by the Franklin Town Council and the Medway Board of Selectmen. Because of its larger census, Franklin appoints three Commissioners, while Medway appoints two; all Commissioners serve for three-year terms, and the Commissioners elect their Chairman on a yearly basis.

In 1979, the Towns of Franklin and Medway entered into Agreements for Wastewater Treatment Service with the District. A copy of the District meeting minutes of July 30, 1979 accepting the Agreements between the District and the Towns of Franklin and Medway, respectively, is enclosed herewith. Pursuant to Article II, Section 201, paragraph C of those Agreements, the Towns of Medway and Franklin agreed to adopt Sewer Use Regulations which comply with the limitations set forth in the District's Sewer Use Regulations. Medway's Sewer Use Regulations had been adopted in July, 1977, and the District adopted its Sewer Use Regulations in

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1978. The Town of Franklin adopted its Sewer Use Regulations in January, 1980.

In the early 1980's, the District agreed to allow the Towns of Millis and Bellingham to contribute wastewater to the District's Wastewater Treatment Facility (the "Facility"). Those Towns accordingly became "customer" towns of the District, pursuant to Agreements for Wastewater Treatment Services. Copies of the District meeting minutes for March 8, 1984 concerning the District's acceptance of the Agreement with the Town of Bellingham, as well as the Town of Bellingham Board of Selectmen's minutes of March 19, 1984 reporting execution of the Agreement, are enclosed herewith. Also enclosed are copies of the District's minutes of July 14, 1983 concerning acceptance of the Agreement with the Town of Millis, as well a certification of the Millis Town Meeting vote on May 9, 1983 concerning actions in connection with the sewer interceptor pumping station.

The Agreements for Wastewater Treatment Services between the District and the Towns of Millis and Bellingham required those Towns to adopt Sewer Use Regulations that comply with the limitations set forth in the District's Sewer Use Regulations. The Town of Millis adopted its Sewer Ordinances on April 18, 1984, and the Town of Bellingham adopted Sewer Use Regulations in August, 1989.

In addition to its Agreements for Wastewater Treatment Services with the Towns of Franklin, Medway, Millis, and Bellingham, the District has entered into agreements with a number of municipalities for disposal of septage at the Facility. Copies of the following documents pertaining to those agreements are enclosed:

1. District minutes dated June 23, 1983 concerning execution of Agreements for Septage Treatment Services with the Towns of Norfolk and Weston;
2. Agreement for Septage Treatment Services among the Town of Norfolk, the Town of Franklin, and the Charles River Pollution Control District, dated June, 1983;
3. Agreement for Septage Treatment Services between the Town of Sharon and the Charles River Pollution Control District, dated July 10, 1983;

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4. Certificate of Weston Town Meeting vote on May 9, 1983 concerning agreement for septage disposal services;
5. District minutes dated June 14, 1984 concerning execution of Agreement for Septage Treatment Services between Town of Sharon and District;
6. Agreement for Septage Treatment Services between the Town of Sharon and the Charles River Pollution Control District, dated May 31, 1984;
7. Town of Sharon Board of Selectmen's minutes dated May 31, 1984 concerning execution of Agreement for Septage Treatment Services with District;
8. Certification of vote of Wrentham Town Meeting on May 7, 1985 authorizing entry into septage disposal contract with the District;
9. Agreement for Septage Treatment Services between the Town of Wrentham and the Charles River Pollution Control District, dated August 8, 1985; and
10. Draft Agreement for Septage Treatment Services among the Town of Sherborn, the Town of Franklin, and the Charles River Pollution Control District, dated as of 1993 (pending).

In addition to the Agreements for Septage Treatment Services listed above, the District accepts septage and waste from the Towns of Hopkinton, Dover, Sherborn, and Wayland without any formal contract documents.

The Agreements for Septage Treatment Services pertain primarily to domestic septage, but also permit discharge of industrial waste under a "separate approval" process. See, e.g., Norfolk Agreement, Section 203, paragraph B; Weston Agreement, Section 202, paragraph B. The Agreements also require the relevant Town to "make certain that all users and customers comply with the terms of this Agreement and with the District's 'Rules and Regulations Governing Sewer Use', as amended." See, e.g., Norfolk Agreement, Section 407; Weston Agreement, Section 306.

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Further Revisions to Proposed District Sewer Use Regulations

The enclosed copy of the October 15, 1993 revision of the District's proposed Sewer Use Regulations includes the change to Section 3.4 which was requested in EPA's September 28, 1993 letter. In addition, subparagraph (k) of Section 3.4 has been revised to specify that the duration of an Industrial Discharge Permit shall be no longer than two years. The captions for Sections 3.5, 3.6, 3.7, and 3.9 have also been revised to add the term "Industrial Discharge", and the references in Section 3.7 to "User" have been changed to "Industrial User". Finally, Section 4.2 has been revised to include a previously-omitted period at the end of the second sentence of the first paragraph thereof, and to specify "Section 4.1(d)", instead of "Section 4.1(c)", in the final paragraph thereof.

Proposed Revised Sewer Use Regulations for Franklin, Medway, Millis, and Bellingham

Enclosed are copies of the proposed revisions to the Sewer Use Regulations of the Towns of Franklin, Medway, Millis, and Bellingham. As set forth in our June 12, 1992 letter and in the Legal Authority component of the IPP document, the Towns' revised proposed sewer use regulations are virtually identical to the District's proposed Sewer Use Regulations, and provide that the District is authorized to implement and enforce each Town's Sewer Use Regulations with respect to Industrial Users of the Facility who are located in each such Town. The Towns' Sewer Use Regulations also include any specific sewer construction and connection requirements which are contained in the current versions of those regulations.

Following receipt of EPA's comments on the proposed revised Sewer Use Regulations for the Towns of Franklin, Medway, Millis, and Bellingham, final revisions will be made and the Regulations will be submitted to the relevant Town authority for adoption and publication pursuant to M.G.L. c. 83, §10.

Proposed Amendments to Agreements for Wastewater Treatment Services Between District and Towns of Franklin, Medway, Millis, and Bellingham

Also enclosed are copies of the proposed Amendments to the Agreements for Wastewater Treatment Services between the District and the Towns of Franklin, Medway, Millis, and Bellingham. The introductory provisions of the proposed Amendments have been revised from the draft submitted to EPA on June 12, 1992, by

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specifying the manner in which the referenced sections have been amended. In addition, the June 12, 1992 proposed revision to Section 407 has been modified to take into account EPA's May 26, 1993 comments, but also to track the language of the Sewer Use Regulations in describing the Town's grant of implementation and enforcement authority to the District with respect to Users located in the relevant Town. The further revisions to Section 407 have been red-lined on the enclosed copy of the proposed Amendment to the Medway Agreement, for your convenience.

Following receipt of EPA's comments on the proposed Amendments, the District will submit the Amendments to the Franklin Town Council and the Boards of Selectmen of the Towns of Medway, Millis, and Bellingham, for adoption in accordance with applicable municipal procedures.

Revised Legal Authority Statement Pursuant to 40 C.F.R. 403.9

Following receipt of EPA's comments on the information submitted herewith, a revision to the June 12, 1992 Legal Authority Statement will be prepared, if required.

Thank you for your consideration of these materials, and please contact me should you have any questions.

Very truly yours,


Janice Kelley Rowan

Enclosures

cc: Edith Goldman, Esq.
EPA Office of Regional Counsel

Robert D. McRae
Executive Director, CRPCD

Patrick M. Hughes, CDM
L. Fernando Requena, CDM

John T. Smolak, Esq.

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specifying the manner in which the referenced sections have been amended. In addition, the June 15, 1993 proposed revision to Section 907 has been modified to take into account EPA's May 18, 1993 comments, but also to track the language of the New Jersey Regulations in describing the Town's grant of legislation and enforcement authority to the District with respect to users located in the relevant town. The further revisions to Section 907 have been red-lined on the enclosed copy of the proposed Amendment to the Highway Agreement, for your convenience.

Following receipt of EPA's comments on the proposed Amendment, the District will submit the Amendment to the Franklin Town Council and the Board of Selectmen of the Town of Hedway, Millis, and Selingham, for adoption in accordance with applicable municipal procedures.

Revised Local Authority Statement Pursuant to 40 C.F.R. 901.2

Following receipt of EPA's comments on the information submitted herewith, a revision to the June 15, 1993 Local Authority Statement will be prepared, if required.

Thank you for your consideration of these materials, and please contact us should you have any questions.

Very truly yours,


James Kelley Rowan

Enclosures

cc: Edith Goldman, Esq.
EPA Office of Regional Counsel

Robert D. McKee
Executive Director, CRPCD

Patrick M. Hughes, CDM
L. Fernando Rodriguez, CDM

John T. Smolik, Esq.



MARGARET TAVALONE
TOWN CLERK

TOWN OF FRANKLIN
OFFICE OF TOWN CLERK
Telephone 528-3030

Franklin, Mass., 02038

I, Margaret Tavalone, Town Clerk of Franklin, Norfolk County, Massachusetts, do hereby certify at the Annual Town Election duly called and held on March 13, 1973 the following Question was voted on the warrant for said meeting.

QUESTION NO. 2

Shall there be established a water pollution abatement district as recommended by the Division of Water Pollution Control and approved by the Water Resources Commission, to include the Towns of Franklin and Medway and the construction, acquisition, extension, improvement, maintenance and operation of a system of water pollution abatement facilities by the said district in accordance with the provisions of chapter twenty-one of the General Laws?

VOTED	YES	2023
	NO	424
	Blanks	384
Total Votes Cast		2831

Margaret Tavalone
Town Clerk of Franklin

TOWN OF FRANKLIN
OFFICE OF TOWN CLERK
Telephone 388-3030



MASSACHUSETTS
TOWN OF FRANKLIN

Franklin, Mass., 02043

I, Margaret Taveland, Town Clerk of Franklin, Norfolk County, Massachusetts, do hereby certify that the Annual Town Election duly called and held on March 13, 1973 the following Question was voted on the warrant for said meeting.

QUESTION NO. 2

Shall there be established a water pollution abatement district as recommended by the Division of Water Pollution Control and approved by the Water Resources Commission, to include the Town of Franklin and Haverly and the construction, acquisition, extension, improvement, maintenance and operation of a system of water pollution abatement facilities by the said district in accordance with the provisions of chapter twenty-one of the General Laws?

VOTED	
YES	3023
NO	424
Blank	384
Total Votes Cast	3831

Margaret Taveland
Town Clerk of Franklin



Town Clerk and Registrar
FRANCIS D. DONOVAN

TOWN OF MEDWAY
MEDWAY, MASSACHUSETTS 02053
Tel. (617) 533-6059

3 December 1973

CERTIFICATION OF VOTE

ANNUAL TOWN MEETING - MARCH 1973

Article 45. VOTED: That the Town establish a Water Pollution Abatement District as recommended by the Division of Water Pollution Control and approved by the Water Resources Commission, to include the towns of Franklin and Medway, and the construction, acquisition, extension, improvement, maintenance and operation of a system of water pollution abatement facilities by the said District in accordance with the provisions of Chapter Twenty-one of the General Laws, said affirmative vote deriving from balloting at the 1973 Annual Town Meeting as follows:

"Shall there be established a Water Pollution Abatement District as recommended by the Division of Water Pollution Control and approved by the Water Resources Commission, to include the towns of Franklin and Medway, and the construction, acquisition, extension, improvement, maintenance and operation of a system of water pollution abatement facilities by the said District in accordance with the provisions of Chapter Twenty-one of the General Laws?"

(Ballot)

Yes	178
No	25

Ballots Cast 203

The action on Article 45 was taken at the meeting of March 15, 1973.

A true copy of the record.

Attest:..

Francis D. Donovan
Town Clerk



Town Clerk
Maryjane White

TOWN OF MEDWAY

MEDWAY, MASSACHUSETTS 02053

TEL. (508) 533-6059

I, Maryjane White, Clerk of the Town of Medway, hereby certify the following to be action taken under Warrant Article 45 of the Special Town Meeting of the Town of Medway held March 5, 1973 in the Medway High School Auditorium.

ARTICLE 45. To see if the Town will vote to establish a water pollution abatement district as recommended by the Division of Water Pollution Control and approved by the Water Resources Commission, to include the Towns of Franklin and Medway and the construction, acquisition, extension, improvement, maintenance and operation of a system of water pollution abatement facilities by the said district in accordance with the provision of Chapter Twenty-One of the General Laws, or to act in any manner relating thereto
(Board of Selectmen)

ARTICLE 45. VOTED: That the Town establish a Water Pollution Abatement District as recommended by the Division of Water Pollution Control and approved by the Water Resources Commission, to include the Towns of Franklin and Medway, and the construction, acquisition, extension, improvement, maintenance and operation of a system of water pollution abatement facilities by the said District in accordance with the provisions of Chapter Twenty-one of the General Laws, said affirmative vote deriving from balloting at the 1973 Annual Town Meeting as follows:

"Shall there be established a Water Pollution Abatement District as recommended by the Division of Water Pollution Control and approved by the Water Resources Commission, to include the Towns of Franklin and Medway, and the construction, acquisition, extension, improvement, maintenance and operation of a system of water pollution abatement facilities by the said District in accordance with the provisions of Chapter Twenty-One of the General Laws?"
(Ballot Vote)

YES 178
NO 25
BALLOTS CAST 203

A true copy
ATTEST.....

Maryjane White
TOWN CLERK