



50 ROWES WHARF | BOSTON, MA 02110 | P:617-330-7000  
800 CONNECTICUT AVE. NW | WASHINGTON, DC 20006 | P:202-794-6300  
99 WILLOW STREET | YARMOUTHPORT, MA 02675 | P:508-362-6262

Bernice I. Corman  
Direct Dial: 240-356-1504  
Direct Fax: 202-223-1879  
E-mail: bcorman@rubinrudman.com  
Return Address: Washington, DC

December 8, 2016

**Via Electronic Filing**

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
WJC East Building, Room 334  
Washington, D.C. 20004

Re: In the Matter of Bridgewater Wastewater Treatment Plan; NPDES Appeal No. 16-01;  
NPDES Permit No. MA010064; Docket No, MA0100641.

Dear Ms. Durr:

Enclosed, please find the Town of Bridgewater's "**TOWN REPLY TO EPA RESPONSE TO TOWN'S MOTION TO STAY AND REQUEST FOR ORAL ARGUMENT**" and Certificate of Service in the above referenced matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Bernice I. Corman', with a long horizontal flourish extending to the right.

Bernice I. Corman

Enclosures

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

In the Matter of:

Bridgewater Wastewater Treatment Plan

NPDES Permit No. MA0100641

NPDES Appeal No. 16-01

**TOWN REPLY TO EPA RESPONSE TO TOWN'S MOTION TO STAY AND  
REQUEST FOR ORAL ARGUMENT**

The Town of Bridgewater respectfully files this Reply to EPA Region 1's ("the Region's") Response to the Town's Motion for Stay and for an Accelerated Ruling Thereon, and Request for Oral Argument. 40 CFR§ 124.19.

The Town did not file its Stay Motion in order to re-litigate the Region's Motion to Dismiss, as the Region has done in its response to the Town's Stay Motion, further wasting the resources of this honorable Board and the Town's taxpayers' dollars. Rather, the Town sought to employ every measure available to it in order to responsibly seek relief from the Region's onerous and oppressive Permit requirements, including by seeking to stay the effective date of the new Permit while the Town argued its case before the Board (and/or availed itself of the Board's administrative dispute resolution options).

While the Region had earlier stated it "remains open to a meeting with the Town to discuss its concerns with the permit,"<sup>1</sup> the Town is dismayed that the Region refused to join with it in seeking to stay the Board's ruling on the Region's Motion to Dismiss, even refusing to consent to the Town's filing its Stay Motion. The Town can only interpret the Region's stunningly aggressive posture as flagging that the Region intends that any such discussion occur in the context of the Permit's compliance deadlines having already been triggered, that is, with the Town in peril while it negotiates with the Region in good faith.

Whether before the Board or the Region, the Town wishes mainly to be heard on its legitimate requests to adjust the Permit terms, which, the Town respectfully submits, will lead to greater

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<sup>1</sup> November 30, 2016 E-mail from EPA's Samir Bukhari.

environmental benefits than will be obtained through the current Permit's terms. For example, the Town has repeatedly sought to show that the \$31 million of upgrades the Region is requiring be borne by the 1/3<sup>rd</sup> of the Town's residents and businesses that are sewer system users, and who may each face a staggering \$800 increase per year per in their water bills, will achieve far less protection than will the modest extension of time the Town is seeking to shift the scores of residents and businesses using septic systems to sewer system use. Adding these users would not only reverse the trend in nitrogen increases being seen in drinking water sources, it would clearly make the upgrades more affordable, and facilitate the Town's ability to pay for Permit compliance.

Further, it would better realize the intent of the November 2014 Memorandum from Ken Kopocis, EPA Deputy Administrator, Office of Water, to implement the Clean Water Act's objectives in a sustainable manner; and to give serious credence to "financial capability as part of negotiating schedules for implementing CWA requirements for municipalities and local authorities."<sup>2</sup>

For the foregoing reasons, the Town urges the Board to stay its issuance of a decision on EPA's Motion to Dismiss, and reiterates its request for Oral Argument on its Motion to Stay.

Respectfully submitted,



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Bernice I. Corman  
Rubin and Rudman LLP  
800 Connecticut Ave., NW  
Washington, DC 20006  
Telephone: (202) 794-6300  
Fax: (202) 223-1879  
[BCorman@rubinrudman.com](mailto:BCorman@rubinrudman.com)  
Environmental Counsel for Town of Bridgewater

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<sup>2</sup> November 24, 2014 Memorandum from Ken Kopocis, U.S. Environmental Protection Agency Deputy Assistant Administrator, Office of Water to Regional Administrators, Regional Water Division Directors and Regional Enforcement Division Directors, [https://www.epa.gov/sites/production/files/2015-10/documents/municipal\\_fca\\_framework.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/municipal_fca_framework.pdf).

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing “**TOWN REPLY TO EPA RESPONSE TO TOWN’S MOTION TO STAY AND REQUEST FOR ORAL ARGUMENT**” in the matter of Bridgewater Wastewater Treatment Plan, NPDES Permit No. MA0100641, Appeal No.16-01 were served by electronic delivery, with the express consent to serve via electronic delivery, this Eighth day of December 2016.

**Via Electronic Delivery**

Samir Bukhari  
Assistant Regional Counsel  
US EPA Region 1  
5 Post Office Square  
Boston, MA 02109-3912  
(617) 918-1095  
[Bukhari.Samir@epa.gov](mailto:Bukhari.Samir@epa.gov)

David R. Ferris, Director  
Massachusetts Wastewater Management Program  
DEP-Commonwealth of Massachusetts  
One Winter Street  
Boston, MA 02108  
[David.Ferris@state.ma.us](mailto:David.Ferris@state.ma.us)

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Bernice I. Corman  
Rubin and Rudman, LLP  
800 Connecticut Ave., NW  
Washington, DC  
Telephone: (202) 792-6300  
Fax: (202) 223-1879  
[BCorman@rubinrudman.com](mailto:BCorman@rubinrudman.com)  
Environmental Counsel for Town of Bridgewater

Date: December 8, 2016