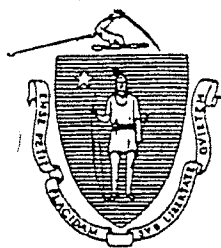


Appendix F

Administrative Consent Order with DEP



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SOUTHEAST REGIONAL OFFICE

MARGARETO PAUL CELLUCCI
 Governor

COPY



TRUDY COXE
 Secretary

DAVID B. STRUHS
 Commissioner

September 29, 1998

Mr. Reginald L. Nickerson, Chairman
 Board of Selectmen
 Town of Chatham
 549 Main Street
 Chatham, MA 02633

RE: CHATHAM--Administrative
 Consent Order No.
 ACO-SE98-1002

Dear Mr. Nickerson:

Enclosed please find an executed copy of the Chatham Administrative Consent Order regarding the Chatham Wastewater Treatment Facility. The effective date of the Order is September 29, 1998.

The Department appreciates your willingness to resolve this matter, and wishes to remind you of the applicable time frames for the required actions, which are contained in the Order.

If you have any questions or concerns, please contact John O'Brien at (508) 946-2740 or at the letterhead address.

Sincerely,

Paul Taurasi
 Regional Director

T/JO

Attachment

CERTIFIED MAIL #P808 783 142
 RETURN RECEIPT REQUESTED



III. STATEMENT OF FACTS AND LAW

1. The Town owns, operates and maintains a sewerage system and treatment facility consisting of a facility and a common sewer system which collects and transports sewage and other wastes from approximately 408 connections. The Wastewater Treatment Facility ("the WWTF") which treats the sewage and other wastes, is located off Sam Ryders Road in Chatham.
2. On or about November 11, 1987, the Department issued to the Town an Administrative Order #700 (hereinafter, the "1987 Order" or the "Order"), which required the Town to plan, design and construct a wastewater treatment facility to adequately treat and dispose of all wastewater's collected by the Town's sewer system. The Order contained a schedule which required compliance with the Order by a specific date. The Order limited the WWTF to an annual average discharge of 100,000 gallons per day. The Town did not appeal the 1987 Order.
3. The Department, pursuant to 314 CMR 5.00 and 6.00 administers a regulatory program within the Commonwealth of Massachusetts. This program requires that all discharges of sanitary sewage to the ground in excess of 10,000 gallons per day, obtain and comply with a groundwater discharge permit issued by the Department. These permits prescribe effluent limitations and monitoring requirements.
4. Previous studies conducted by engineering consultants for the Town have indicated that the wastewater effluent discharge from the Chatham WWTF poses a potential hydraulic impact to Zone II's of existing public water supplies in Chatham.
5. The Town's permit to discharge up to 100,000 gallons per day of treated wastewater from the facility to the ground water, Groundwater Discharge Permit No. 044, expired on August 3, 1987.
6. The Town applied to the Department for a renewal of its Groundwater Discharge Permit No. 044 on May 24, 1994.
7. In 1992, the Town completed the construction of and put into operation new mechanical sludge dewatering facilities at the existing Chatham WWTF.
8. The Town of Chatham submitted a letter dated May 16, 1995 requesting that the Department revise the 1987 Order (Order #700) to allow an increase in Chatham's Wastewater Treatment Facility's annual average discharge flow from 100,000 to 150,000 gallons per day on an annual average basis.

9. On or about October 31, 1996 the Town initiated operations of the interim modifications approved by the Department at the Chatham WWTF to provide further treatment of the wastewater. Nutrient removal and grit handling were added to the treatment process. The addition of a nutrient removal process was required at the WWTF to comply with the Class 1 Groundwater Standards of 10 Mg/l NO₃. Since October 31, 1996 when the system was put into operation effluent discharges from the WWTF have been in substantial compliance with the Class 1 Groundwater Standards.
10. Monitoring reports for the WWTF indicate that the annual average flow in June of 1997 exceeded 100,000 gallons per day. During July of 1997, the WWTF annual average discharge flows also exceeded 100,000 gallons per day.
11. The Town has completed the following studies: Whitman & Howard's "Revised Zone II Delineation's, Indian Hill Well" (February 1995); "Zone II Delineation, Indian Hill Well, Chatham, Massachusetts" (November 1994); "Report on Zone II Delineation Municipal Wells 1, 2, 3, 6 and 7, Chatham Water Department, Chatham, Massachusetts (December 1993); and Metcalf & Eddy's "Groundwater Modeling Study at the Wastewater Pollution Control Facility, Chatham, Massachusetts" (February 1995). All of these reports are on file at DEP's Southeast Regional Office.
12. The Town has engaged Metcalf & Eddy, Inc. to perform and submit to DEP quarterly groundwater monitoring studies as required by the 1987 Order, (Order #700).
13. Town has met certain conditions of the 1987 Order by submitting Metcalf & Eddy's "Report to the Water and Sewer Departments, Chatham, Massachusetts on Alternative Effluent Disposal Sites (July 1988)."
14. The Town and DEP agree that DEP revised its "Guide to Comprehensive Wastewater Management Planning" in January of 1996.
15. The Town has entered into an agreement dated December 26, 1997 with Stearns & Wheeler, LLC for professional engineering services with regard to Chatham Comprehensive Wastewater Management Plan (CWMP), designed to meet the requirements of 310 CMR 41.25; the requirements of 301 CMR 11.12 for major and complicated projects; and the guide to Comprehensive Wastewater Management Planning (January 1996). DEP received the scope of services for the Town of Chatham's Comprehensive Wastewater Management Plan (CWMP) on February 28, 1998.

16. Based upon the foregoing, and pursuant to the authority of M.G.L. c.21, Section 26 through 43, and 314 CMR 5.00 and 6.00 the Department hereby issues this Order, and the Town agrees to perform to the actions required hereunder.

IV. DISPOSITION

1. This Consent Order supersedes the 1987 Order upon execution by the Town and the 1987 Order is withdrawn by the Department upon signature by the Town. The Department reasserts and realleges the facts set forth in the 1987 Order.
2. In addition to being an Order, this is also a Notice of Noncompliance pursuant to M.G.L. c.21A, §16. specifying the requirements which the Town is currently violating and the actions required for the Town to come into compliance.
3. The Town shall take all necessary steps to plan, design and construct a wastewater treatment and disposal facility to serve the Town's wastewater needs and enable the Town to comply with the effluent limitations set in 314 CMR 5.00 and the ground water quality standards in 314 CMR 6.00 within the timelines set forth below.
4. Unless otherwise provided by the Department, as of the date of entry of this Order and until such time as the Town has a valid groundwater discharge permit, the Town shall comply with the sampling, reporting, monitoring and effluent limitations as set forth in Groundwater Discharge Permit No. 044; and the following additional conditions: 1.) Effluent discharge limitation for Total Nitrogen ($\text{NO}_2 + \text{NO}_3 + \text{TKN}$) of 10 mg/l for maximum day; 2.) Monitoring and reporting of a new parameter, Total Nitrogen, on a minimum frequency of monthly and as a 24-hour composite sample type, and 3.) Replace sample types listed in permit as 8-hour composite with new sample type of 24-hour composite. Until such time as a new permit is issued, during each calendar year, the Town shall not discharge to the ground and thereby to the groundwater a total annual quantity of wastewater exceeding 54,750,000 gallons (an average annual daily flow not to exceed 150,000 gallons).

5. Until the Town has complied with the requirements of Paragraph IV-13, in addition to performing the sampling and reporting required by Permit #0-44 and the requirements of Paragraph IV-4, the Town shall sample and analyze the groundwater monitoring wells at the Chatham wastewater facility for nitrate nitrogen and total nitrogen as N on a monthly basis. The Town shall submit to the Department by the 30th day of each month a report which contains the results of analyses and sampling conducted during the previous calendar month.
6. The Town shall continue to submit to the Department quarterly groundwater monitoring reports on the wastewater treatment facility's discharge.
7. Analyses of samples taken pursuant to this Consent Order shall be performed by a laboratory certified by the Commonwealth for the parameters specified and shall be conducted in accordance with EPA-approved methods.
8. The Town shall continue to submit to the Department the monthly quantity of wastewater it discharges from its wastewater treatment facility.
9. Within sixty (60) days of the issuance of this Consent Order the Town shall submit for approval to the Department a proposed sewerage flow bank plan identifying which properties the Town will allocate additional flow to and how the bank will be managed, including a schedule for flow connection.
10. By May 30, 1998, The Town shall submit to the Executive Office of Environmental Affairs (MEPA Division) an Environmental Notification Form which notices the actions the Town plans to take, including the scope of services for the CWMP and describes the areas of town where the Town proposes to take action to address Chatham's wastewater disposal needs to fulfill the requirements of this Consent Order.
11. Should MEPA determine that an Environmental Impact Report (EIR) is required for this project, then within (24) months of a MEPA determination that an EIR is required for the proposed Chatham wastewater treatment and disposal solution, the Town shall submit a Draft Wastewater Management Plan and a Draft EIR to MEPA and the Department which addresses the scope of work required by MEPA.
12. Within six (6) months of MEPA's approval of the DRAFT EIR, the Town shall submit a final Wastewater Management Plan and Final EIR to MEPA and the Department which addresses comments received on both documents.

EIR REQUIRE
~~APRIL 10, 1998~~
APRIL 10, 2000

13. Within (15) months of the Secretary of the Executive Office of Environmental Affairs' certification of the final EIR, the Town shall submit Final Design Plans and permit applications to the Department for the selected wastewater treatment and disposal option.
14. Within One Hundred and Twenty (120) days of the Department's approval of final plans, submitted as required in Paragraph IV-13, the Town shall advertise for bids for the construction of the approved facility.
15. Within four (4) months of advertisement for bids, but in no event later than June, 2003, the Town shall commence construction of the approved facility. The Town shall notify the Department in writing of the commencement date.
16. Within (18) months of the date construction commences, but in no event later than December, 2004, the Town shall complete the approved facility and the facility shall be fully operational. In the event that the CWMP should recommend the design and construction of totally new wastewater treatment facilities that would require more than eighteen months to construct, then the provisions of Paragraph IV-25 shall apply.
17. If the Department requests modifications to the final design plans and specifications submitted pursuant to Paragraph IV-13 of this Order, the Town shall make such modifications and submit the modified plans to the Department within (8) eight weeks of receipt of the modification request.
18. The Town shall timely apply for, and shall use its best efforts to expedite, all local and any other governmental approvals required to construct and install the approved facility or facility modifications. In their monthly progress reports required by this Consent Order, the Town shall inform the Department of the status of all such efforts and approvals.
19. Beginning thirty (30) days from the date of issuance of this Consent Order, the Town shall submit monthly progress reports to the Department by the 30th day of each month stating what has been done during the previous calendar month to comply with the requirements of this Consent Order. The reports shall also contain the information required by Paragraph IV-4 and 5. The Town's obligation to submit monthly reports shall continue until compliance with all the provisions of this Consent Order is certified by the Department.

20. Within 12 months of the date construction of a new or modification of the existing facility commences, the Town shall submit a Draft Operation and Maintenance Manual for the proposed new or modified facility. The manual shall comply with the provisions of 314 CMR 12.00. Within forty-five (45) days after the commencement of operation of the new or modified facility, a final Operation and Maintenance Manual, which complies with 314 CMR 12.00 and reflects the Department's comments on the draft shall be issued provided that comments were mailed by the Department at least seven days prior to commencement of operation of the facility, shall be submitted to the Department.
21. Within Thirty (30) days of the completed construction of the new Chatham wastewater facility or of approved modifications, the Town shall: i) submit to the Department a statement, stamped and signed by a Massachusetts Registered Professional Engineer, certifying that the facility has been constructed in accordance with the final design plans and specifications and final design criteria or performance standards that were approved by the Department; and ii) contact the Department and schedule a hydraulic test of the facility, and iii) The Town shall initiate a one year post-construction certification process and submit to the Department a draft of the Scope of Work required for review and approval.
22. All plans, specifications and engineering reports required by this Consent Order shall be stamped and signed by a Massachusetts Registered Professional Engineer.
23. This Consent Order allows for the continued operation of the existing Chatham Wastewater Treatment Facility under the conditions stated in Permit #0-44 and Paragraph IV-4 and 5 of the Order. No additional flows shall be permitted to the existing Chatham wastewater treatment facility (except as stated in Paragraph IV-4 of the Order) without express written Departmental permission. Permit #0-44 shall remain in effect until the conditions and all other terms and conditions of this Consent Order have been met and a new discharge permit is issued by the Department for the modified or new treatment facility.
24. This Consent Order shall apply to and be binding upon the Town and upon their officers, agents, successors and assigns.

25. The compliance dates set forth in Section IV reflects the time frames for compliance in the Order. These time frames for compliance set forth may be amended by the Department to allow for time extensions to the Town for good cause shown which shall not be unreasonably withheld by the Department. The Town shall provide the Department with a written notice of expected or potential delays in construction or progress as soon as the Town knows of any significant cause for delay. The Town's notice shall include: a statement as to the length of the delay and the reasons for the delay. The Town shall request a specific time extension in days and provide a justification for the length of the requested extension. Reasons for seeking an extension may include delays in obtaining necessary approvals from the Department or other approving authorities and Acts of God or War.
26. Each submission required by this Consent Order shall be submitted to:

Alan Slater, Groundwater Section Chief
Division of Watershed Management
Department of Environmental Protection
One Winter Street - 6th Floor
Boston, MA 02108

and

Dave DeLorenzo ,Deputy Regional Director, BRP
Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

V. PENALTIES

1. For Noncompliance with the terms and conditions of the 1987 Order, the Department herewith assesses a Civil Administrative penalty in the amount of \$10,000 pursuant to the authority of M.G.L. c. 21A, sec 16) and 310 CMR 5.000. This penalty amount is suspended and shall not become due and owing to the Department until or unless there is noncompliance with the terms and conditions of Paragraphs 15 or 16 of Section IV of this Consent Order.
2. For any noncompliance with the terms and conditions of Paragraphs IV-8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20 or 23 of this Consent Order, the Town shall pay stipulated penalties in the amount of \$250 dollars per day. Each separate day of noncompliance shall constitute a separate violation. Stipulated and Suspended penalties shall be paid, without demand, by certified or business check to:

Commonwealth of Massachusetts
Master Lock Box
P.O. Box 3584
Boston, MA 02241-3584

Department of Environmental Protection

By: Paul A. Taurasi 9/29/98
Paul A. Taurasi, Regional Director Date

Town Of Chatham Board of Selectmen

By: _____ Sept. 8, 1998
(Name & Title) Date

Walter G. Chapman
John P. ...
...
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