



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

SEP 29 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John Loughlin, Superintendent
Rockland Board of Sewer Commissioners
P.O. Box 330
Rockland, MA 02370

Re: NPDES Permit No. MA0101923
Administrative Order Docket No. 06-33

Dear Mr. Loughlin:

Enclosed is an Administrative Order ("Order") issued to the Town of Rockland, MA ("Town"). The Order requires the Town to employ all necessary means to comply with the flow, biochemical oxygen demand ("BOD") and total suspended solids ("TSS") limits contained in the above-referenced NPDES Permit.

Specifically, the Order requires the Town to submit to EPA and the Massachusetts Department of Environmental Protection ("MADEP") a detailed plan ("Plan"), including schedules and milestones, for achieving compliance with the Flow, BOD, and TSS limits contained in its NPDES Permit. The Plan shall, at a minimum, include:

- An itemized listing of the recommendations contained in any infiltration/inflow, sewer system evaluation survey, wastewater collection or treatment system capacity evaluation, or collection system maintenance reports prepared by, or on behalf of, the Town since January 1, 1995 and the status of Town's implementation of each of the recommendations contained in the reports, including the date that the recommendation was implemented;
- The Town's rationale for not implementing any specific recommendation contained in the above-referenced reports. For those recommendations that will be implemented in the future, the Town must provide a schedule for the recommendation's implementation;
- A flow monitoring plan including an implementation schedule that assesses the effectiveness the Town's completed sewer rehabilitation efforts;
- The specific recommendations of the May, 2006 "Draft Town of Rockland, Massachusetts Infiltration and Inflow Control Plan" ("Draft Report") prepared by Metcalf & Eddy that will be implemented by the Town. If the Town chooses not to implement a specific recommendation of the Draft Report, the Town must provide its rationale for the decision not to implement the recommendation. For those recommendations that

will be implemented, the Town must provide a schedule for their implementation and estimate the capital and operation and maintenance costs associated with their implementation;

- Provisions and a schedule for the development and implementation of an enforceable program for eliminating sump pump and roof leader connections from the Collection System that is based upon flow contributions to the Collection System;
- Identification of the ten (10) largest water users located within the Town and measures that the Town will implement to encourage water use audits and conservation measures at these facilities; and
- Provisions and a schedule for the implementation of additional infiltration/inflow controls and water conservation/reuse programs, as necessary, to achieve compliance with the Flow limits in the NPDES permit.

The Order further restricts the Town from accepting additional wastewater from sources outside the municipal boundaries of the Town other than sources that, as of September 30, 2006, were discharging to the Town's wastewater collection system in accordance with a contract obligating the Town to accept the wastewater and sources discharging to the Town's collection system pursuant to an inter-municipal agreement in effect prior to September 30, 2006.

Violation of the Order may subject the Town of Rockland to further enforcement under Section 309 of the Act, in which injunctive relief and/or penalties could be sought. If you have any questions concerning the terms of this Order, please contact Michael Fedak of the Water Technical Unit at (617) 918-1766.

The Town has also requested that EPA Administrative Order Docket No. 02-10 be closed out since the Town is now capable of achieving compliance with total recoverable Copper limitations contained in its NPDES permit. Based upon the Town's representations, it is no longer subject to the total recoverable copper interim limits and related annual reporting requirement contained in EPA Administrative Order Docket No. 02-10.

Sincerely,



Stephen S. Perkins, Director
Office of Environmental Stewardship

Enclosure

cc: David Terry (MA DEP)

**United States Environmental Protection Agency
Region I - New England**

IN THE MATTER OF	)	DOCKET NO. 06-33
	)	
Town of Rockland, Massachusetts	)	
NPDES Permit No. MA0101923	)	FINDINGS OF VIOLATION
	)	
	)	AND
	)	
Proceedings under Section 309(a)(3)	)	ORDER FOR COMPLIANCE
of the Clean Water Act, as amended,	)	
<u>33 U.S.C. §1319(a)(3)</u>	)	

I. STATUTORY AUTHORITY

The following Findings are made and ORDER issued pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the "Act"), 33 U.S.C. §1319(a)(3), which grants to the Administrator of the U.S. Environmental Protection Agency ("EPA") the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318 and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System ("NPDES") permit issued under Section 402 of the Act, 33 U.S.C. §1342. This authority has been delegated to EPA Region I's Regional Administrator, and in turn to the Director of the Office of Environmental Stewardship.

The Order herein is based on findings of violations of Section 301 of the Act, 33 U.S.C. §1311, and the conditions of NPDES Permit No. MA0101923. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. §1319(a)(5)(A), the Order provides a schedule for compliance which the Director of the Office of Environmental Stewardship has determined to be reasonable.

II. DEFINITIONS

Unless otherwise defined herein, terms used in this Order shall have the meaning given to those terms in the Clean Water Act, 33 U.S.C. § 1251 et. seq., the regulations promulgated thereunder, and any applicable NPDES permit. For the purposes of this

Order, "NPDES Permit" means the Town of Rockland's (the "Town" or "Permittee") NPDES Permit No. MA0101923, and all amendments or modifications thereto, and renewals thereof, as are applicable and in effect.

III. FINDINGS

The Director of the Office of Environmental Stewardship makes the following findings of fact:

1. The Town is a municipality, as defined in Section 502(4) of the Act, 33 U.S.C. §1362(4), established under the laws of the Commonwealth of Massachusetts.
2. The Town is a person under Section 502(5) of the Act, 33 U.S.C. §1362(5). The Town is the owner of a publicly-owned wastewater treatment works (the "POTW") from which it discharges pollutants, as defined in Section 502(6) and (12) of the Act, 33 U.S.C. §1362(6) and (12), from a point source, as defined in Section 502(14) of the Act, 33 U.S.C. §1362(14), to waters of the United States as defined in 40 C.F.R. § 122.2 .
3. Section 301(a) of the Act, 33 U.S.C. §1311(a), makes unlawful the discharge of pollutants to waters of the United States except in compliance with, among other things, the terms and conditions of a NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. §1342.
4. On August 4, 1999, the Town was issued NPDES Permit No. MA0101923 (the "1999 Permit") by the Director of the Office of Ecosystem Protection, Region I, under the authority given to the Administrator of EPA by Section 402 of the Clean Water Act, 33 U.S.C. §1342.
5. On January 26, 2006, the Town was reissued NPDES Permit No. MA0101923 (the "2006 Permit") by the Director of the Office of Ecosystem Protection of EPA, Region I, under the authority given to the Administrator of EPA by Section 402 of the Clean Water Act, 33 U.S.C. §1342. This permit authorizes the Permittee to discharge pollutants from the POTW to the French Stream subject to the conditions specified in the permit.

6. On March 1, 2006, the North and South Rivers Watershed Association filed a Petition for Review of certain conditions of the 2006 Permit with the Environmental Appeals Board pursuant to 40 C.F.R. §124.19(a).
7. On June 6, 2006, EPA issued a Notice of Uncontested Severable Conditions which stayed the summer seasonal Phosphorus limit, the October through May Ammonia limits and the schedules for complying with these limits pending resolution of the Petition for Review. All other limits and conditions of the 2006 Permit became effective on July 1, 2006.
8. The NPDES Permit authorizes the Permittee to discharge pollutants from the POTW, subject to the effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit.
9. Part I.A.1 of the NPDES Permit establishes effluent limitations and monitoring requirements for the discharge of treated effluent from outfall serial number 001.
10. The Permittee has discharged wastewater volumes in excess of the monthly average Flow limit of 2.5 million gallons per day. Over the three-year period, from January 1, 2003 to December 31, 2005, the Permittee violated the monthly average Flow limit contained in its NPDES Permit 16 of the 36 months.
11. The Permittee has also periodically violated the monthly average and daily maximum Biochemical Oxygen Demand ("BOD") and daily maximum Total Suspended Solids ("TSS") mass limits contained in its NPDES Permit during wet-weather months.
12. The Permittee's discharges of wastewater from the POTW in excess of the effluent limits contained in its NPDES Permit violates the terms and conditions of a NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. §1342 and therefore, violates Section 301(a) of the Act, 33 U.S.C. §1311(a).

IV. ORDER

Accordingly, pursuant to Section 309(a)(3) of the Clean Water Act, it is hereby ordered that:

1. Within 90 days of receipt of this Order, the Town shall submit to EPA and the Massachusetts Department of Environmental Protection ("MADEP") a detailed plan ("Plan"), including schedules and milestones, for achieving compliance with the Flow, BOD, and TSS limits contained in its NPDES Permit.
2. The Plan and schedules, submitted pursuant to Paragraph IV.1. of this Order, shall be incorporated and enforceable hereunder upon the Plan's and schedules' approval by, and as amended by, EPA.
3. The Plan shall, at a minimum, include:
 - a. An itemized listing of the recommendations contained in any infiltration/inflow, sewer system evaluation survey, wastewater collection or treatment system capacity evaluation, or wastewater collection system ("Collection System") maintenance report prepared by, or on behalf of, the Town since January 1, 1995 and the status of the Town's implementation of each of the recommendations contained in the reports, including the date that the recommendation was implemented;
 - b. The Town's rationale for not implementing any specific recommendation contained in the above-referenced reports. For those recommendations that will be implemented in the future, the Town must provide a schedule for the recommendation's implementation;
 - c. A flow monitoring plan including an implementation schedule that assesses the effectiveness of the Town's completed sewer rehabilitation efforts;
 - d. The specific recommendations of the May, 2006 "Draft Town of Rockland, Massachusetts Infiltration and Inflow Control Plan" (the "Draft Report") prepared by Metcalf & Eddy that will be implemented by the Town. If the Town chooses not to implement a specific recommendation of the Draft Report, the Town must provide its rationale for the decision not to

implement the recommendation. For those recommendations that will be implemented in the future, the Town shall provide a schedule for their implementation and estimate the capital and operation and maintenance costs associated with their implementation;

- e. Provisions and a schedule for the development and implementation of an enforceable program for eliminating sump pump and roof leader connections from the Collection System that is based upon flow contributions to the Collection System;
 - f. Identification of the ten (10) largest water users located within the Town and measures that the Town will implement to encourage water use audits and conservation measures at these facilities; and
 - g. Provisions and a schedule for the implementation of additional infiltration/inflow controls and water conservation/reuse programs, as necessary, to achieve compliance with the Flow limits in the NPDES permit.
- 4. Until further notice, beginning January 31, 2007, and each January 31st annually thereafter, the Town shall submit a report to EPA and MADEP detailing actions taken during the prior calendar year by the Town, or known by the Town to have been taken by other parties, to comply with the NPDES Permit Flow limits and to comply with the requirements of this Order.
 - 5. The Town shall not accept wastewater from sources outside the municipal boundaries of the Town other than sources that, as of September 30, 2006, were discharging to the Town's wastewater collection system in accordance with a contract obligating the Town to accept the wastewater and sources discharging to the Town's collection system pursuant to an inter-municipal agreement in effect prior to September 30, 2006.
 - 6. Bypasses of any portion of the Town's wastewater treatment facility shall be reported to EPA in accordance with 40 C.F.R. §122.41(l). Until further notice, grab samples of the wastewater treatment facility effluent shall be taken and analyzed for total residual chlorine and fecal coliform every four hours whenever

a bypass of any portion of the Town's wastewater treatment facility occurs. Similarly, whenever a bypass of any portion of the Town's wastewater treatment facility occurs, grab samples of the Town's wastewater treatment facility effluent shall be taken every four hours for the duration of the bypass and composited for each calendar day in which the bypass occurs. These composited samples shall be analyzed for Biochemical Oxygen Demand and Total Suspended Solids. Sample results shall be appended to the discharge monitoring report for the month in which the bypass occurred.

V. NOTIFICATION PROCEDURES

- I. Where this Order requires a specific action to be performed within a certain time frame, the Permittee shall submit a written notice of compliance or noncompliance with each deadline. Notification must be mailed within fourteen (14) calendar days after each required deadline. The timely submission of a required report shall satisfy the requirement that a notice of compliance be submitted.
2. If noncompliance is reported, notification shall include the following information:
 - a. A description of the noncompliance;
 - b. A description of any actions taken or proposed by the Permittee to comply with the lapsed schedule requirements;
 - c. A description of any factors that explain or mitigate the noncompliance; and
 - d. An approximate date by which the Permittee will perform the required action.
3. After a notification of noncompliance has been filed, compliance with the past requirement shall be reported by submitting any required documents or providing EPA with a written report indicating that the required action has been achieved. Submissions required by this Order shall be in writing and shall be mailed to the following addresses:

USEPA - Region 1
Office of Environmental Stewardship
1 Congress Street
Suite 1100 (SEW)
Boston, MA 02114-2023
Attn: Steve Couto

MADEP
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
Attn: David Terry

VI. GENERAL PROVISIONS

1. This Order does not constitute a waiver or a modification of the terms and conditions of the NPDES Permit. The NPDES Permit remains in full force and effect. EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. §1319, as amended, for any violation cited in this Order.
2. This Order shall become effective upon receipt by the Permittee.

SEPT 28, 2006

Date



Stephen S. Perkins, Director
Office of Environmental Stewardship