Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

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Commissioner

March 18, 2016

Mike Lillie
Acorn Park Condo Trust
5 Palmer Lane
Acton, MA 01720

City/Town: Acton
Re: **Public Comment Notice**
Program Identifier: BRP WP12; GW #288-4
Transmittal No.: X236067
Facility Name: Acorn Park Condominiums
Authorization Type: Groundwater Discharge

Dear Mr. Lillie,

The Massachusetts Clean Water Act (M.G.L. c.21, s.21-53) was amended by Chapter 246 of the Acts of 1973 to authorize the Massachusetts Department of Environmental Protection (the MassDEP), to regulate discharges into all waters of the Commonwealth, including groundwaters. The MassDEP regulates discharges through the issuance of discharge permits, which impose limitations on the amount of pollutants that may be discharged in the effluent, together with monitoring and reporting requirements and other conditions to insure adequate treatment of all liquid wastes prior to discharge.

This is a groundwater discharge permit renewal. The permit was originally issued in 1990. The MassDEP has completed its technical review of your application submitted on behalf of the Acorn Park Condominiums WWTF to discharge treated wastewater from the facility to be located onsite off Great Road in Acton, MA to the ground, and has developed the conditions contained in the enclosed draft permit.

The proposed draft permit can only be considered in draft form because of provisions in the Law regulating public notice of the proposed issuance of the permit and opportunity for public comments and public hearing. Following receipt of comments on the public notice, and public hearing, if held, the MassDEP will issue its final determination to issue or deny the permit.

Enclosed herewith is a copy of the public notice for your groundwater discharge permit. The enclosed public notice should be published to start the thirty (30) day public comment period. If you have any comments or concerns regarding the enclosed draft permit, please submit them in writing to the

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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Department within fourteen (14) days of receipt of this letter. If there are no comments or concerns, please proceed with the publishing of public notice as described herein.

In accordance with 314 CMR 2.06(4) and M.G.L. c.30A, the applicant or permittee, as applicable, shall publish public notice of the permit proceedings in *The Environmental Monitor,* a publication of the Massachusetts Executive Office of Energy and Environmental Affairs. For instructions on filing this notice with MEPA please refer to MEPA's website at http://www.env.state.ma.us/mepa/submittingnotices.htm

The applicant or permittee shall submit to the Department a copy of the public notice as published in the *Environmental Monitor,* within seven days after the date of publication or at such other time as the Department requires. This information should be sent to the attention of at the above letterhead address. The mandatory thirty day public comment period will commence with the date of publication of the public notice.

If you have any questions or comments regarding this matter, please feel free to contact Andrew Osei at 508-767-2823 or andrew.osei@state.ma.us.

Sincerely,

David Boyer, P.E.
Section Chief
Wastewater Program

Ao/hs: x236067pn-002

cc: Acton Board of Health

Todd Chaplin, PE
Mount Hope Engineering, Inc.
1788 GAR Highway
Swansea, MA 02777

Purna Rao, DEP-CERO, Permit Coordinator

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER RESOURCES/WASTEWATER MANAGEMENT PROGRAM
8 NEW BOND STREET
WORCESTER, MA 01606
TEL#: (508) 792-7650

Notice is hereby given that the following application for an Individual Groundwater Discharge Permit is being processed and the following actions being proposed thereon pursuant to Section 43 of Chapter 21 of the General Laws, and 314 CMR 5.00 and 2.06:

CITY/TOWN: Acton

PROJECT NAME: Acorn Park Condominiums Groundwater Permit Renewal Application

APPLICANT: Acorn Park Condominium Trust, Mike Lillie

FACILITY LOCATION: Off Great Road, Acton, MA

TYPE OF DISCHARGE: Sanitary Waste

QUANTITY OF DISCHARGE: 39,750 GPD

PERMIT NO: 288-4

TRANSMITTAL NO: X236067

PROPOSED ACTION: Tentative determination to issue individual groundwater discharge permit

A copy of the application, draft permit, and statement of basis or fact sheet relative to the draft permit may be obtained from the MassDEP's Wastewater Management Program at the above address and telephone number or online at: http://www.mass.gov/eea/agencies/massdep/news/comment/

Comments on the proposed action or requests for a public hearing thereon pursuant to 314 CMR 2.07 must be filed with MassDEP at the above address within thirty (30) days of this notice. For information on the process for formally intervening in adjudicatory proceedings, please refer to 310 CMR 1.00: Adjudicatory Proceedings, Section (7) Intervention and Participation.
http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-1-00-adjudicatory-proceedings.html

David Boyer, P.E.
Bureau of Water Resources

Date 3/18/16

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INDIVIDUAL GROUNDWATER DISCHARGE PERMIT

Name and Address of Applicant: Acorn Park Condominium Trust
400 Acorn Park Drive
Acton, MA 01720

Date of Application: October 09, 2015

Application/Permit No. 288-4

Date of Issuance: DRAFT

Date of Expiration: DRAFT

Effective Date: DRAFT

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AUTHORITY FOR ISSUANCE

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, 314 CMR 2.00, and 314 CMR 5.00, the Massachusetts Department of Environmental Protection (the Department or MassDEP) hereby issues the following permit to: Acorn Park Condominium Trust (hereinafter called "the permittee") authorizing discharges to the ground from the on site wastewater treatment facility located at the Acorn Park Development off Great Road in Acton, MA such authorization being expressly conditional on compliance by the permittee with all terms and conditions of the permit hereinafter set forth.

David Boyer, P.E.
Bureau of Water Resources

Date

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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I. SPECIAL CONDITIONS

A. Effluent Limits

1) The permittee is authorized to discharge into the ground from the wastewater treatment facilities for which this permit is issued a treated effluent whose characteristics shall not exceed the following values:

Effluent Characteristics	Discharge Limitations
Flow	39,750 gpd
Biochemical Oxygen Demand (BOD_5)	30 mg/l
Total Suspended Solids (TSS)	30 mg/l
Nitrate Nitrogen	10 mg/l
Total Nitrogen (NO_2 + NO_3 + TKN)	10 mg/l

a) The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time or not more than 0.2 standard units outside the naturally occurring range.

b) The discharge of the effluent shall not result in any demonstrable adverse effect on the groundwater or violate any water quality standards that have been promulgated.

c) The monthly average concentration of BOD and TSS in the discharge shall not exceed 15 percent of the monthly average concentrations of BOD and TSS in the influent into the permittee's wastewater treatment facility.

d) When the average annual flow exceeds 80 percent of the permitted flow limitations, the permittee shall submit a report to the Department describing what steps the permittee will take in order to remain in compliance with the permit limitations and conditions, inclusive of the flow limitations established in this permit.

B. Monitoring and Reporting

1) The permittee shall monitor and record the quality of the **influent** and the quality and quantity of the **effluent** prior to discharge to the leaching facilities according to the following schedule and other provisions:

INFLUENT:

Parameter	Minimum Frequency of Analysis	Sample Type
pH (standard units)	Daily	Grab
BOD_5	Monthly	24 Hr. Composite
TSS	Monthly	24 Hr. Composite
Total Solids	Monthly	24 Hr. Composite
Ammonia Nitrogen	Quarterly	24 Hr. Composite

EFFLUENT:

Parameter	Minimum Frequency of Analysis	Sample Type
Flow	Daily	Max-Min-Avg
pH	Daily	Grab
BOD_5	Monthly	24 Hr. Composite
TSS	Monthly	24 Hr. Composite
Total Solids	Monthly	24 Hr. Composite
Nitrate Nitrogen	Monthly	24 Hr. Composite
Total Nitrogen	Monthly	24 Hr. Composite
Oil & Grease	Monthly	Grab
Total Phosphorus	Quarterly	Grab
Orthophosphate	Quarterly	Grab
Volatile Organic Compounds (US EPA Method #624)	2x Annually	Grab

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a) After one full year of monitoring the Total Phosphorus and Orthophosphate results, the Department may determine, upon the request of the permittee, that the frequency of monitoring may be reduced if, in the judgment of the Department, the results of the sampling indicate that existing phosphorus levels will not adversely impact downgradient receptors. If the Department reduces the frequency of monitoring for Total Phosphorus and Orthophosphate, the Department reserves the right to resume more frequent monitoring if the Department determines that phosphorus levels are impacting downgradient receptors.

2) The permittee has installed a monitoring well network as specified by the plan entitled "Report on Well Installation and Sampling Techniques, January 21, 1990". The permittee shall monitor, record and report the quality of water in the approved monitoring wells: downgradient wells (5, 6R, 12, 13R and 15R), upgradient well (3R), and within soil absorptions system (9R)according to the following schedule and other provisions:

Parameter	Minimum Frequency of Analysis
pH	1 x Monthly
Static Water Level	1 x Monthly
Specific Conductance	1 x Monthly
Total Nitrogen	1 x Quarterly
Nitrate Nitrogen	1 x Quarterly
Total Phosphorus	1 x Quarterly
Orthophosphate	1 x Quarterly
Volatile Organic Compounds (US EPA method #624)	1 x Annually

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a) Static Water Level shall be expressed as an elevation and shall be referenced to the surveyed datum established for the site. It shall be calculated by subtracting the depth to the water table from the surveyed elevation of the top of the monitoring well's PVC well casing/riser.

b) After one full year of monitoring the Total Phosphorus and Orthophosphate results, the Department may determine, upon the request of the permittee, that the frequency of monitoring may be reduced if, in the judgment of the Department, the results of the sampling indicate that existing phosphorus levels will not adversely impact downgradient receptors. If the Department reduces the frequency of monitoring for Total Phosphorus and Orthophosphate, the Department reserves the right to resume more frequent monitoring if the Department determines that phosphorus levels are impacting downgradient receptors.

c) Should monitoring wells numbered 3R, 13R or 15R show any unusual results in their monthly monitoring of pH or specific conductance, the additional sampling required in paragraph 2 above may be required.

3) Any grab sample or composite sample required to be taken less frequently than daily shall be taken during the period of Monday through Friday inclusive. Grab samples shall be taken between 8:00 a.m. and 6:00 p.m. All composite samples shall be taken over the operating day.

4) The permittee shall submit all monitoring reports within 30 days of the last day of the reporting month. Reports shall be on an acceptable form, properly filled and signed and shall be sent to: the Deputy Regional Director, Bureau of Water Resources, Department of Environmental Protection, Regional Office, 8 New Bond Street, Worcester, MA 01606 and to the Department of Environmental Protection, Bureau of Water Resources, Wastewater Management Program, One Winter Street/5th Floor, Boston, MA 02108, and to the Board of Health, 472 Main Street, Acton, MA 01720.

   a) Submission of monitoring reports in electronic format is available through eDEP and serves as data submission to both the Regional and Boston offices. To register for electronic submission go to: *http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html*

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C. Financial Assurance Mechanisms

1) a) The permittee shall establish and maintain a financial assurance mechanism that provides for the continued availability of an immediate repair and replacement account to be used by the permittee solely for the immediate repair and replacement of any failing components of the PWTF. To create an immediate repair and replacement account, the permittee shall deposit at least 15% of the estimated construction cost of the PWTF into an interest bearing escrow account in accordance with the financial assurance mechanism and 314 CMR 5.15.

   b) The permittee shall also establish and maintain a financial assurance mechanism in accordance with 314 CMR 5.15 that provides for the accumulation in a capital reserve account of sufficient funds to make any necessary modifications to the PWTF and other related equipment within twenty years from the date the PWTF commenced operation or such other period determined to be appropriate by the Department based on the age and condition of the PWTF. The financial assurance mechanism shall provide for the accumulation in the capital reserve account of an

amount equal to at least 25% of the estimated construction cost of the PWTF.

c) On or before January 31st of each year, the permittee shall submit an annual financial report identifying the initial and current balances in the immediate repair and replacement account and the capital reserve account and confirming the continuing availability of the funds in said account for the purposes specified in the permit and 314 CMR 5.15. Said report shall be prepared in accordance with generally accepted accounting principles. Reports pertaining to the required financial assurance mechanism(s) shall be sent to the Wastewater Management Section Chief at the appropriate Regional Office

2) The permittee shall meet the obligation to establish all required financial assurance mechanisms by using Department-approved form documents and shall submit said Department-approved form documents to the Department for its review and approval as follows:

a) A permittee that constructs the wastewater treatment facility after the issuance of the Individual permit may submit the financial assurance mechanism(s) to the Department for its review and approval no later than ninety (90) days prior to the start-up of the facility. Such a permittee shall not operate the facility unless and until the Department has approved the required financial assurance mechanism(s), the financial assurance mechanisms are in full force and effect, and the permittee has made all contributions required thirty (30) days prior to the start-up of the facility.

b) A permittee with a wastewater treatment facility in existence prior to the submission of the individual permit renewal application may submit the financial assurance mechanisms to the Department for its review and approval no later than ninety (90) days from the date of submission of the individual permit renewal application. Said permittee shall be in compliance with the provision of each approved financial assurance mechanism requiring contributions to the immediate repair and replacement account and the capital reserve account no later than thirty (30) days prior to the date on which the renewal is issued.

3) The permittee shall maintain the current form documents evidencing all required financial assurance mechanisms approved by the Department. The permittee shall perform all its obligations under the required financial assurance mechanisms as approved by the Department.

4) For purpose of the financial assurance mechanism requirement, the estimated construction cost of the wastewater treatment facility shall include the cost of constructing the wastewater treatment plant, collection system, associated mechanical equipment, but not including the land, ground and disposal area.

D. Supplemental Conditions

1) The permittee shall notify the Department at least thirty (30) days in advance of the proposed transfer of ownership of the facility for which this permit is written. Said notification shall include a written agreement between the existing and new permittees containing a specific date for transfer of permit, responsibility, coverage and liability between them.

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2) A staffing plan for the facility shall be submitted to the Department once every two years and whenever there are staffing changes. The staffing plan shall include the following components:

   a) The operator(s)'s name(s), operator grade(s) and operator license number(s);
   b) The number of operational days per week;
   c) The number of operational shifts per week;
   d) The number of shifts per day;
   e) The required personnel per shift;
   f) Saturday, Sunday and holiday staff coverage;
   g) Emergency operating personnel

3) The permittee is responsible for the operation and maintenance of all sewers, pump stations, and treatment units for the permitted facility, which shall be operated and maintained under the direction of a properly certified wastewater operator.

4) Operation and maintenance of the proposed facility must be in accordance with 314 CMR 12.00, "Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and

Indirect Discharges", and, 257 CMR 2.00, "Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities".

a) The facility has been rated (in accordance with 257 CMR 2.00), to be a Grade 4 facility. Therefore, the permittee shall provide for oversight by a Massachusetts Certified Wastewater Treatment plant operator (Chief Operator) Grade 4 or higher. The permittee will also provide for a backup operator who shall possess at least a valid Grade 3 license.

b) The date and time of the operator's inspection along with the operator's name and certification shall be recorded in the log book on location at the treatment facility. All daily inspection logs consistent with the O&M Manual requirements shall be kept at the facility for a period of three (3) years.

c) Records of operation of wastewater treatment facilities or disposal systems required by the Department shall be submitted on forms supplied by the Department or on other forms approved by the Department for such use. Monthly reports shall be certified by the wastewater treatment plant operator in charge and shall be included in the discharge monitoring reports submitted each month.

5) If the operation and maintenance of the facility is contracted to a private concern, the permittee shall submit a copy of the contract, consistent with what is required by the approved Operation & Maintenance manual and signed only by the contractor, to the appropriate MassDEP Regional Office within thirty (30) days of permit issuance. Along with the contract, a detailed listing of all contract operation obligations of the proposed contractor at other facilities shall also be submitted.

6) Any additional connections to the sewer system, beyond the residential units totaling 328 bedrooms shall be approved by MassDEP and the local Board of Health prior to the connection.

7) All tests or analytical determinations to determine compliance with permit standards and requirements shall be done using tests and procedures found in the most recent version of *Standard Methods for the Examination of Water*

and Wastewater and shall be performed by a Massachusetts Certified laboratory.

8) The permittee shall notify the appropriate MassDEP Regional Office, in writing, within thirty (30) days of the following events:

   a) Any interruption of the treatment system operation, other than routine maintenance.
   b) Final shutdown of the treatment system.

9) The permittee shall contract to have any and all solids and sludges generated by the treatment system for which this permit is issued removed off site by a properly licensed waste hauler for disposal at an EPA/MassDEP approved facility. The name and license number of the hauler along with the quantity of wastes removed and the date(s) of removal shall be reported by the permittee in writing to the appropriate MassDEP Regional Office.

10) Simultaneously with the permit renewal application at year fifteen (2036) following the infrastructure modifications and mechanism replacements in 2021, the permittee shall submit two reports to the Department for its review and approval:

   a) An engineering report, prepared by a registered professional engineer, that outlines in sufficient detail what modifications (if any) to the facility or other changes are required to insure that the facility can remain in compliance with its GWDP and other applicable requirements through the next 5 year permit term (year 2041) and beyond; and

   b) A financial plan that contains the cost estimates for implementing the facility modifications or other changes identified in the engineering report, and describes and demonstrates, how and when the permittee will finance the needed facility modifications or other changes.

11) In the event that effluent limits are not met, or the discharge is determined to impair groundwater quality in accordance with 314 CMR 5.16(1), the permittee may be obligated to modify, supplement or replace the permitted treatment process so as to ensure that the discharge does

not impair the ability of the groundwater to act as an actual or potential source of potable water.

12) Pursuant to M.G.L. Chapter 21A, section 18(a), and 310 CMR 4.03, holders of this Permit may be subject to annual compliance assurance fees as assessed each year on July 1st and invoiced by MassDEP. Failure of the Permit holder to pay applicable annual compliance assurance fees shall result in the automatic suspension of the permit by operation of law under the statute. If fee non-payment continues for sixty days or more, MassDEP has the statutory option of revoking the Permit, denying any other pending permit applications filed by the Permit holder or taking other enforcement action. Permit holders are required to notify MassDEP in writing if they wish to relinquish or transfer a permit. Failure to do so will result in the continued assessment of fees.

E. Appeal Rights

During the thirty (30) day period following issuance of this permit, a Notice of Claim for an Adjudicatory Appeal may be sent by any person aggrieved (the "Petitioner") by the issuance to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
One Winter Street/2nd Floor
Boston, MA 02108

310 CMR 1.01(6)(b) requires the Notice of Claim to: include sufficient facts to demonstrate aggrieved person status; state the facts which are grounds for the appeal specifically, clearly and concisely; and, state relief sought. The permit shall become or remain effective at the end of the 30 day appeal period unless the person filing the Notice of Claim requests, and is granted, a stay of its terms and conditions. If a permit is modified under 314 CMR 2.10, only the modified terms and conditions may be subject to an Adjudicatory Appeal. All other aspects of the existing permit shall remain in effect during any such Adjudicatory Appeal.

Per 310 CMR 4.06, the hearing request to the Commonwealth will be dismissed if the filing fee is not paid. Unless the Petitioner is exempt or granted a waiver, a valid check payable to the Commonwealth to Massachusetts in the amount of $100.00 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The filing fee is not required if the Petitioner is a city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority effective January 14, 1994, or any municipal housing authority; or, per MGL 161A s. 24, the Massachusetts Bay Transportation Authority. The Department may waive the adjudicatory hearing filing fee for a Petitioner who shows that paying the fee will create and undue financial hardship. A Petitioner seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.