

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

March 25, 2022

The Asbury Camp Meeting Corporation, Inc.
c/o Robert Perham, Business Manager
15 Lee Park
South Hamilton, MA 01982

RE: Public Comment Notice for Individual Groundwater Discharge Permit
Asbury Camp Meeting Association
1 Pleasant Avenue, South Hamilton, MA
MassDEP Transmittal No. X277209
New Groundwater Discharge Permit # 750-2

Dear Mr. Perham:


The Massachusetts Clean Waters Act (M.G.L. c.21, s.26-53) 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.

The MassDEP has completed its technical review of your application to discharge treated wastewater from the 152 individual subsurface sewage disposal systems that comprise the facility located off Pleasant Avenue in South Hamilton, 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.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.magnet.state.ma.us/dep>

 Printed on Recycled Paper

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.

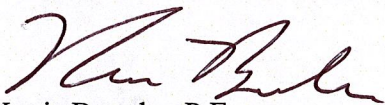
In accordance with 314 CMR 2.06(4) and M.G.L. c.30A, the applicant or permittee, as applicable, shall publish public notice of the permit proceedings in *The Environmental Monitor*, a publication of the Massachusetts Executive Office of Energy and Environmental Affairs. For instructions on filing this notice with MEPA please refer to MEPA's website at <http://www.mass.gov/eea/agencies/mepa/submitting-notices-to-the-environmental-monitor.html>

The applicant or permittee shall submit to the Department a copy of the public notice as published in the *Environmental Monitor*, within seven (7) days after the date of publication or at such other time as the Department requires. This information should be sent to the attention of Lisa Dallaire at the above letterhead address. The mandatory thirty (30) day public comment period will commence with the date of publication of the public notice.

Pursuant to 314 CMR 2.06(4)(a), since the Asbury Grove draft permit includes Special Effluent Conditions, the applicant or permittee shall also publish the public notice in at least one newspaper of general circulation in the town in which the permit does not require the groundwater discharge to meet the more stringent or water quality or technology-based effluent limitations. The applicant or permittee shall submit to the Department a copy of the public notice as published in the local newspaper within seven (7) days after the date of publication

If you have any questions on any of the information discussed in this letter, please contact me at Kevin.Brande@mass.gov.

Sincerely,



Kevin Brander, P.E.
Wastewater Section Chief
Wastewater Management Section

Enclosures

cc: Hamilton Board of Health
Dan Ottenheimer, P.E., Mill River Consulting, Inc.
Wastewater Management Program/Boston
Julianne Ture, DEP/BWR/Boston

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER RESOURCES/WASTEWATER MANAGEMENT PROGRAM
205 B Lowell Street
Wilmington, MA 01887
TEL#: (978) 694-3200

Notice is hereby given that the following application for a Nutrient Loading Approach to Wastewater Permitting and Disposal 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: Hamilton

PROJECTNAME: Asbury Camp Meeting Association

APPLICANT: The Asbury Camp Meeting Corporation, Inc.

FACILITY LOCATION: 15 Lee Park, South Hamilton, MA 01982

TYPE OF DISCHARGE: Groundwater Discharge of Sanitary Wastewater

QUANTITY OF DISCHARGE: 26,565 gpd and 2997 pounds per year of nitrogen

PERMIT NO: 750-2

TRANSMITTAL NO: X277209

PROPOSED ACTION: Tentative determination to issue Nutrient Loading Approach to Wastewater Permitting and Disposal Permit

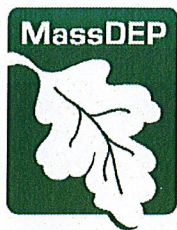
A copy of the draft permit, and statement of basis or fact sheet relative to the draft permit may be obtained from the MassDEP's Wastewater Management Program at the above address and telephone number or online at: <http://www.mass.gov/eea/agencies/massdep/news/comment/>. A copy of the full application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

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>

Kevin Brander, P.E.
Wastewater Section Chief
Wastewater Management Section



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

Individual Groundwater Discharge Permit Fact Sheet

I. APPLICANT, FACILITY INFORMATION, and DISCHARGE LOCATION

Name and Address of Applicant: The Asbury Camp Meeting Corporation, Inc., 15 Lee Park, South Hamilton, MA 01982

Name and Address of Facility where discharge occurs:
Asbury Camp Meeting Association, 1 Pleasant Avenue, South Hamilton, MA 01982

Discharge Information:
Groundwater Discharge Permit Number: 750-2

The Groundwater Discharge Permit will allow the applicant to continue to discharge 26,565 gallons per day treated effluent into the ground from a total of 152 individual subsurface sewage disposal systems ("SSDSs") with soil absorption systems serving the existing dwellings and buildings located at 1 Pleasant Avenue, South Hamilton to groundwater of the Commonwealth of Massachusetts. The SSDSs serve 63 year-round residences having 158 bedrooms and 89 summer residences with 167 bedrooms on an 83.3-acre Site. In accordance with the DEP Policy, *Nutrient Loading Approach to Wastewater Permitting and Disposal* (August 1999), the cumulative load of nitrogen discharged on the site from wastewater and other sources shall not exceed 2997 pounds per year of nitrogen for the entire project.

The discharge from the disposal systems are located within a Zone II recharge area for a public drinking water well in Hamilton.

II. LIMITATIONS AND CONDITIONS

Discharge permit limitations are as listed in the groundwater permit and are in conformance with 314 CMR 5.00, the Groundwater Discharge Permit Program, as well as the *Nutrient Loading Approach to Wastewater Permitting and Disposal* (August 1999).

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>



Printed on Recycled Paper

III. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMITATIONS

An Individual Groundwater Discharge permit is required for this discharge in accordance with the Massachusetts Clean Water Act, M.G.L. c. 21, s. 26-53 and 314 CMR 5.03.

Effluent limitations are based upon the location of the discharge, the level of treatment, consideration of human health protection criteria and protection of the groundwaters of the Commonwealth.

IV. COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISIONS

The public comment period for this permit is thirty (30) days following public notice in *The Environmental Monitor*. The public notice for this Individual Groundwater Discharge Permit occurred on [DATE].

In addition, this permit contains "Special Effluent Limitations" pursuant to 314 CMR 5.10(9). Therefore, in accordance with 314 CMR 2.06(4)(a) public notice was also published in [Newspaper] on [DATE].

Requests for an adjudicatory hearing must be submitted within thirty (30) days of the issuance/denial of the permit, by any person who is aggrieved by such issuance/denial.

A final decision on the issuance/denial of this permit will be made after the public notice period, and review of any comments received during this period.

V. STATE CONTACT INFORMATION

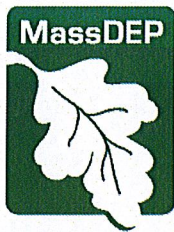
Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday excluding holidays, from:

Lisa Dallaire
MassDEP/Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887
Lisa.dallaire@mass.gov

Kevin Brander, P.E.
Section Chief
Wastewater Management Section

DATE

March 25, 2022



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

INDIVIDUAL GROUNDWATER DISCHARGE PERMIT

Name and Address of Applicant: **The Asbury Camp Meeting Corporation, Inc.
15 Lee Park, South Hamilton, MA 01982**

Date of Application: **December 27, 2017**

Application/Permit No.: **X277209 / (750-2)**

Date of Issuance: **DRAFT**

Effective date: **DRAFT**

Date of Expiration: **DRAFT**

AUTHORITY FOR ISSUANCE

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, 314 CMR 2.00, 314 CMR 5.00, and the Massachusetts Department of Environmental Protection's (the "MassDEP") Interim Policy entitled, *Nutrient Loading Approach to Wastewater Permitting and Disposal* (August 20, 1999) the following permit is hereby issued to: **The Asbury Camp Meeting Corporation, Inc.**, (hereinafter called "the permittee"), authorizing discharges to the ground from a total of 152 individual subsurface sewage disposal systems ("SSDSs") with soil absorption systems serving the existing dwellings and buildings located at **Asbury Camp Meeting Association, 1 Pleasant Avenue, South Hamilton, MA**, (hereinafter called the "facility"), such authorization being expressly conditional on compliance by the permittee with all terms and conditions of the permit hereinafter set forth. The SSDSs serve 63 year-round residences having 158 bedrooms and 89 summer residences with 167 bedrooms on an 83.3-acre Site.

Kevin Brander, P.E.
Section Chief
Wastewater Management Section

Date

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

Printed on Recycled Paper

SPECIAL CONDITIONS

The permittee is authorized, pursuant to 314 CMR 5.00 and the Department's Interim Policy entitled, *Nutrient Loading Approach to Wastewater Permitting and Disposal* (August 20, 1999) (the "NLA Policy"), to discharge treated effluent into the ground from a total of 152 individual subsurface sewage disposal systems ("SSDSs") with soil absorption systems ("SAS") serving the existing dwellings located at 1 Pleasant Avenue, South Hamilton (the "Site"). The SSDSs serve 63 year-round residences having 158 bedrooms and 89 summer residences with 167 bedrooms on an 83.3-acre Site.

A. Treatment Facilities

1. The treatment process for each source of septic waste is identical to that typically regulated under 310 CMR 15.000, Title 5 of the State Environmental Code. Treatment provided by the system consists of 152 individual building septic gravity-feed systems and septic tanks. Each system has its own SAS. Each SSDS includes primary settling in the septic tanks followed by aerobic filtration of tank supernatant as it passes through the in-situ media of the soil absorption system. The location of each house is indicated on the site plan entitled, "Site Plan of Land for Asbury Grove, Hamilton, Massachusetts, Map 37, Block 46, Lot 1", prepared by Mill River Consulting, dated May 6, 2020, stamped and signed by Daniel Ottenheimer, P.E., accompanied by the "Asbury Grove Address Record Book" dated May 6, 2020, also prepared by Mill River Consulting, which documents each building and single family house served.

This method of treatment authorized by this permit does not have prescribed intermediary or end-of-pipe effluent limits. However, with proper functioning of each component, such systems have shown to regularly provide adequate removal and reduction of standard components of domestic-source wastewater. Routine inspection and pumping of the septic tanks are critical to the proper function of each component, and the overall efficiency of the SSDSs. Therefore, a maintenance and inspection program is required and is discussed in Section C below.

2. Discharge of the effluent shall not result in any demonstrable adverse impact to the groundwater or violate any water quality standard that has been promulgated.
3. The permittee shall take necessary measures to prevent, minimize or mitigate the impact of any discharge of effluent to the surface. Discharge of effluent to the surface includes, but is not limited to breakout from an SAS, overflow of a septic tank, breakage of conveyance lines, or any damage, misuse, or disrepair of the SSDSs, including the building sewer line.
4. Proper maintenance and inspection of the SSDSs (including collection systems, treatment systems and facility grounds), and the collection and analysis of groundwater samples from monitoring wells is required to protect public health and safety. The requirements for each are detailed below.

B. Nutrient Loading

1. In accordance with the NLA Policy, the **cumulative load of nitrogen** discharged at the facility from wastewater and other sources shall not exceed **2997 pounds per year of nitrogen** for the entire project. The permitted cumulative load is comprised of nitrogen derived from three (3) sources. These sources and their associated nitrogen contributions are the following:

<u>Source</u>	<u>NO₃ Load (lbs. per year)</u>
Wastewater (152 SSDSs)	2828
Precipitation Recharge (54 acres)	94
Lawn Fertilizer (2.26 Acres)	75
Total NO ₃ Loading	2997 lbs. per year

2. The loading assumptions are based on the use of the SSDSs serving the residential wastewater flows for 152 residential buildings with 63 year round residences having 158 bedrooms and 89 seasonal residences with 167 bedrooms, for a total of 325 bedrooms, and residential fertilizer application. Adherence to the planning assumptions is necessary to maintain compliance with the cumulative loading limitation of **2997 pounds per year of nitrogen**.
3. The NO₃ loading assumptions are further described as follows:

Wastewater

- Title 5 systems - 35 mg/l NO₃
- Total wastewater flow - 26,565 gpd (seasonally adjusted design flow)

Precipitation Recharge

- Creditable acreage – 54 acres
- Average precipitation recharge rate – 22.4 inches/year
- Precipitation – 0.05 mg/l NO₃

Lawn Fertilizer

- 298 lbs/year x 25 % leachability factor = 75 lbs/yr NO₃

C. Nutrient Loading Limitations

The facility shall comply with the following nutrient loading limitations:

- (a) In accordance with the NLA Policy, the cumulative load of nitrogen discharged to the site from wastewater and other sources shall not exceed **2,997 pounds per year of nitrogen**.
- (b) The **nitrate-nitrogen concentration** in the down gradient property line monitoring wells shall not exceed **10 mg/l**.

In the event that the MassDEP determines, based on an evaluation of the Annual Report or other information, that the nutrient loading assumptions have not been adhered to or otherwise realized by the permittee, the MassDEP may require the permittee to modify the permit in accordance with 314 CMR 2.10 and 314 CMR 5.12 and/or undertake the measures detailed below:

- (a) Install wastewater treatment technology to achieve an additional level of nutrient removal; and
- (b) Reduce application of nutrients to the property.

D. Monitoring Requirements

The permittee shall continue (a) to monitor and record the quantity of water used at the facility; (b) to maintain a regular cycle of septic tank pumping and visual inspections of the existing SSDSs; (c) to complete formal inspection of the SSDSs; and (d) to have monitoring wells samples professionally analyzed in accordance with the requirements of this permit.

1. Water Use Monitoring

The permittee shall provide annual water meter readings, where available, and estimates for non-metered water use in accordance with the Reporting Requirements discussed in Section D, paragraph 2(b) below.

2. Septic Tank Pumping and General Visual Inspection

Septic tank pumping, to include a general visual inspection of the septic tank, shall be performed in accordance with the provisions of 310 CMR 15.351. A regular cycle of septic tank pumping shall be maintained with a maximum interval between pump-out of 3 years for each year-round residence and 5 years for each seasonal residence. Records of septic tank pumping shall be kept at the site and submitted to the Hamilton Board of Health. Any and all solids and sludge generated by the SSDSs for which this permit is issued shall be removed off site by a properly licensed waste hauler for disposal at a properly permitted wastewater treatment plant. The name and license number of the hauler, the quantity of wastes removed, and the date(s) of removal, shall be reported, in writing to the Department, with the quarterly monitoring reports.

3. Formal Inspection of Subsurface Septic Disposal Systems (SSDSs)

- (a) The permittee shall have all SSDSs formally inspected in accordance with the time of transfer provisions of 310 CMR 15.301. All formal inspections of SSDSs shall be performed by a Certified Title 5 System Inspector and shall meet the Inspection Criteria required by 310 CMR 15.302. Additionally, formal inspections of the SSDSs shall be conducted if and when a system shows evidence of failure. Inspection reports shall be submitted to MassDEP and to the Hamilton Board of Health.
 - (b) In the event of a system failure, the design and construction of a replacement SSDS shall comply with the relevant provisions of 310 CMR 15.000 (Title 5). Applications for the disposal system construction permit required to perform an upgrade of a failed system shall be submitted to the Hamilton Board of Health. The division of responsibilities for reviewing, approving and issuing disposal system construction permits and certificates of compliance is set forth in the Memorandum of Agreement signed by the permittee, the Town of Hamilton and the Department, and executed on July 26, 2005, and the MassDEP's August 12, 2005 letter to the Hamilton Board of Health.
4. If MassDEP determines that a delay in the replacement or repair of a failed septic system has been caused by an event beyond the reasonable control of the permittee, MassDEP shall extend the deadline for performance of such septic replacement or repair for a period of time equal to the delay caused, or contributed to, by the event. Events for which MassDEP will grant such extensions include: (1) acts of God; (2) acts of war; (3) unanticipated delays due to accidents, strikes, freight embargoes, or other work stoppages; (4) flood, fire, extreme weather conditions or other natural disasters; (5) lawsuits which have been commenced challenging or enforcing the obligation of the dwelling unit owners to maintain, repair or upgrade their septic system; and (6) delay in obtaining permits and/or approvals from the state, local or federal authorities required to comply with the terms and conditions of this Permit. Provided, however, that the permittee demonstrates to the MassDEP's satisfaction that it made best efforts to timely obtain such state, local or federal permits or approvals. Unanticipated or increased costs or expenses associated with the implementation of the actions required under this Permit or changed financial circumstances shall not serve as the basis for changes in this Permit or as the basis for extensions of time for the performance of the actions required under this Permit. Performance of the obligations required under this Permit is not conditioned on the receipt of any federal or state grant or loan and shall not be excused by the lack of any federal or state permit.

5. Groundwater Monitoring

The permittee shall monitor, record and report the quality of the groundwater in the following monitoring wells referenced on the surveyed site plan prepared by Graham Associates, Inc., revised September 12, 2008, entitled, "Plan of Monitoring Well Locations prepared for Asbury Camp Meeting Corporation":

Upgradient Well: **MW-11**

Down gradient Wells: **MW-1A, MW-3A, MW-7, MW-9 and MW-10A**

Monitoring wells shall, at a minimum, be sampled for the following parameters at the following frequencies:

Sampling Required for All Listed Monitoring Wells

<u>Parameter</u>	<u>Sampling Frequency</u>	<u>Permitted Concentration</u>
Static Water Level	Quarterly	Not applicable
pH	Quarterly	Not less than 6.5 nor greater than 8.5 at any time or not more than 0.2 standard units from background
Specific Conductance	Quarterly	Deviation from background
Nitrate-Nitrogen	Annually (Summer quarter)	10 mg/l or less*
Total Nitrogen (NO ₃ +NO ₂ +TKN)	Annually (Summer quarter)	10 mg/l or less*
Total Phosphorus	Annually (Summer quarter)	
Orthophosphate	Annually (Summer quarter)	
VOC	Annually (Summer quarter)	

* Nitrate-Nitrogen and Total Nitrogen compliance is assessed via the composite sampling requirements outlined below.

- (a) Static water level shall be expressed as an elevation and 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 at the top of the monitoring well PVC riser.
- (b) After one full year of monitoring the Total Phosphorus and Orthophosphate results, MassDEP may determine, upon the request of the permittee, that the frequency of monitoring may be reduced if, in the judgement of MassDEP, the results of the sampling indicate that the existing phosphorus levels will not adversely impact downgradient receptors. If MassDEP reduces the frequency of monitoring for Total Phosphorus and Orthophosphate, MassDEP reserves the right to resume more frequent monitoring if MassDEP determines that Phosphorus levels are impacting downgradient receptors.

- (c) Composite Sampling of Listed Down gradient Wells and Individual Sampling of Upgradient Well:

<u>Parameter</u>	<u>Sampling Frequency</u>	<u>Permitted Concentration</u>
Nitrate-Nitrogen	Quarterly	10 mg/l or less
Total Nitrogen	Quarterly	10 mg/l or less

6. Compliance with the loading limitations of this permit shall be measured as follows:

- (a) At all times, the permittee shall adhere to the cumulative loading limit of 2997 pounds per year of nitrogen.
- (b) At all times, the concentration of total nitrogen or nitrate-nitrogen in the composite sample from down gradient monitoring wells, listed under Special Condition C. 4. (b), shall not exceed 10 mg/l.
- (c) Timely submittal of the annual report.

E. Reporting Requirements

1. Quarterly Reporting Requirements

The permittee shall submit tank pumping reports, results of all formal inspections reports, monitoring well testing results and all data related to loading limitations in summary form on a quarterly basis (June, September, December and March), properly filed and signed on the 30th day of the month following the last day of the reporting quarter to the MassDEP and to the Hamilton Board of Health, 577 Bay Road, Hamilton, Massachusetts 01936. All monitoring reports submitted to MassDEP must be submitted through eDEP.

To register for electronic submission go to:

<http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html>

Septic tank pumping reports that have been provided to the permittee or to the Hamilton Board of Health shall be included in the first quarterly report following the date of pumping. These reports shall be accompanied by receipt by a certified septage hauler. The SSDS inspection reports shall be properly completed and signed by a Certified Title 5 System Inspector and submitted in the first quarterly report following the inspection. The monitoring well reports shall be prepared under the direction of a certified laboratory or a Professional Engineer registered by the Commonwealth of Massachusetts and submitted in the first quarterly report following the sampling and monitoring.

2. Annual Reporting Requirements

On or before January 31 of each year, the permittee shall submit an annual report describing the cumulative loadings achieved for the prior calendar year as compared to

the cumulative loading limit of 2997 pounds to MassDEP for review. The annual report shall contain the following information:

- (a) A summation and discussion of the individual sources of nitrogen and how cumulatively they compare with the permit limit of 2997 pounds per year.
- (b) Wastewater flow for the complex. The permittee shall provide a determination of an annual daily average and a discussion of how it compares to the permit limit of 26,565 gpd.
- (c) All monitoring well data compiled in accordance with section C, paragraph 4 above.
- (d) The annual report shall be certified as valid and stamped by a professional engineer registered in the Commonwealth of Massachusetts. The report shall contain a certification statement signed by the person in accordance with 314 CMR 5.14.

3. Reporting of Emergency Repairs

For emergency work, the permittee shall report, by email or telephone, to MassDEP, within 72 hours of an unscheduled pumping and inspections. The permittee shall follow up with written description of the observed problem, immediate response, mitigative action and proposed long-term response in the quarterly report to MassDEP.

F. Financial Conditions

- 1. The permittee shall maintain the financial assurance mechanism (FAM) established for the facility in the amount of \$50,000 as a source of funding if needed for the immediate replacement or repair of any failed wastewater treatment system. This amount shall be provided for on the following schedule:
 - (a) On the effective date of this permit, the FAM account shall be funded with a minimum of \$25,000;
 - (b) Increments of at least \$5,000 per year shall be deposited into the FAM account, by January 31 of each year of this permit term, until the FAM is fully funded with at least \$50,000; and
 - (c) Such FAM account shall be in the form of an interest-bearing bank escrow account in a form satisfactory to MassDEP. This security is not intended for use toward normal repair and maintenance, but shall be used to augment on-hand operation funds in the case of a sudden or catastrophic failure of the SSDSs at this facility.
- 2. This security shall be maintained throughout the life of the permit, replenishing the amount of any disbursement within one year.

3. By January 31 of each year, the permittee shall submit an annual financial report prepared in accordance with generally accepted accounting principles consistently applied shall be submitted to MassDEP. At a minimum, the report shall contain the following information:
 - (a) Aggregate balance of the security funds;
 - (b) Statement of all disbursements from the security funds, together with a description of the means by which the security funds will be replenished;
 - (c) All expenses for operation, maintenance, replacement or repair of the sewage treatment facility within the past year;
 - (d) All revenue generated to meet such expenses;
 - (e) Initial and current balances in the immediate replacement account and any other accounts.

G. Supplemental Conditions

1. The permittee shall notify MassDEP at least thirty (30) days in advance of the proposed transfer of ownership of a property for which this permit is issued. Said notification shall include a written agreement between the existing permittee and new permittee(s) containing a specific date for transfer of the permit, responsibility, coverage and liability between them.
2. A notification shall be submitted to MassDEP prior to any change of engineer or company contracted to obtain, test, and report on the monitoring well samples.
3. All tests or analytical determinations to determine compliance with permit standards and requirements:
 - a) Effluent samples shall be collected, transported and stored in accordance with *Standard Methods for the Examination of Water and Wastewater*;
 - b) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other methods are approved by the Department; and,
 - c) Samples shall be analyzed by a Massachusetts Certified laboratory unless otherwise approved by the Department.
4. In the event that the groundwater quality in the down gradient monitoring wells exceed 10 mg/l for nitrate nitrogen or total nitrogen, and no improvement in quality is seen, MassDEP may require that the permitted treatment process be modified, supplemented or replaced or may require the installation of wastewater treatment unit(s) so as to ensure compliance with the groundwater quality standards. Prior to taking steps to enforce this paragraph, MassDEP shall provide written notice to the permittee of its intent and shall provide the permittee with at least twenty-one (21) days from the date of said notice to file a written response including

the permittee's recommendation for complying with the permit. As a follow-up to receipt of the permittee's recommended steps for compliance MassDEP will meet with the permittee to establish a compliance schedule.

5. The permittee shall obtain approval from MassDEP and the Town of Hamilton Board of Health prior to construction of any facilities on the permittee's site which will increase wastewater design flows on the site..

H. Appeal Rights

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

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

Pursuant to 310 CMR 1.01(6)(b), requires the Notice of Claim to: include sufficient facts to demonstrate aggrieved person status; state the facts which grounds for the appeal specifically, clearly and concisely; and state relieve 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.

Pursuant to 310 CMR 4.06, the request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$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 appellant is a city or town, county, or district of the Commonwealth of Massachusetts, or a municipal housing authority, a federally recognized Indian tribe housing authority effectively January 14, 1994, or the Massachusetts Bay Transportation Authority. MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A Petitioner seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

The Asbury Camp Meeting Corporation
#750-2

II. GENERAL PERMIT CONDITIONS

5.16: General Conditions

The following conditions apply to all individual and general permits:

(1) No discharge authorized in the permit shall cause or contribute to a violation of 314 CMR 4.00: *Massachusetts Surface Water Quality Standards*. Upon promulgation of any amended standard, the permit may be modified to comply with such standard in accordance with the procedures in 314 CMR 2.10: *Modification, Suspension, Revocation and Renewal of Permits and General Permit Coverage* and 314 CMR 5.12. Except as otherwise provided in 314 CMR 5.10(3)(c), 5.10(4)(a)2. and 5.10(9), no discharge authorized in the permit shall impair the ability of the ground water to serve as an actual or potential source of potable water. Evidence that a discharge impairs the ability of the ground water to serve as an actual or potential source of potable water includes, without limitation, analysis of samples taken in a downgradient well that demonstrates one or more exceedances of the applicable water quality based effluent limitations set forth in 314 CMR 5.10. In those cases where it is shown that a measured parameter exceeds the applicable water quality based effluent limitations set forth in 314 CMR 5.10 at the upgradient monitoring well, evidence that a discharge impairs the ability of the ground water to serve as an actual or potential source of potable water is deemed to exist if a measured parameter in any downgradient well exceeds the level of that same measured parameter in the upgradient well for the same sampling period. A statistical procedure approved by MassDEP shall be used to determine when a measured parameter exceeds the allowable level.

(2) Duty to Comply. The permittee shall comply at all times with the terms and conditions of the permit, 314 CMR 5.00, M.G.L. c. 21, §§ 26 through 53, and all applicable state and federal statutes and regulations.

(3) Standards and Prohibitions for Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established by § 307(a) of the Federal Act, 33 U.S.C. § 1317(a), for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(4) Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the permit, 314 CMR 12.00: *Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges*, and 257 CMR 2.00: *Certification of Operators of Wastewater Treatment Facilities*. All equipment shall be maintained in an acceptable condition for its intended use.

(5) Duty to Halt or Reduce Activity. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, discharges, or both, until the facility is restored or an alternative method of treatment is provided. A permittee may not raise as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(6) Power Failure. In order to maintain compliance with the effluent limitations and prohibitions of the permit, the permittee shall either:

- (a) provide an alternative power source sufficient to operate the wastewater control facilities; or
- (b) halt, reduce or otherwise control production or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(7) Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any adverse impact on human health or the environment resulting from non-compliance with the permit. Additionally, the permittee shall take all necessary steps to prevent an operational upset of the PWTf or POTW.

(8) Duty to Provide Information. The permittee and any operator of the permitted facility shall furnish to MassDEP within a reasonable time as specified by MassDEP any information which MassDEP may request to determine whether cause exists for modifying, suspending, revoking and reissuing, or terminating the permit, or to determine whether the permittee is complying with the terms and conditions of the permit.

(9) Inspection and Entry. The permittee shall allow MassDEP or its authorized representatives to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records required by the permit are kept;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (c) Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and
- (d) Sample or monitor at reasonable times for the purpose of determining compliance with the terms and conditions of the permit.

(9A) The permittee shall physically secure the treatment works and monitoring wells and limit access to the treatment works and monitoring wells only to those personnel required to operate, inspect and maintain the treatment works and to collect samples.

(9B) The permittee shall identify each monitoring well by permanently affixing to the steel protective casing of the well a tag with the identification number listed in the permit.

(10) Monitoring. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures are specified in the permit.

(11) Recordkeeping. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and all records of all data used to complete the application for the permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of MassDEP at any time. Records of monitoring information shall include without limitation:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurement;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

(12) Prohibition of Bypassing. Except as provided in 314 CMR 5.16(13), bypassing is prohibited and MassDEP may take enforcement action against a permittee for bypassing unless:

- (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (b) The permittee submitted notice of the bypass to the Department:
 - 1. In the event of an anticipated bypass, at least ten days in advance, if possible; or
 - 2. In the event of an unanticipated bypass, as soon as the permittee has knowledge of the bypass and no later than 24 hours after its first occurrence.

(13) Bypass not Exceeding Limitations. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if necessary for the performance of essential maintenance or to assure efficient operation of treatment facilities.

(14) Permit Actions. The permit may be modified, suspended, or revoked for cause. The filing of a request by the permittee for a permit modification, reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

(15) Duty to Reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by MassDEP in writing.

(16) Property Rights. The permit does not convey any property rights of any sort or any exclusive privilege.

(17) Other Laws. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local law, or regulation.

(18) Oil and Hazardous Substance Liability. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee of any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Federal Act, 33 U.S.C. § 1321, and M.G.L. c. 21E.

(19) Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in a manner consistent with applicable Federal and State laws and regulations including, but not limited to, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, and the Federal Act, 33 U.S.C. § 1251 *et seq.*, the Massachusetts Hazardous Waste Management Act, M.G.L. c. 21C, and the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*, 310 CMR 19.000: *Solid Waste Management* and 310 CMR 30.000: *Hazardous Waste*.

(20) Reporting Requirements.

(a) Monitoring Reports. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) at the intervals specified in the permit. If a permittee monitors any pollutant more frequently than required by the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Beginning on December 2, 2017, a permittee shall submit all DMRs electronically, using the electronic reporting system designated by the Department. A permittee may seek a waiver of this requirement by submitting a written request for the Department's approval.

(b) Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on interim and final requirements contained in any compliance schedule in the permit shall be submitted no later than 14 days following each schedule date.

(c) Planned Changes. The permittee shall give notice to MassDEP as soon as possible of any planned physical alterations or additions to the permitted facility or activity which could significantly change the nature or increase the quantity of pollutants discharged. Unless and until the permit is modified, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(d) Anticipated Non-compliance. The permittee shall give advance notice to MassDEP of any planned changes in the permitted facility or activity which may result in non-compliance with permit requirements.

(e) 24 Hour Reporting. The permittee shall report any non-compliance which may endanger health or the environment. Any information shall be communicated orally within 24 hours of the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The following shall be included as information which must be reported within 24 hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit; and
2. Any violation of a maximum daily discharge limitation for any of the pollutants required by the permit to be reported within 24 hours.

(f) Other Non-compliance. The permittee shall report all instances of non-compliance not reported under 314 CMR 5.16(20)(a), (b), or (e) at the time monitoring reports are submitted. The reports shall contain the information listed in 314 CMR 5.16(20)(e).

(g) Toxics. All manufacturing, commercial, mining, or silvicultural dischargers must notify MassDEP as soon as they know or have reason to believe:

1. That any activity has occurred, or will occur, that would result in the discharge of any toxic pollutant listed in 314 CMR 3.17: *Appendix B - Toxic Pollutants* not limited by the permit, if that discharge will exceed the highest of the following notification levels:

- a. 100 micrograms per liter (100 ug/l);
- b. 200 micrograms per liter (200 ug/l) for acrolein and acrylonitrile, 500 micrograms per liter (500 ug/l) for 2,4-dinitrophenol, and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/l) for antimony;
- c. Five times the maximum concentration value reported for that pollutant in the permit application; or

2. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

(h) Indirect Dischargers. All Publicly Owned Treatment Works shall provide adequate notice to MassDEP of the following:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to § 301 or § 306 of the Federal Act, 33 U.S.C. § 1311 or 1316, if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(i) Information. Where a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit the relevant facts or correct information.

(j) The permittee shall notify MassDEP in writing within seven days of any change in contract operators.

(21) Signatory Requirement. All applications, reports, or information submitted to MassDEP shall be signed and certified in accordance with 314 CMR 5.14 and 5.15.

(22) Severability. The provisions of the permit are severable. If any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

(23) Reopener Clause. MassDEP reserves the right to make appropriate revisions to the permit to establish any appropriate effluent limitations, schedules of compliance, or other provisions, as authorized by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, or the Federal Act, 33 U.S.C. § 1251 *et seq.*, to bring all discharges into compliance with these statutes.

(24) Approval of Treatment Works. All discharges and associated treatment works authorized in 314 CMR 5.00 shall remain in compliance with the terms and conditions of the permit. Any modification of the approved treatment works shall require written approval of MassDEP prior to the construction of the modification.

(25) Transfer of Permits.

(a) RCRA Facilities. Any permit which authorizes the operation of a RCRA facility subject to the requirements of 314 CMR 8.07: *Standards for all other RCRA Facilities* shall be valid only for the person to whom it is issued and may not be transferred.

(b) Transfers by Modification. Except as provided in 314 CMR 5.16(25)(a) and (c), a permit may be transferred by the permittee to a new permittee if the permit has been modified or revoked and reissued in accordance with 314 CMR 5.12(2), or a minor modification is made to identify the new permittee in accordance with 314 CMR 5.12(3) and (4).

(c) Automatic Transfers. For facilities other than Privately Owned Wastewater Treatment Facilities (PWWTFs) that treat at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, PWWTFs that have been required to establish, fund and maintain financial assurance mechanism(s) pursuant to 314 CMR 5.15(6), and RCRA facilities subject to the requirements of 314 CMR 8.07: *Standards for all other RCRA Facilities*, a permit may be automatically transferred in accordance with 314 CMR 5.12(5).

(26) Permit Compliance Fees and Inspection Information. Except as otherwise provided, any

permittee required to obtain a ground water discharge permit pursuant to M.G.L. c. 21, § 43, and 314 CMR 5.00 shall submit the annual compliance assurance fee established in accordance with M.G.L. c. 21A, § 18 and 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, as provided in 314 CMR 2.12: *Applications, Fees and Inspection Information*. The requirement to submit the annual compliance fee does not apply to any local government unit other than an authority. Any permittee required to obtain a ground water discharge permit pursuant to M.G.L. c. 21, § 43 and 314 CMR 5.00, may be required to submit inspection information annually, as provided in 314 CMR 2.12.



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

STEPHEN R. PRITCHARD
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

August 12, 2005

Mr. John Jacobi, Agent
Hamilton Board of Health
Town Hall
577 Bay Road
Hamilton, MA 01936

Re: Asbury Camp Meeting Corporation; Seasonal Installations; MOA Clarification

Dear Mr. Jacobi and Members of the Board of Health:

The Department is aware that the Hamilton Board of Health has requested a clarification as to whether the Department has approved the construction or upgrade of individual Title 5 systems at Asbury Grove for seasonal residences. To date the Department has not approved the upgrade of any septic systems in Asbury Grove. As you recall, the initial design contemplated cluster systems for the seasonal residences that would be designed and constructed at the end of the construction schedule required by the Administrative Consent Order. Since that time the Corporation's consulting engineer, Dan Johnson, has informed the Department that he identified sufficient space for conventional systems to service the majority, if not all, of the seasonal residences. In addition, the Corporation has performed soils analysis on a number of sites within Asbury Grove, to confirm that the soils are acceptable for the conventional systems. The Department's staff has reviewed this information.

The Hamilton Board of Health acting under the Memorandum of Agreement executed in July 2005 may approve and permit the upgrade of septic systems for Asbury Grove providing the following:



Mr. John Jacobi, Agent
Hamilton Board of Health
August 12, 2005
Page 2

1. The Corporation certifies that the system can be constructed or upgraded without impairing the ability of other residences to have sufficient space to construct a conventional system or a shared or cluster system.

2. This certification by the Corporation must be attached to any application that is submitted to the Board of Health for review and approval.

We trust that this answers your questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Madelyn Morris".

Madelyn Morris, Esq.

cc: Richard A. Nylén, Jr., Esq.
Mr. David Ferris
Mr. Gregory Tomaszewski

Memorandum of Agreement

Whereas the Department of Environmental Protection (the "Department" or "DEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to G.L.c.21A, sec. 7. The Department maintains an office at One Winter Street, Boston, Massachusetts, 02108. The Department implements and enforces the provisions of the Massachusetts Clean Waters Act, G.L.c. 21, sec. 26-53 and the regulations promulgated thereunder at 314 CMR 5.00 (the "Groundwater Discharge Permitting Program Regulations").

Whereas the Asbury Camp Meeting Corporation (the "Corporation") is a Massachusetts non-profit corporation with a mailing address at P.O. Box 2195 South Hamilton, Massachusetts, 01982. The Corporation owns 88 acres in South Hamilton on which are located 63 year round residences and 91 summer cottages (the "Site").

Whereas the Town of Hamilton (the "Town" or "Hamilton") is a duly constituted political subdivision of the Commonwealth of Massachusetts having a mailing address at Town Hall, P.O. Box 429, Hamilton, MA 01936.

Whereas the Hamilton Board of Health ("Board") is duly constituted by the Town to enforce, regulate and discharge all obligations of a local board of health pursuant to G.L. c. 111, § 30 and pertinent regulations.

Whereas the Corporation has entered into a variety of leases with the occupants of the 63 year round residences and the 91 summer cottages located on the Site. The cottage and year round residences are served by approximately 154 septic systems and cesspools. Using the design flow criteria specified in Title 5 of the State Environmental Code, 310 CMR 15.203 ("Title 5"), these systems discharge approximately 31, 680 gallons of wastewater to the groundwater each day.

Whereas, the Department on November 26, 2003, issued a Groundwater Discharge Permit for the systems located on the Site, Permit No. WO28671(750-0) (the "Permit").

Whereas the Department issued the Permit pursuant to the DEP Policy entitled "Nutrient Loading to Wastewater Permitting and Disposal" issued in August 1999. This policy allows parties to use Title 5 systems to come into compliance with the Groundwater Discharge Permitting Program Regulations, 310 CMR 5.00.

Whereas the Permit limits the cumulative load of nitrogen discharged on the Site from wastewater and other sources to 3,014 pounds per year.

Whereas to assess compliance, the Permit requires certain monitoring actions including without limitation visual inspections of the subsurface disposal systems located on the Site and formal inspections of the subsurface disposal systems located within the Site. More specifically the Permit requires that the subsurface disposal systems be formally inspected when they are pumped or when there is a transfer of a residence. Formal inspections shall also take place when a subsurface disposal system is in failure.

Whereas the Permit requires that the septic tanks located on the Site are pumped at least once every three years. See Section C. Monitoring, 2. Septic Tank Pumping and General Visual Inspection.

Whereas many of the existing septic systems and cesspools are currently in failure as defined by Title 5 and require upgrading or replacement.

Whereas the Permit requires the individual upgrade of the failed systems serving the 63 year round residences located on the Site and the construction of systems to serve the 91 summer cottages. The Permit sets forth a schedule for this work.

Whereas the Corporation, the Town, the Board and the Department have agreed to work together to facilitate compliance with the Permit.

Now therefore the Corporation, the Town, the Board and the Department agree to work together as follows.

1. All applications for the disposal work construction permits to perform the upgrades of the septic systems serving the 63 year round residences and the systems serving the 91 seasonal residences shall include the information required by Title 5, 310 CMR 15.220 including without limitation the location of all water lines and subsurface utilities. Unless otherwise agreed to in writing by the Department, all such applications shall be consistent with the Phase I Report dated June 17, 2002 referenced in the Permit. All such applications shall be submitted by the User to the Board and include a certification by the Corporation that: (a) the location of the septic system will not impair the upgrade and/or construction in accordance with the standards set forth in Title 5 and as required by the Permit of any subsurface disposal systems serving abutting year round residences and/or the construction in accordance with the standards set forth in Title 5 and as required by the Permit of subsurface disposal systems serving multiple seasonal residences; (b) that based on the available information from Dig Safe, the design engineer for the new system and the Corporation's records, the construction of the subsurface disposal system should not damage any underground utilities; and (c) in the event of an increase in flow, the subsurface disposal system meets the new construction standards of Title 5 and will not interfere with the ability of the Corporation to comply with the effluent limits set forth in the Permit. A copy of each such application shall be submitted by the Board to the Department at the same time.

2. On behalf of the Department, the Board's Health Agent shall observe the percolation tests and deep hole tests, review the application and monitor the construction for each upgrade. Variance requests shall be forwarded to the Department for review and approval. After consulting with the Department, the Board shall issue the disposal works construction permit. Thereafter, the upgrade shall proceed in accordance with Title 5 and the disposal works construction permit. Once construction is complete, the Board's Health Agent shall inspect the system for compliance with Title 5 and the disposal work construction permit and if the Board determines that the system is in full compliance issue a certificate of compliance.

3. The Corporation shall amend its regulations to require that the tenants submit copies of all pumping records and inspection reports to the Corporation. The Corporation shall also discuss this requirement at its annual meeting. All inspections required by the Permit shall comply with the requirements of Title 5. Copies of all inspection reports and pumping records received by the Corporation shall be submitted by the Corporation to the Board and the Department.

4. In the event that any system experiences a breakout, either the Department or the Board can order the user of the system to pump on a schedule determined by the ordering authority. In the event that the user of the system does not pump or repair on the required schedule, the Department or the Board could avail themselves of all legal remedies as either deems necessary or appropriate.

This Agreement is entered into by the parties as follows:

On behalf of the Asbury Camp Meeting Corporation:

By: Roger D. Pelham

Title: President

Date: June 28, 2005

On behalf of the Town of Hamilton:

By: William H. Seabrook

Title: Selectman

Date: 7/13/05

On behalf of the Hamilton Board of Health

By: Steph J. Dinkel

Title: Chairman

Date: 7/21/05

On behalf of the Department of Environmental Protection:

By: Marilyn Muns

Title: DRD

Date: July 26, 2005

349921/6134.18