UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

IN THE MATTER OF:	)	DOCKET NO.
	)	CWA-AO-R01-FY22-15
	)	
Town of Medfield Massachusetts	)	FINDINGS OF
	)	VIOLATION
NPDES Permit No. MA0100978	)	
	)	AND
	)	
Proceedings under Sections 309(a)(3) of	)	ORDER FOR
	)	COMPLIANCE
the Clean Water Act, as amended,	)	
33 U.S.C. §1319(a)(3)	)	

I. STATUTORY AUTHORITY

The following Findings are made and ORDER issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, as amended (the "CWA" or "Act"), 33 U.S.C. §§ 1318 and 1319(a)(3). Section 309(a)(3) of the Act 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. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the submission of any information required to carry out the objectives of the Act. These authorities have been delegated to EPA Region I's Administrator, and in turn to the Director of EPA, Region I's Office of Enforcement and Compliance Assurance Division ("Director").

The Order herein is based on findings of violation of Section 301 of the Act, 33 U.S.C. § 1311, and the conditions of NPDES Permit No. MA0100978. 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 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 Act, 33 U.S.C. § 1251 *et. seq*., the regulations promulgated there-under, and any applicable NPDES permit. For the purposes of this Order, "NPDES Permit" means the Town of Medfield's NPDES Permit, No. MA0100978, and all amendments or modifications thereto and renewals thereof as are applicable, and in effect at the time.

III. FINDINGS

The Director makes the following findings of fact:

1. The Town of Medfield ("Permittee" or "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 the Charles River (Charles River Watershed), which flows to the Atlantic Ocean, all Class B waterways. These water bodies are all waters of the United States under Section 502(7) of the Act, 33 U.S.C. § 1362(7).
3. On December 27, 2011, EPA issued NPDES Permit No. MA0100978 to the Town.
4. The NPDES Permit authorizes the Town to discharge pollutants from the POTW to the Charles River (Charles River Watershed), subject to the effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit.
5. 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 the terms and conditions of an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

6. Part A.1.a. of the NPDES Permit establishes effluent limitations and monitoring requirements for the discharge of treated effluent from outfall serial number 001.
7. Since at least July 1, 2019, to the present, in violation of the NPDES Permit, the Town has discharged wastewater containing Total Suspended Solids ("TSS"), Biological Oxygen Demand ("BOD"), Aluminum, and Phosphorus in concentrations greater than the effluent limitations contained in the Permit.
8. The Town's discharges of pollutants from the POTW to the Charles River (Charles River Watershed) in violation of the NPDES Permit have occurred in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).
9. On July 27, 2022, the Town submitted to EPA a maintenance and repair schedule for upgrading its wastewater treatment plant ("Facility") which included the items listed in section IV below, which the Town anticipates will allow it to meet the discharge limits set forth in the NPDES permit for BOD, TSS, Aluminum, and Phosphorus.

IV. ORDER

Accordingly, pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3) it is hereby ordered that:

1. By September 30, 2022, the Town shall repair and make operational the second primary clarifier at the Facility.
2. By November 30, 2022, the Town shall replace necessary components within the UltraViolet (UV) disinfection mechanism and ensure that the UV disinfection mechanism is fully operational at the Facility. The Town shall ensure that sufficient spare parts for the UV system are on site and available at all times.

3. By December 31, 2022, the Town shall complete maintenance work on the DynaSand filter and its components at the Facility returning it to an operational level.
4. By January 31, 2023, the Town shall achieve compliance with all effluent limitations as outlined in the Town's NPDES permit.

Interim Effluent Limits

5. Upon the effective date of this Order, the Permittee shall, at a minimum, comply with the interim effluent limitations for Phosphorus and Aluminum set forth in Attachment 1 of this Order. The Permittee shall also comply with all other effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit for parameters not addressed in Attachment 1. These interim effluent limits shall remain in effect until January 31, 2023 (or the Permittee meets its aluminum and phosphorus effluent limits), or until this Order is Terminated by EPA, or EPA provides written notice to the Town that the interim effluent limits in this Order are being revoked, whichever occurs first.

V. NOTIFICATION PROCEDURES

1. Until further notice, beginning September 30, 2022, and by the last day of each month thereafter, the Town shall submit to EPA and MADEP a monthly progress report describing any actions taken to improve the Facility's operations with respect to meeting its NPDES permit limits. This report shall include a description of any relevant maintenance and repairs, observations of process improvements, as well as any problems encountered with respect to fulfilling the Town's obligations under this Order.
2. Where this Order requires a specific action to be performed within a certain time frame, the Permittee shall submit to EPA a written notice of compliance or noncompliance with such action within seven (7) days following the applicable deadline; however, written notice of compliance is

not necessary if the action required by the Order includes submission of a document, report, or other written material, and the Town has timely submitted such document, report, or written material to EPA.

3. If noncompliance is reported, the written notice submitted to EPA must 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.
   d. The date by which the Permittee will perform the required action[1].
4. After notification of noncompliance has been submitted to EPA, the Permittee must achieve compliance as expeditiously as possible, but by no later than the date submitted to EPA in section IV of this Order, and submit to EPA the required document, report, or written material, as applicable, or a written notice that compliance with the action has been achieved.
5. Submissions required by this Order shall be via email (unless such submission is in a format that the Permittee needs to send as a hard copy) and shall be emailed or mailed to the following addresses:

U.S. Environmental Protection Agency
Region I
5 Post Office Square, Suite 100
Mail Code OES04-04
Boston, MA 02109-3912
Attn: Damian Bednarz
Bednarz.damian@epa.gov

6. Submissions to MassDEP required by this Order shall be in writing to David Boyer and shall be provided in electronic format at the following addresses:

david.boyer@state.ma.us

When notification in an electronic format is not appropriate, submission shall be sent to MassDEP at the following addresses:

1. Note that this is not an extension to the original deadline.

David Boyer
Massachusetts Department of Environmental Protection
Central Regional Office
8 New Bond Street
Worcester, MA 01606
Attn: David Boyer

7. EPA shall notify the Permittee in writing of any changes to the contact persons or email addresses provided above.

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. The Town may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
3. This Order shall become effective upon receipt by the Town.

KAREN MCGUIRE

Digitally signed by KAREN MCGUIRE
Date: 2022.09.06 14:21:39 -04'00'

Karen McGuire, Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 1

ATTACHMENT 1

Interim Effluent Limits and Monitoring Requirements

1. From the effective date of this Order, the Town shall, at a minimum, comply with the following interim effluent limitations and monitoring requirements:

	Average Monthly	Measurement Frequency	Sample Type
Phosphorus (April 1 – October 31)	0.2 mg/L	2/Month	24-Hour Composite[2]
Phosphorus (November 1 – March 31)	0.36 mg/L	1/month	24-Hour Composite[2]
Aluminum	506 ug/L	1/Month	24-Hour Composite[2]

2. A 24-hour composite sample will consist of at least twenty-four (24) grab samples taken during one consecutive 24-hour period (e.g., 0700 Monday to 0700 Tuesday), either collected at equal intervals and combined proportional to flow or continuously collected proportionally to flow. Once per day (1/Day) is defined as one time each day, during regular business hours.