

Town of Marion

Wastewater System Improvements Including Wastewater Treatment Facility Upgrade

September 30, 2002

Environmental Notification Form



One Cambridge Place, 50 Hampshire Street
Cambridge, Massachusetts 02139
tel: 617 452-6000
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September 30, 2002

Secretary of Environmental Affairs
The Executive Office of Environmental Affairs
MEPA Office
251 Causeway Street, Suite 900
Boston, Massachusetts 02114

Subject: Town of Marion
Wastewater System Improvements
Including Wastewater Treatment Facility Upgrade
Environmental Notification Form

Dear Secretary:

On behalf of the Town of Marion (the Town), CDM (Camp Dresser & McKee Inc.) is pleased to submit this Environmental Notification Form (ENF) for the above referenced project. The Town of Marion Wastewater Treatment Facility is located off Mill Street in Marion. The facility is owned and operated by the Town.

The Town has completed Draft and Supplemental Comprehensive Wastewater Management Plans that have been reviewed by MA DEP. Following the submittal of the May 2001 Draft Comprehensive Wastewater Management Plan, on August 13, 2001 the Town entered into an Administrative Consent Order (ACO) with MA DEP for matters pertaining to the Town's collection system and wastewater treatment plant. This proposed project consists of improvements to the Town's wastewater management system, including the proposed upgrades to the wastewater treatment facility itself, as well as improvements to the Town's collection system, as required by the ACO.

The project will increase the capacity of the existing facility by approximately 20%, which triggers MEPA review under 301 CMR 11.03(5)(b)(2). It may also be subject to MEPA review per 310 CMR 11.03(3)(b) since the proposed upgrades for the effluent pipe will result in temporary alterations of at least 5,000 square feet of bordering vegetated wetland (BVW). It is the opinion of the applicant that there are no overriding environmental issues which would promote the need for an Environmental Impact Report. Copies of this ENF have been distributed in accordance with the attached distribution list.

ML0784



Secretary of Environmental Affairs

September 30, 2002

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We look forward to working closely with MEPA to facilitate the completion of this important project. If you have any questions or comments, please call me at (401) 751-5360.

Very truly yours,

A handwritten signature in cursive script that reads "Allison Malachuk for Elizabeth Beardsley".

Elizabeth Beardsley, P.E.

Project Engineer

Camp Dresser & McKee Inc.

Attachment

c: ENF Distribution List
Town of Marion

Contents

Environmental Notification Form

Figures

- Figure 1 – Project Location Map
- Figure 2 – Estimated Habitats Map
- Figure 3 – Flood Insurance Rate Map

Attachments

1. Project Narrative
2. August 13, 2001 Administrative Consent Order
3. Agency Correspondence
4. Town of Marion Sewer System Policies and Sewer Regulations
5. ENF Distribution List
6. Project Plans: Sheet F-1-1 Site Plan

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs

EOEA No.:
MEPA Analyst:
Phone: 617-626-

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Town of Marion Wastewater System Improvements including WWTP Upgrade, Collection System Improvements, and Sewer Extensions		
Street: Various		
Municipality: Marion	Watershed: Buzzards Bay	
Universal Transverse Mercator Coordinates: Various	Latitude: various Longitude: various	
Estimated commencement date: March 2003	Estimated completion date: 2005-2006	
Approximate cost: \$25,000,000	Status of project design: 0 to 75 %complete	
Proponent: Town of Marion		
Street: 2 Spring Street		
Municipality: Marion	State: MA	Zip Code: 02738
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Erin Farrell		
Firm/Agency: CDM	Street: 56 Exchange Terrace	
Municipality: Providence	State: RI	Zip Code: 02903
Phone: 401-751-5360	Fax: 401-751-5499	E-mail:

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?

☐ Yes

☒ No

Has this project been filed with MEPA before?

☐ Yes (EOEA No. _____)

☒ No

Has any project on this site been filed with MEPA before?

☐ Yes (EOEA No. _____)

☒ No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:

a Single EIR? (see 301 CMR 11.06(8))

☐ Yes

☒ No

a Special Review Procedure? (see 301 CMR 11.09)

☐ Yes

☒ No

a Waiver of mandatory EIR? (see 301 CMR 11.11)

☐ Yes

☒ No

a Phase I Waiver? (see 301 CMR 11.11)

☐ Yes

☒ No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): Massachusetts Water Pollution Abatement Trust (DEP administered) State Revolving Fund, \$9,000,000 (additional funds applied for)

Are you requesting coordinated review with any other federal, state, regional, or local agency?

☐ Yes (Specify _____) ☒ No

List Local or Federal Permits and Approvals: NPDES permit – State surface water discharge permit (renewal with increased flow); EPA Stormwater General Permit – Construction site; Order of Conditions

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|--|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input checked="" type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals	
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input checked="" type="checkbox"/> MHD or MDC Access Permit (<u>possible</u>) <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input checked="" type="checkbox"/> DEP or MWRA Sewer Connection/Extension Permit <input type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i>	
Total site acreage					
New acres of land altered					
Acres of impervious area	14.77	0	14.77		
Square feet of new bordering vegetated wetlands alteration		6,250			
Square feet of new other wetland alteration		TBD			
Acres of new non-water dependent use of tidelands or waterways		TBD			
STRUCTURES					
Gross square footage	243,000	0	243,000		
Number of housing units	0	0	0		
Maximum height (in feet)					
TRANSPORTATION					
Vehicle trips per day	4	+15	19		
Parking spaces	0	+11	11		
WATER/WASTEWATER					
Gallons/day (GPD) of water use	N/a	N/a	N/a		
GPD water withdrawal	N/a	N/a	N/a		
GPD wastewater generation/treatment	500,000	88,000	588,000		
Length of water/sewer mains (in miles)	18 miles	+7 miles	25 miles		

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

☐ Yes (Specify _____) ☒ No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

☐ Yes (Specify _____) ☒ No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

☐ Yes (Specify _____) ☐ No

A letter requesting review was sent to the Natural Heritage and Endangered Species Program on August 27, 2002. According to a September 3, 2003 letter received from the NHESP, the Eastern Box Turtle (*Terrapene Carolina*), a species of special concern is known to occur in the vicinity of the South Converse Road Area. The Eastern Box Turtle is a species of special concern and is protected under the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations. A copy of the letter is provided as an attachment to this ENF.

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

☐ Yes (Specify _____) ☐ No

The WWTP site does not contain any historical features. The sewer extensions will be located in existing streets and are therefore unlikely to affect any historical or archaeological resources. A letter requesting review was sent to the Massachusetts Historical Commission on August 27, 2002. MHC responded on September 26, 2002 stating that the project was unlikely to affect significant historical or archaeological resources. A copy of this letter is provided as an attachment to this ENF.

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

☐ Yes (Specify _____) ☒ No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

☐ Yes (Specify _____) ☒ No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The Marion Wastewater System Improvements Project (the Project) was designed to fulfill the recommendations of the Town of Marion Comprehensive Wastewater Management Plan (CWMP), completed in April 2002 and the August 13, 2001 Administrative Consent Order (ACO) between the Town of Marion and the Massachusetts Department of Environmental Protection (MA DEP) (see Attachment 2). The CWMP cited two primary areas in need of improvement: the wastewater treatment facility and the wastewater collection system. In addition, as part of this project the sewer collection system will be extended to three existing neighborhoods which are in need of an offsite wastewater treatment solution.

(A) The WWTF will be upgraded to meet the present and future needs of the town, including capacity and permit requirements. The existing WWTF consists of three non-aerated facultative lagoons, a new effluent disk filtration process, and ultraviolet (UV) disinfection. The upgraded WWTF will include new preliminary treatment processes (screening and grit removal), and a new sequencing batch reactor (SBR) process. A new Headworks Building will be constructed to house the preliminary treatment processes and odor control system, and a second new building will be constructed to house the process equipment for the SBR system. This building will include a laboratory, control area, support functions, and other administrative spaces. All work will be performed within the existing footprint of the current WWTF. In addition to the improvements at the WWTF itself, the effluent pipe that conveys treated wastewater from the plant to Effluent Brook will be upgraded; this work may result in temporary impacts affecting a maximum of 6,250 square feet of wetland resource areas.

A wastewater needs analysis conducted as part of the 2001 Draft Comprehensive Wastewater Management Plan (CWMP) identified three areas as needing alternatives to onsite septic systems for sewage disposal: the Berry Roads area, the Dexter Beach area, and the South Converse Road area. These areas are discussed in greater detail in Attachment 1.

(B) Various alternatives were considered for improvements to the Town of Marion Wastewater Treatment Facility. The alternatives considered for the liquid treatment processes are described in the Town of Marion Wastewater Facilities Plan and Attachment 1 of this ENF. The three sewer extension needs areas were identified through several studies as requiring an off-site solution (see Draft CWMP). All three areas are characterized as dense existing residential development, with high groundwater and highly variable soils, often with a shallow hardpan layer. Following the Draft CWMP, the Town undertook a detailed evaluation of a localized treatment alternative, termed a satellite system. Each satellite system would include sewers, a package wastewater treatment plant, and a disposal system. The key issue with the feasibility of such a plan is the location of a suitable and permittable disposal site. Potential disposal sites were identified in or near each of the three needs areas. Testing was conducted at the most promising sites. The results were that there are no suitable, available disposal sites for such a satellite system. Therefore, the extension of the central collection system was the only feasible alternative for these existing residences. Attachment 1 to this ENF describes the various alternative approaches to connecting these areas to the sewer system.

(C) In spite of the environmental benefits associated with the implementation of the sewer system extension project, the Town of Marion was concerned with the potential for any increase in growth and development as a result of the expanded sewer system. This concern has been addressed throughout the project in two ways: (1) understanding and defining the limits of the expansion areas; and (2) adopting specific strategies to ensure control of future connections and limiting additional expansion. These methods are described in greater detail in Attachment 1 to this ENF. In addition, the Project Narrative describes the mitigation measures proposed for wetland resource area impacts as well as traffic related impacts associated with the proposed project. Please refer to the attachment for a description of these mitigation measures.

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

- A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1))
___ Yes **X** No; if yes, specify each threshold:

II. Impacts and Permits

- A. Describe, in acres, the current and proposed character of the project site, as follows:

Information provided is for WWTP site

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings	<u>0.06</u>	<u>+0.463</u>	<u>0.519</u>
Roadways, parking, and other paved areas	<u>0.67</u>	<u>0</u>	<u>0.67</u>
Other altered areas (describe)	<u>0.10</u>	<u>0</u>	<u>0.10</u>
Undeveloped areas	<u>1.37</u>	<u>0</u>	<u>1.37</u>

- B. Has any part of the project site been in active agricultural use in the last three years?
___ Yes **X** No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?
- C. Is any part of the project site currently or proposed to be in active forestry use?
___ Yes **X** No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:
- D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? ___ Yes **X** No; if yes, describe:
- E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction? ___ Yes **X** No; if yes, does the project involve the release or modification of such restriction? ___ Yes ___ No; if yes, describe:
- F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A? ___ Yes **X** No; if yes, describe:
- G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c.121B? Yes ___ No **X** ; if yes, describe:
- H. Describe the project's stormwater impacts and, if applicable, measures that the project will take to comply with the standards found in DEP's Stormwater Management Policy:
- The construction of the WWTP upgrade will involve earth disturbance over 2 acres. The area of disturbance is outside of the 100-foot buffer zone to wetland resource areas. Stormwater runoff will be controlled using erosion and sedimentation controls such as haybales and siltation fence. Please refer to Attachment A for a more detailed description of mitigations measures to be implemented at the site.
- I. Is the project site currently being regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes ___ No **X** ; if yes, what is the Release Tracking Number (RTN)?
- J. If the project is site is within the Chicopee or Nashua watershed, is it within the Quabbin, Ware, or Wachusett subwatershed? ___ Yes **X** No; if yes, is the project site subject to regulation under the Watershed Protection Act? ___ Yes ___ No

K. Describe the project's other impacts on land:

The plant's new processes are being sited on the old sand filter processes, which are no longer in use. The proposed project does not, therefore, increase the footprint of the plant and will therefore not require the disturbance of currently undisturbed, vegetated areas with respect to the work on the wastewater treatment facility itself. The project does also include upgrades to an approximately one-mile-long effluent pipe that discharges treated wastewater from the plant to Effluent Brook. Upgrades to this pipe will require the temporary disturbance of the area along the pipe. This pipe is located within a Town-owned easement.

III.. Consistency

A. Identify the current municipal comprehensive land use plan and the open space plan and describe the consistency of the project and its impacts with that plan(s):

Marion does not have a formal comprehensive plan. However, the Town recently went through a planning process with significant public involvement. The planning process resulted in definition of goals, such as community character, and changes to the town zoning code were adopted. There is no current open space plan. The project does not impact any open space. The sewer extensions have been designed to be growth-neutral.

B. Identify the current Regional Policy Plan of the applicable Regional Planning Agency and describe the consistency of the project and its impacts with that plan:

The project is consistent with the Buzzard's Bay Project Policy Plan which encourages advanced wastewater treatment at municipal facilities in Buzzard's Bay.

C. Will the project require any approvals under the local zoning by-law or ordinance (i.e. text or map amendment, special permit, or variance)? Yes ___ No X ; if yes, describe:

D. Will the project require local site plan or project impact review?
___ Yes X No; if yes, describe:

RARE SPECIES SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **rare species or habitat** (see 301 CMR 11.03(2))? X Yes ___ No; if yes, specify, in quantitative terms:

A letter requesting review was sent to the Natural Heritage and Endangered Species Program on August 27, 2002. According to a September 3, 2003 letter received from the NHESP, the Eastern Box Turtle (*Terrapene Carolina*), a species of special concern is known to occur in the vicinity of the South Converse Road Area. The Eastern Box Turtle is a species of special concern and is protected under the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations.

B. Does the project require any state permits related to **rare species or habitat**? ___ Yes X No

C. If you answered "No" to both questions A and B, proceed to the **Wetlands, Waterways, and Tidelands Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Rare Species section below.

II. Impacts and Permits

A. Does the project site fall within Priority or Estimated Habitat in the current Massachusetts Natural Heritage Atlas (attach relevant page)? X Yes ___ No. If yes,

1. Which rare species are known to occur within the Priority or Estimated Habitat (contact:

Environmental Review, Natural Heritage and Endangered Species Program, Route 135, Westborough, MA 01581, allowing 30 days for receipt of information):

A letter requesting review was sent to the Natural Heritage and Endangered Species Program on August 27, 2002. According to a September 3, 2003 letter received from the NHESP, the Eastern Box Turtle (*Terrapene Carolina*), a species of special concern is known to occur in the vicinity of the South Converse Road Area, where work will be conducted within existing roadways. The Eastern Box Turtle is a species of special concern and is protected under the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations.

2. Have you surveyed the site for rare species? ___ Yes X No; if yes, please include the results of your survey.

3. If your project is within Estimated Habitat, have you filed a Notice of Intent or received an Order of Conditions for this project? ___ Yes X No; if yes, did you send a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program, in accordance with the Wetlands Protection Act regulations? ___ Yes ___ No

B. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? ___ Yes X No; if yes, describe:

C. Will the project alter "significant habitat" as designated by the Massachusetts Division of Fisheries and Wildlife in accordance with M.G.L. c.131A (see also 321 CMR 10.30)? ___ Yes X No; if yes, describe:

D. Describe the project's other impacts on rare species including indirect impacts (for example, stormwater runoff into a wetland known to contain rare species or lighting impacts on rare moth habitat):

This project will not permanently alter the habitat of rare species. Impacts related to sewer improvements will be temporary and within existing roads, and impacts related to the WWTF improvements will not alter the footprint of the plant and will therefore not change runoff patterns or impermeable surface area. The rehabilitation of the effluent pipe will take place within a Town-owned easement and will most likely consist of the replacement of the existing pipe.

WETLANDS, WATERWAYS, AND TIDELANDS SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wetlands, waterways, and tidelands** (see 301 CMR 11.03(3))? X Yes ___ No; if yes, specify, in quantitative terms:

Construction of the WWTP itself and the sewer extensions will have no direct impacts on wetlands. The improved level of treatment and the decommission of problem septic systems will have a beneficial impact on the receiving waters (Effluent Brook) and wetlands within the vicinity of the project area. The proposed project will alter a maximum of 6,250 square feet of bordering vegetated wetlands (BVW) along portions of an existing effluent pipe which will be upgraded to increase capacity. Future capacity studies will determine the extent of the pipe upgrades. If the plant upgrades alter 5,000 sq. ft. or more of BVW, the review threshold for filing of an ENF and additional MEPA review, if the Secretary so requires is triggered, pursuant to 301 CMR 11.03(3)(b)(1)(d).

B. Does the project require any state permits (or a local Order of Conditions) related to **wetlands, waterways, or tidelands**? X Yes ___ No; if yes, specify which permit:

An Order of Conditions from the Marion Conservation Commission and a 401 Water Quality Certification (if impacts to BVW exceed 5,000 square feet) will be needed for the effluent pipe portion

of the project. Note, that according to 310 CMR 10.24(7)(b) and 10.53(3)(d), construction of public utilities may be permitted notwithstanding the provisions of 310 CMR 10.25 through 10.35 and 310 CMR 10.54 through 10.58 and 10.60, respectively, and therefore the project does not require a Superseding Order of Conditions from DEP, provided that no other reasonable alternative with fewer environmental impacts exist and that altered resource areas are restored to preconstruction conditions.

C. If you answered "No" to both questions A and B, proceed to the **Water Supply Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wetlands, Waterways, and Tidelands Section below.

II. Wetlands Impacts and Permits

A. Describe any wetland resource areas currently existing on the project site and indicate them on the site plan:

Existing wetland resource areas (Mass GIS wetland layer) along the proposed effluent pipe upgrade are shown on Figure 3. The wetlands in the project area are mapped as wooded swamp deciduous and mixed trees. The existing effluent pipe is located within a town owned easement. The easement is maintained other than in wetland areas where it is overgrown. Existing wetland resource areas adjacent to the proposed sewer extensions are also shown on Figure 3.

B. Estimate the extent and type of impact that the project will have on wetland resources, and indicate whether the impacts are temporary or permanent:

<u>Coastal Wetlands</u>	<u>Area (in square feet) or Length (in linear feet)</u>
Land Under the Ocean	0
Designated Port Areas	0
Coastal Beaches	0
Coastal Dunes	0
Barrier Beaches	0
Coastal Banks	0
Rocky Intertidal Shores	0
Salt Marshes	0
Land Under Salt Ponds	0
Land Containing Shellfish	0
Fish Runs	0
Land Subject to Coastal Storm Flowage	TBD
<u>Inland Wetlands</u>	
Bank	0
Bordering Vegetated Wetlands	max. 6, 250 sq. ft.
Land under Water	0
Isolated Land Subject to Flooding	0
Bordering Land Subject to Flooding	to be determined
Riverfront Area	max. 3,650 sq. ft

C. Is any part of the project

1. a limited project? ☒ Yes ☐ No
2. the construction or alteration of a dam? ☐ Yes ☒ No; if yes, describe:
3. fill or structure in a velocity zone or regulatory floodway? ☐ Yes ☐ No
4. dredging or disposal of dredged material? ☐ Yes ☒ No; if yes, describe the volume of dredged material and the proposed disposal site:
5. a discharge to Outstanding Resource Waters? ☐ Yes ☒ No
6. subject to a wetlands restriction order? ☐ Yes ☒ No; if yes, identify the area (in square feet):

D. Does the project require a new or amended Order of Conditions under the Wetlands Protection Act (M.G.L. c.131A)? X Yes ___ No; if yes, has a Notice of Intent been filed or a local Order of Conditions issued? ___ Yes X No; if yes, list the date and DEP file number: _____. Was the Order of Conditions appealed? ___ Yes ___ No. Will the project require a variance from the Wetlands regulations? ___ Yes X No.

E. Will the project:

1. be subject to a local wetlands ordinance or bylaw? X Yes ___ No

The Town of Marion has three Wetland Protection Standards.

2. alter any federally-protected wetlands not regulated under state or local law? ___ Yes X No; if yes, what is the area (in s.f.)?

F. Describe the project's other impacts on wetlands (including new shading of wetland areas or removal of tree canopy from forested wetlands):

The proposed grinder pump-pressure sewers will be installed within existing roadways and hence no wetland impacts are anticipated.

III. Waterways and Tidelands Impacts and Permits

A. Is any part of the project site waterways or tidelands (including filled former tidelands) that are subject to the Waterways Act, M.G.L.c.91? ___ Yes ___ No; if yes, is there a current Chapter 91 license or permit affecting the project site? ___ Yes ___ No; if yes, list the date and number:

B. Does the project require a new or modified license under M.G.L.c.91? ___ Yes X No; if yes, how many acres of the project site subject to M.G.L.c.91 will be for non-water dependent use?

Current ___ Change ___ Total ___

C. Is any part of the project

1. a roadway, bridge, or utility line to or on a barrier beach? ___ Yes X No; if yes, describe:

2. dredging or disposal of dredged material? ___ Yes X No; if yes, volume of dredged material _____

3. a solid fill, pile-supported, or bottom-anchored structure in flowed tidelands or other waterways? ___ Yes X No; if yes, what is the base area? _____

4. within a Designated Port Area? ___ Yes X No

D. Describe the project's other impacts on waterways and tidelands:

The project will improve sewer system conditions in the Marion village waterfront area, thereby reducing potential for overflows into coastal waters.

IV. Consistency:

A. Is the project located within the Coastal Zone? X Yes ___ No; if yes, describe the project's consistency with policies of the Office of Coastal Zone Management:

The project was designed to be consistent with applicable CZM policies. Please refer to Attachment A for a discussion of applicable CZM policies and how the project meets their standards.

B. Is the project located within an area subject to a Municipal Harbor Plan? ___ Yes X No; if yes, identify the Municipal Harbor Plan and describe the project's consistency with that plan:

The Town of Marion does not have a Municipal Harbor Plan.

WATER SUPPLY SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **water supply** (see 301 CMR 11.03(4))? ____ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **water supply**? ____ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Wastewater Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Water Supply Section below.

II. Impacts and Permits

A. Describe, in gallons/day, the volume and source of water use for existing and proposed activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Withdrawal from groundwater	_____	_____	_____
Withdrawal from surface water	_____	_____	_____
Interbasin transfer	_____	_____	_____
Municipal or regional water supply	_____	_____	_____

B. If the source is a municipal or regional supply, has the municipality or region indicated that there is adequate capacity in the system to accommodate the project? ____ Yes ____ No

C. If the project involves a new or expanded withdrawal from a groundwater or surface water source,

1. have you submitted a permit application? ____ Yes ____ No; if yes, attach the application
2. have you conducted a pump test? ____ Yes ____ No; if yes, attach the pump test report

D. What is the currently permitted withdrawal at the proposed water supply source (in gallons/day)? _____ Will the project require an increase in that withdrawal? ____ Yes ____ No

E. Does the project site currently contain a water supply well, a drinking water treatment facility, water main, or other water supply facility, or will the project involve construction of a new facility? ____ Yes ____ No. If yes, describe existing and proposed water supply facilities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Water supply well(s) (capacity, in gpd)	_____	_____	_____
Drinking water treatment plant (capacity, in gpd)	_____	_____	_____
Water mains (length, in miles)	_____	_____	_____

F. If the project involves any interbasin transfer of water, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or proposed?

G. Does the project involve

1. new water service by a state agency to a municipality or water district? ____ Yes ____ No
2. a Watershed Protection Act variance? ____ Yes ____ No; if yes, how many acres of alteration?
3. a non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking water supply for purpose of forest harvesting activities? ____ Yes ____ No

H. Describe the project's other impacts (including indirect impacts) on water resources, quality, facilities and services:

III. Consistency -- Describe the project's consistency with water conservation plans or other plans to enhance water resources, quality, facilities and services:

WASTEWATER SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wastewater** (see 301 CMR 11.03(5))? X Yes No; if yes, specify, in quantitative terms:

The proposed plant upgrade will increase the capacity of the existing facility by approximately 20%, which triggers MEPA review under 301 CMR 11.03(5)(b)(2).

B. Does the project require any state permits related to **wastewater**? X Yes No; if yes, specify which permit:

The proposed project will require the following permits:

- State surface water discharge permit (renewal with increased flow)
- Sewer extension permits
- Approval to construct treatment facility modifications

C. If you answered "No" to both questions A and B, proceed to the **Transportation -- Traffic Generation Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wastewater Section below.

II. Impacts and Permits

A. Describe, in gallons/day, the volume and disposal of wastewater generation for existing and proposed activities at the project site (calculate according to 310 CMR 15.00):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Discharge to groundwater (Title 5)	<u>0</u>	<u>0</u>	<u>0</u>
Discharge to groundwater (non-Title 5)	<u>0</u>	<u>0</u>	<u>0</u>
Discharge to outstanding resource water	<u>0</u>	<u>0</u>	<u>0</u>
Discharge to surface water	<u>0.5</u>	<u>+0.09</u>	<u>0.59</u>
Municipal or regional wastewater facility	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u>0.5</u>	<u>+0.09</u>	<u>0.59</u>

B. Is there sufficient capacity in the existing collection system to accommodate the project?
 Yes X No; if no, describe where capacity will be found:

As part of the proposed project, several segments of the system will be replaced or upgraded to increase capacity. Also, I/I removal programs currently in place will continue.

C. Is there sufficient existing capacity at the proposed wastewater disposal facility? Yes X No; if no, describe how capacity will be increased:

A portion of the proposed project consists of increasing the plant's capacity to meet the increased capacity needs.

D. Does the project site currently contain a wastewater treatment facility, sewer main, or other wastewater disposal facility, or will the project involve construction of a new facility? Yes X No.
If yes, describe as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Wastewater treatment plant (capacity, in gpd)	<u>500,000</u>	<u>+88,000</u>	<u>588,000</u>
Sewer mains (length, in miles)	<u>18</u>	<u>+7</u>	<u>25</u>
Title 5 systems (capacity, in gpd)	<u> </u>	<u> </u>	<u> </u>

E. If the project involves any interbasin transfer of wastewater, which basins are involved, what is the

direction of the transfer, and is the interbasin transfer existing or proposed?

This proposed project does not involve interbasin transfer of wastewater.

F. Does the project involve new sewer service by an Agency of the Commonwealth to a municipality or sewer district? ___ Yes X No

G. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of sewage sludge, sludge ash, grit, screenings, or other sewage residual materials? ___ Yes X No; if yes, what is the capacity (in tons per day):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment, processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

H. Describe the project's other impacts (including indirect impacts) on wastewater generation and treatment facilities:

The project will improve and expand an existing treatment plant to meet the discharge permit and benefit water quality. The project also extends sewers to the existing residential areas with poor septic systems and cess pools. Connecting these areas of dense development will benefit the Sippican River, Weweantic River, and Sypican Harbor.

III. Consistency -- Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to wastewater management:

The Town of Marion has completed a Comprehensive Wastewater Management Plan. The Town now intends to implement this plan. The plan has been developed specifically to be consistent with town goals of providing needed services while not inducing new development. The Town has adopted a Sewer System Policy and Sewer Connection Regulations to implement this approach. The Town has coordinated with DEP and EPA regarding the overall plan and the treatment plant processes to ensure that the plan is consistent with state and federal policies. The sewer portion of the project will not connect any velocity zone properties. The plan is consistent with the Buzzard's Bay Project Plan, which call for improved levels of treatment and nutrient reduction at municipal plants.

A. If the project requires a sewer extension permit, is that extension included in a comprehensive wastewater management plan? ___ Yes ___ No; if yes, indicate the EOEA number for the plan and describe the relationship of the project to the plan

The Comprehensive Wastewater Management Plan describes how the needs areas were identified, what alternatives were considered, and the proposed plan for sewerage the areas.

TRANSPORTATION -- TRAFFIC GENERATION SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **traffic generation** (see 301 CMR 11.03(6))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **state-controlled roadways**? X Yes ___ No; if yes, specify which permit:

One of the sewer extensions will involve crossing Route 195, therefore, a Massachusetts

II. Transportation Facility Impacts

A. Describe existing and proposed transportation facilities at the project site:

	Existing	Change	Total
Length (in linear feet) of new or widened roadway	_____	_____	_____
Width (in feet) of new or widened roadway	_____	_____	_____

No road widening activities will take place in conjunction with this project.

Other transportation facilities:

B. Will the project involve any

- | | |
|--|----|
| 1. Alteration of bank or terrain (in linear feet)? | No |
| 2. Cutting of living public shade trees (number)? | No |
| 3. Elimination of stone wall (in linear feet)? | No |

III. Consistency -- Describe the project's consistency with other federal, state, regional, and local plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services, including consistency with the applicable regional transportation plan and the Transportation Improvements Plan (TIP), the State Bicycle Plan, and the State Pedestrian Plan:

This project will not alter existing traffic patterns in the area, nor is it subject to federal, state, regional, or local plans and policies related to traffic. The construction-related activities associated with this project will be conducted so as to be consistent with applicable traffic safety plans, and traffic flow will be managed and maintained throughout the duration of the work.

ENERGY SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **energy** (see 301 CMR 11.03(7))?
___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **energy**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Air Quality Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Energy Section below.

II. Impacts and Permits

A. Describe existing and proposed energy generation and transmission facilities at the project site:

	Existing	Change	Total
Capacity of electric generating facility (megawatts)	_____	_____	_____
Length of fuel line (in miles)	_____	_____	_____
Length of transmission lines (in miles)	_____	_____	_____
Capacity of transmission lines (in kilovolts)	_____	_____	_____

B. If the project involves construction or expansion of an electric generating facility, what are

1. the facility's current and proposed fuel source(s)?
2. the facility's current and proposed cooling source(s)?

C. If the project involves construction of an electrical transmission line, will it be located on a new, unused, or abandoned right of way? ___ Yes ___ No; if yes, please describe:

D. Describe the project's other impacts on energy facilities and services:

III. Consistency -- Describe the project's consistency with state, municipal, regional, and federal plans and policies for enhancing energy facilities and services:

AIR QUALITY SECTION

I. Thresholds

A. Will the project meet or exceed any review thresholds related to **air quality** (see 301 CMR 11.03(8))? ___ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **air quality**? ___ Yes **X** No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Solid and Hazardous Waste Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Air Quality Section below.

II. Impacts and Permits

A. Does the project involve construction or modification of a major stationary source (see 310 CMR 7.00, Appendix A)? ___ Yes ___ No; if yes, describe existing and proposed emissions (in tons per day) of:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Particulate matter	_____	_____	_____
Carbon monoxide	_____	_____	_____
Sulfur dioxide	_____	_____	_____
Volatile organic compounds	_____	_____	_____
Oxides of nitrogen	_____	_____	_____
Lead	_____	_____	_____
Any hazardous air pollutant	_____	_____	_____
Carbon dioxide	_____	_____	_____

B. Describe the project's other impacts on air resources and air quality, including noise impacts:

III. Consistency

A. Describe the project's consistency with the State Implementation Plan:

B. Describe measures that the proponent will take to comply with other federal, state, regional, and local plans and policies related to air resources and air quality:

SOLID AND HAZARDOUS WASTE SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **solid or hazardous waste** (see 301 CMR 11.03(9))? ___ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **solid and hazardous waste**? ___ Yes **X** No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Historical and Archaeological Resources Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Solid and Hazardous Waste Section below.

II. Impacts and Permits

A. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of solid waste? ☐ Yes ☐ No; if yes, what is the volume (in tons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment, processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

B. Is there any current or proposed facility at the project site for the storage, recycling, treatment or disposal of hazardous waste? ☐ Yes ☐ No; if yes, what is the volume (in tons or gallons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Recycling	_____	_____	_____
Treatment	_____	_____	_____
Disposal	_____	_____	_____

C. If the project will generate solid waste (for example, during demolition or construction), describe alternatives considered for re-use, recycling, and disposal:

D. If the project involves demolition, do any buildings to be demolished contain asbestos?
☐ Yes ☐ No

E. Describe the project's other solid and hazardous waste impacts (including indirect impacts):

III. Consistency--Describe measures that the proponent will take to comply with the State Solid Waste Master Plan:

HISTORICAL AND ARCHAEOLOGICAL RESOURCES SECTION

I. Thresholds / Impacts

A. Is any part of the project site a historic structure, or a structure within a historic district, in either case listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? ☐ Yes ☐ No; if yes, does the project involve the demolition of all or any exterior part of such historic structure? ☐ Yes ☐ No; if yes, please describe:

The WWTP site does not contain any historical features. The sewer extensions will be located in existing streets and are therefore unlikely to affect any historical or archaeological resources. A letter requesting review was sent to the Massachusetts Historical Commission on August 27, 2002. MHC responded on September 26, 2002 stating that the project was unlikely to affect significant historical or archaeological resources. A copy of this letter is provided as an attachment to this ENF.

B. Is any part of the project site an archaeological site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? ☐ Yes ☐ No; if yes, does the project involve the destruction of all or any part of such archaeological site? ☐ Yes ☐ No; if yes, please describe:

The WWTP site does not contain any historical features. The sewer extensions will be located in existing streets and are therefore unlikely to affect any historical or archaeological resources. A letter requesting review was sent to the Massachusetts Historical Commission on August 27, 2002. MHC

responded on September 26, 2002 stating that the project was unlikely to affect significant historical or archaeological resources. A copy of this letter is provided as an attachment to this ENF.

C. If you answered "No" to all parts of both questions A and B, proceed to the **Attachments and Certifications** Sections. If you answered "Yes" to any part of either question A or question B, fill out the remainder of the Historical and Archaeological Resources Section below.

D. Have you consulted with the Massachusetts Historical Commission? ____ Yes ____ No; if yes, attach correspondence

E. Describe and assess the project's other impacts, direct and indirect, on listed or inventoried historical and archaeological resources:

II. Consistency -- Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to preserving historical and archaeological resources:

ATTACHMENTS:

1. Plan, at an appropriate scale, of existing conditions of the project site and its immediate context, showing all known structures, roadways and parking lots, rail rights-of-way, wetlands and water bodies, wooded areas, farmland, steep slopes, public open spaces, and major utilities.
2. Plan of proposed conditions upon completion of project (if construction of the project is proposed to be phased, there should be a site plan showing conditions upon the completion of each phase).
3. **Original** U.S.G.S. map or good quality **color** copy (8-½ x 11 inches or larger) indicating the project location and boundaries
4. List of all agencies and persons to whom the proponent circulated the ENF, in accordance with 301 CMR 11.16(2).
5. Other:

CERTIFICATIONS:

1. The Public Notice of Environmental Review has been/will be published in the following newspapers in accordance with 301 CMR 11.15(1):

(Date)

No later than October 9, 2002

2. This form has been circulated to Agencies and Persons in accordance with 301 CMR 11.16(2).

Date _____ Signature of person preparing
ENF (if different from above) _____

Name (print or type) Elizabeth Beardsley

Firm/Agency Camp Dresser & McKee Inc.

Street 56 Exchange Terrace, 4th Floor

Municipality/State/Zip Providence, RI 02903

Phone (401) 751-5360

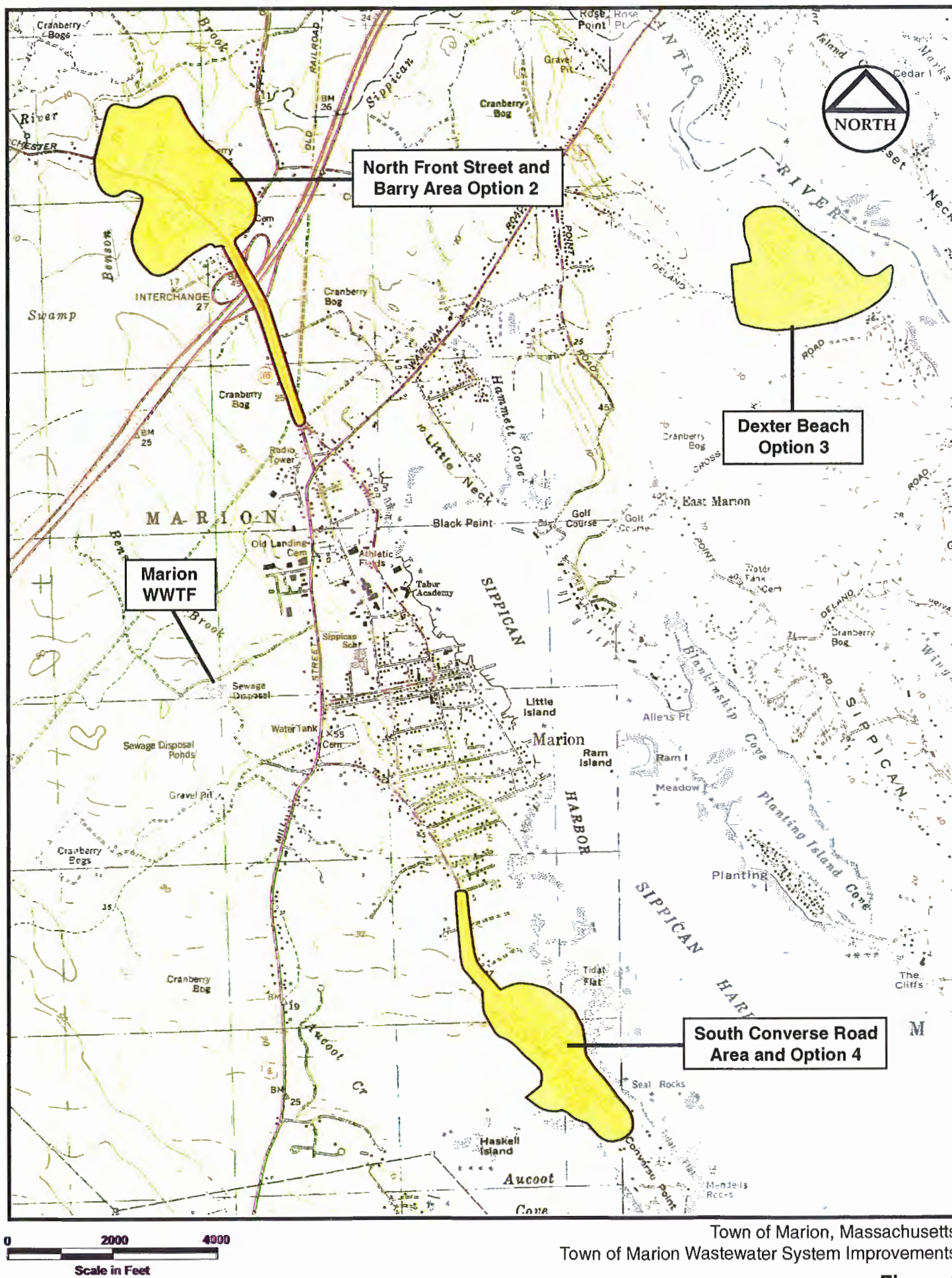
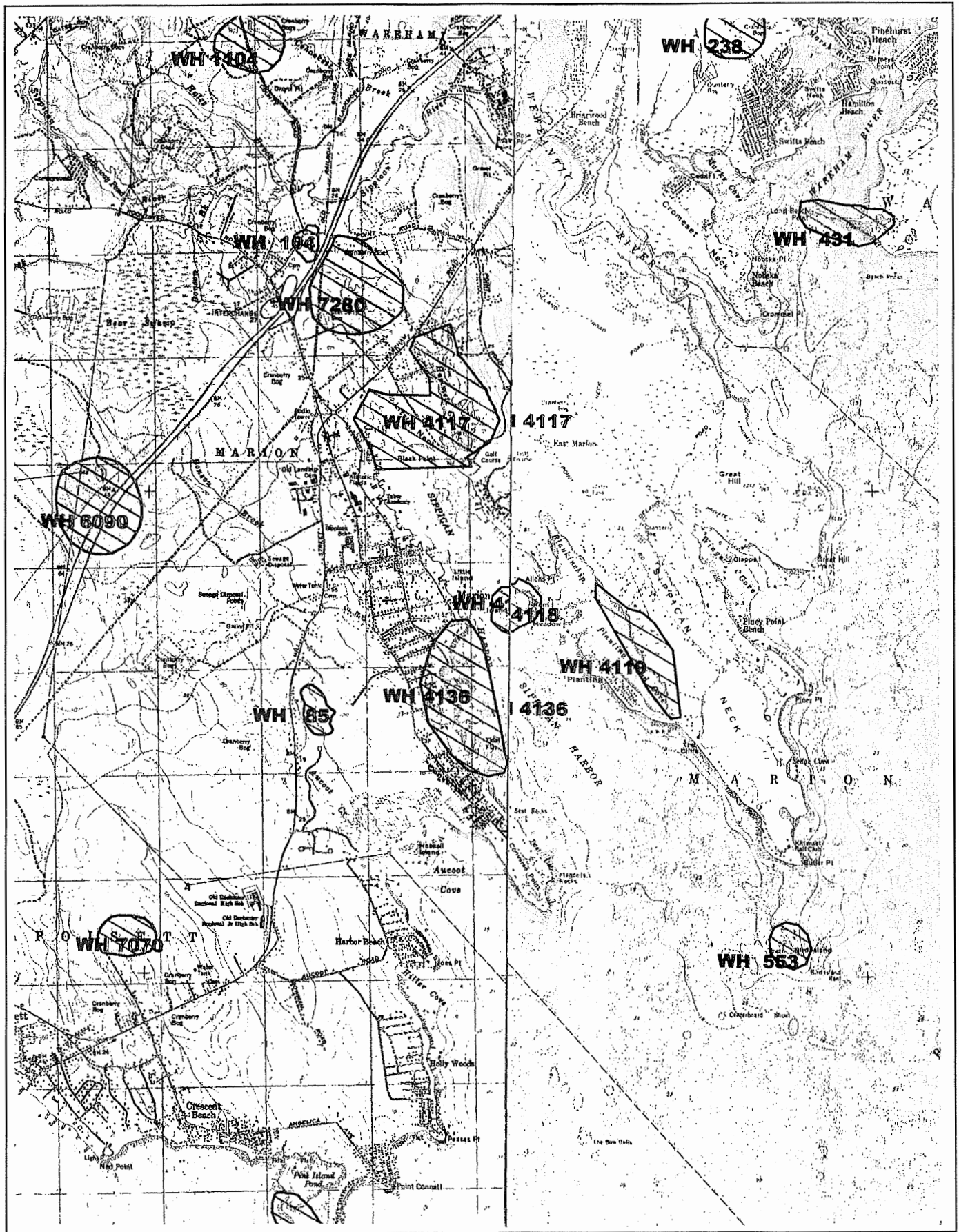
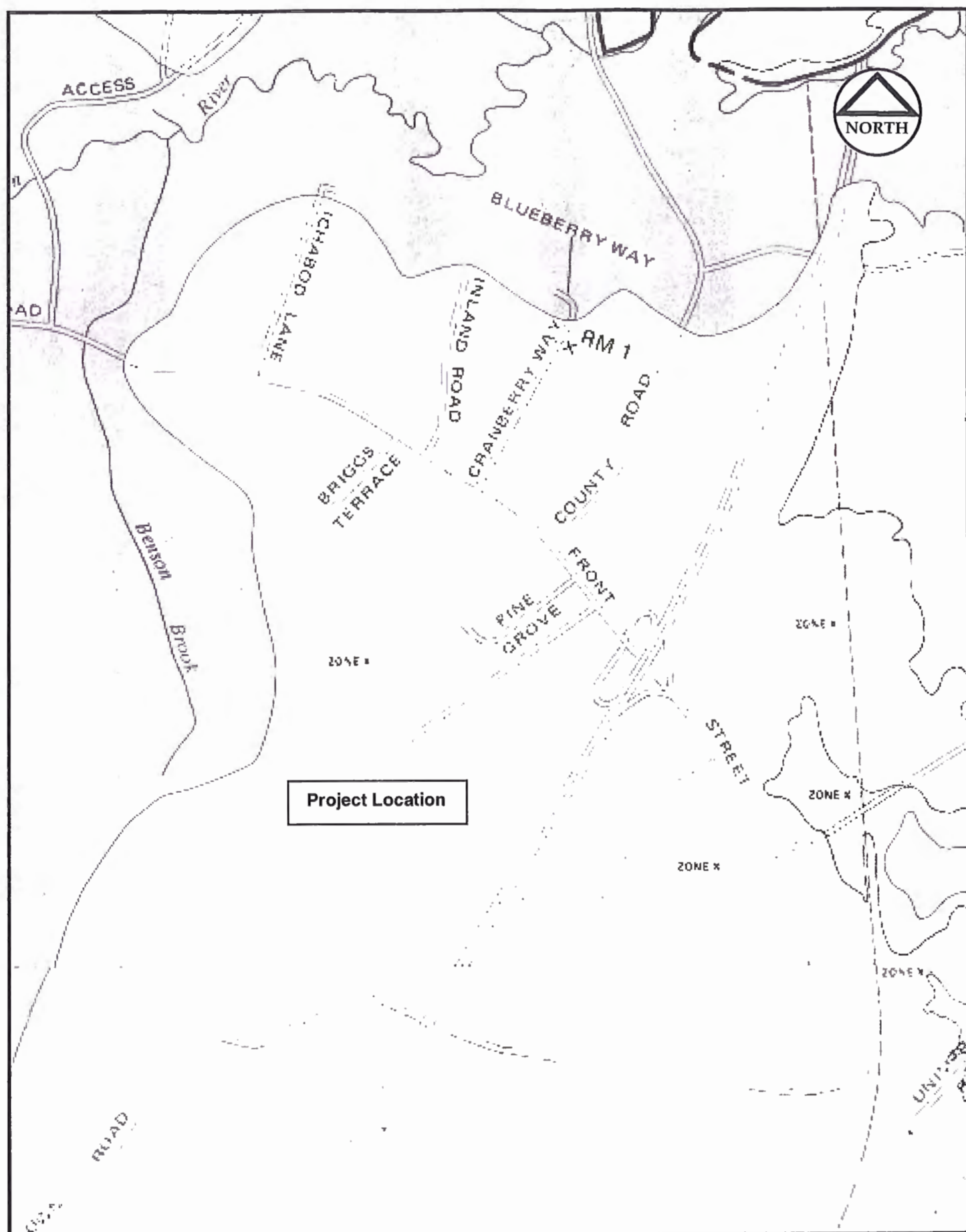


Figure 1
Location of Sewer Extensions



SOURCE:
 Massachusetts Natural Heritage Atlas
 2000-2001 Edition: Marion and Onset Quadrangles

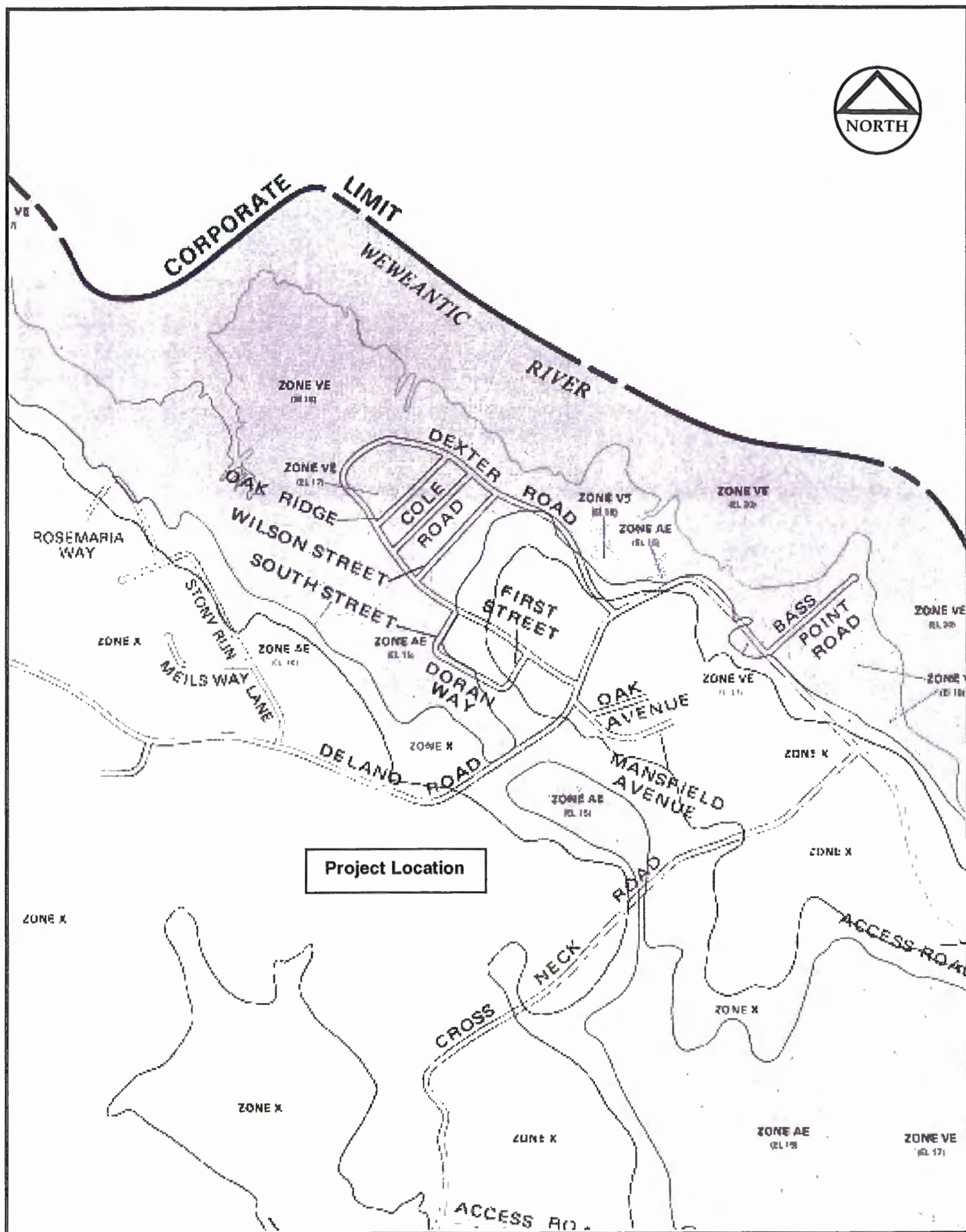
Town of Marion, Massachusetts
 Town of Marion Wastewater System Improvements



Source: FEMA Flood Insurance Rate Map Community Panels
255213 0003 D and 155213 0004 D

Town of Marion, Massachusetts
Town of Marion Wastewater System Improvements

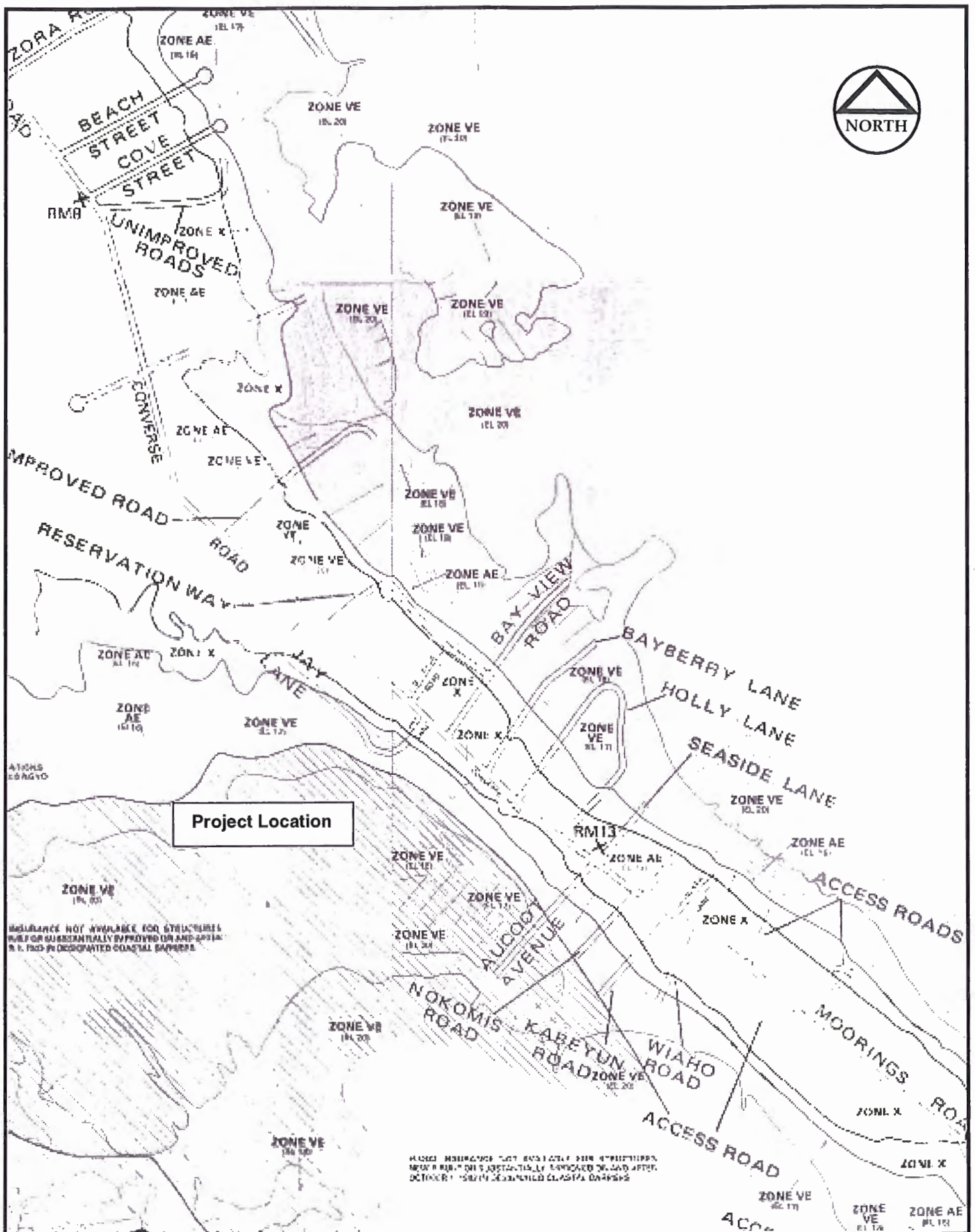
Figure 3A
Flood Insurance Rate Map



Source: FEMA Flood Insurance Rate Map Community Panel
255213 0003 D

Town of Marion, Massachusetts
Town of Marion Wastewater System Improvements

Figure 3B
Flood Insurance Rate Map



Source: FEMA Flood Insurance Rate Map Community Panels
 255213 0005 D, 255213 0006 D, 255213 0007 D,
 255213 0008 D

Town of Marion, Massachusetts
 Town of Marion Wastewater System Improvements

Attachment 1

Project Narrative

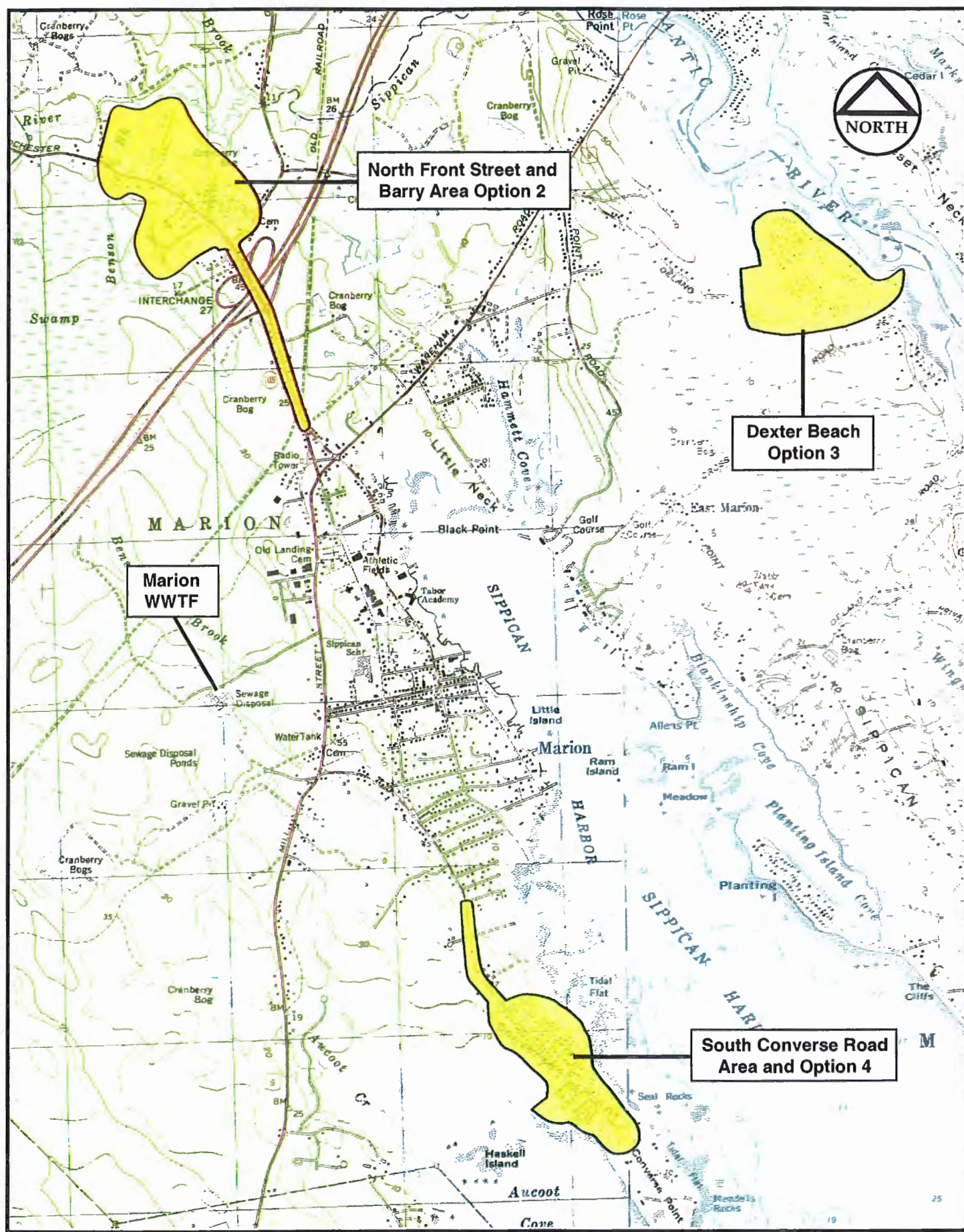
1.0 Introduction

The Marion Wastewater System Improvements Project (the Project) was designed to fulfill the recommendations of the Town of Marion Comprehensive Wastewater Management Plan (CWMP), completed in April 2002 and the August 13, 2001 Administrative Consent Order (ACO) between the Town of Marion and the Massachusetts Department of Environmental Protection (MA DEP) (see Attachment 2). The CWMP cited two primary areas in need of improvement: the wastewater treatment facility and the wastewater collection system. In addition, as part of this project the sewer collection system will be extended to three existing neighborhoods which are in need of an offsite wastewater treatment solution.

The Town of Marion's wastewater collection system consists of approximately 18 miles of sewers, which serve approximately 2,600 people. The age of the sewers ranges from approximately 100 years old in the Marion village area to about 10 years for several small extensions. The collection system includes seven pumping stations and one ejector station. Due to the age of the system and the Town's low-lying location, it is subject to high rates of infiltration and inflow (I/I). Since 1995, the Town of Marion has been rehabilitating (sealing) portions of sewer pipe to remove I/I from its collection system. This project proposes to make repairs and upgrades to the collection system, including pumping stations and I/I reduction measures.

The existing wastewater treatment facility (WWTF) was designed to provide advanced secondary treatment for an average daily flow of 0.42 million gallons per day (mgd); the facility is permitted for 0.5 mgd. The WWTF discharges treated effluent to Effluent Brook via a one-mile discharge pipe and outfall (See Figure 1, Project Location Map). The treatment facility periodically has difficulty meeting its National Pollutant Discharge Elimination System (NPDES) permit limits during seasonal upsets of the facultative lagoons. Furthermore, the most recent NPDES permit includes several new parameters, including ammonia-nitrogen, that the facility is not designed to meet. The project proposes to upgrade the treatment plant to provide nitrogen removal, as well as increase its design capacity by approximately 20 percent. The project will provide the treatment plant with the necessary processes to meet the current and projected future nitrogen limits. The treatment plant upgrade component of this project is the subject of an Administrative Consent Order between the Massachusetts Department of Environmental Protection (MA DEP) and the Town of Marion.

Within the project, wastewater collection services will be extended to three existing neighborhoods: the North Front Street and Barry Area, Dexter Beach, and the South Converse Road Area. These areas are in need of an off-site wastewater collection and treatment method, and this project proposes grinder-pump pressure sewers for these



Town of Marion, Massachusetts
Town of Marion Wastewater System Improvements

Figure 1
Location of Sewer Extensions

areas. When it was determined that sewer extensions in these areas are necessary, the Town developed accompanying policies and regulations to control connections to the system, as discussed later in this narrative. The extension of sewers to these three areas, which are comprised of existing residences, will remove approximately 400 existing cesspools and septic systems from use. The onsite systems are generally located in high groundwater and poor soils, and contribute nitrogen loads to several nitrogen-sensitive embayments (Sippican River, Sippican Harbor, Wewentic River). Thus the sewer extensions will have a significant environmental benefit.

2.0 Description of the Project Site

2.1 Wastewater Treatment Facility Upgrade

The WWTF will be upgraded to meet the present and future needs of the town, including capacity and permit requirements. The existing WWTF consists of three non-aerated facultative lagoons, a new effluent disk filtration process, and ultraviolet (UV) disinfection. The upgraded WWTF will include new preliminary treatment processes (screening and grit removal), and a new sequencing batch reactor (SBR) process.

A new Headworks Building will be constructed to house the preliminary treatment processes and odor control system, and a second new building will be constructed to house the process equipment for the SBR system. This building will include a laboratory, control area, support functions, and other administrative spaces.

As depicted on the Project Plan (Sheet F-1-1, see Attachment 6), all work will be performed within the existing footprint of the current WWTF.

In addition to the improvements at the WWTF itself, the effluent pipe that conveys treated wastewater from the plant to Effluent Brook will be upgraded. Although the existing pipeline has been generally adequate with the existing plant, the upgraded plant will add mechanical processes that require a greater peak discharge. The existing pipeline does not have the capacity for this peak discharge. In addition, the pipeline is relatively old. This work may result in temporary impacts to up to a maximum of 6,250 square feet of wetland resource areas. Please refer to Figure 1 for the location of the effluent pipe and a description of the wetland resource areas surrounding the pipe.

2.2 Collection System Improvements

A wastewater needs analysis was conducted as a part of the 2001 Draft Comprehensive Wastewater Management Plan (CWMP). As a result of this investigation, three areas were identified as needing alternatives to onsite septic systems for sewage disposal: the Berry Roads area, the Dexter Beach area, and the South Converse Road area.

The Berry Roads area is located in the northwestern portion of town off Front Street, and is shown on Figure 1. The Berry Roads area was identified as a problem area due to small lot size, an unusual number of mounded systems, and reports of standing water during high groundwater periods. Originally, the area had a build-out number of 34 developed lots within the area, and 50 developed lots in the "along the way" area. The "along the way" lots are defined as those lots that would have access to the force main or sewer that would convey flow from the Berry Roads area to the existing gravity sewer on Front Street. At the request of MA DEP, the boundaries of the Berry Roads Area were re-evaluated in the fall of 2001. The final boundary for the Berry Roads area includes Briggs Terrace and Pumping Station road. As described in the 2002 Supplemental CWMP, the revised Berry Roads area has a build-out number of 91 developed lots and the revised "along the way" area has a build-out number of 31 developed lots.

The Dexter Beach area is located in the northeastern portion of the town off Delano Road and Dexter Road (see Figure 1). This area was identified due to poor soils, proximity to the ocean, floodplains and velocity zones and a high percentage of returned questionnaires indicating a significant number of problems in the area. This area is adjacent to a sewer area, so there are no "along the way" lots. At full build-out, there are 162 potentially developed lots, of which 25 are currently undeveloped.

The South Converse Road area consists of lots on either side of the southern portion of Converse Road, ranging in size from $\frac{1}{4}$ - 1 acre (see Figure 1). This area is in the southern end of town and has a significant amount of land in the velocity zone. This area was selected due to poor soils, high groundwater, proximity to the ocean and wetlands, and questionnaire results. At full build-out, there are 172 potentially developed lots, 22 of which are currently undeveloped. The "along the way" area has a full build-out number of 27 developed lots, 7 of which are currently undeveloped.

Altogether, the proposed sewer extensions include approximately 7 miles of new pressure sewer, located within existing roads and streets. The use of pressure sewer will reduce impacts as it is shallower than gravity lines, and does not require as wide a trench.

In keeping with the Marion Board of Water and Sewer Commissioners' policy, the sewer extensions will serve existing residences that are having problems with onsite systems, and for which there is a demonstrated need. Table 1 shows the number of lots to be served in each area:

Table 1

Area	Developed	Undeveloped	Totals
Berry Area	110	12	122
Dexter Beach Area	140	22	162
South Converse Road Area	174	26	200
<i>Total</i>	<i>424</i>	<i>60</i>	<i>484</i>
	88%	12%	100%

As the table shows, the majority of connections (88%) are to existing development.

3.0 Wetland Resource Areas

3.1 Wastewater Treatment Facility Upgrades

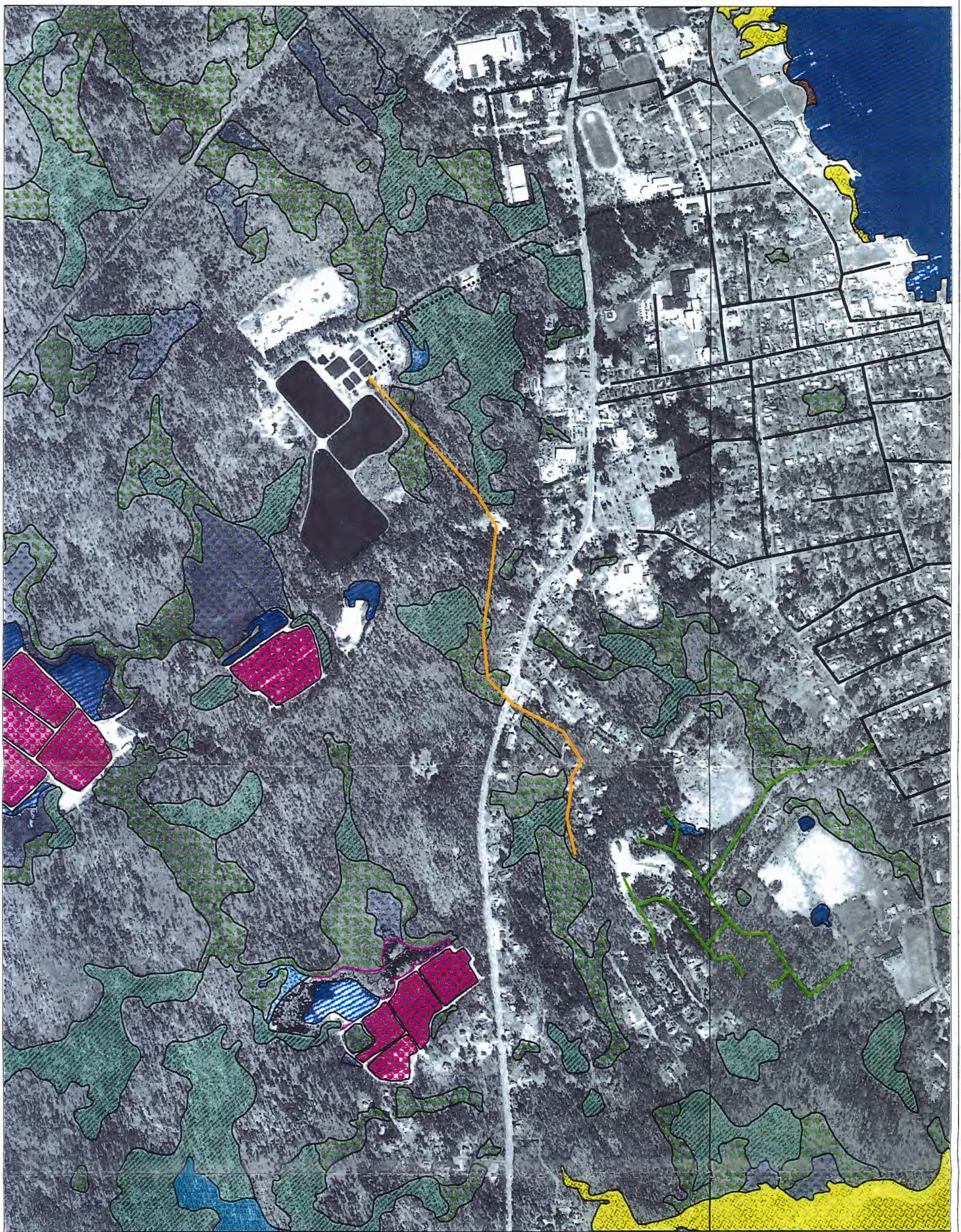
The upgrades to the wastewater treatment facility itself will occur within the existing footprint of the facility. Therefore, no new impacts to wetland resource areas will occur as a result of the upgrades to the wastewater treatment facility building. The proposed project, however, may alter up to 6,250 square feet of bordering vegetated wetlands (BVW) along portions of an existing effluent pipe which will be upgraded to increase the pipe's capacity. The effluent pipe conveys treated wastewater approximately one mile from the wastewater treatment facility to Effluent Brook, as depicted on Figure 1, Project Location Map.

The wetland resource areas along this effluent pipe are mapped as wooded swamp, deciduous and mixed trees (see Figure 2). The effluent pipe is located within a Town-owned easement, which is maintained by the Town of Marion. Impacts associated with upgrades to the effluent pipe will be temporary and will involve excavating the old pipe, and removing and replacing it with new pipe. The excavated trench will then be backfilled with clean material, and the work area will be re-vegetated.

An Order of Conditions for this work will be sought from the Town of Marion Conservation Commission. In addition, a MA DEP Section 401 Water Quality Certification and Army Corps of Engineers Permit will be required if impacts to wetland resource areas exceed 5,000 square feet. During design of the replacement effluent pipeline, the Town and its engineer will approach the design to minimize impacts on wetlands, and will meet with the Marion Conservation Commission early in the design to obtain input.

3.2 Wastewater Collection System

All proposed upgrades to the wastewater collection system will be performed within existing roadways. Therefore, no impacts to wetland resource areas are anticipated as a result of this work. Temporary dewatering may be required in some limited areas



CDM

- | | |
|-----------------------------------|-----------------------------|
| — PUBLIC | DEEP MARSH |
| — PRIVATE | OPEN WATER |
| — PUBLIC - WWTF Effluent Se | ROCKY INTERTIDAL SHORE |
| PUBLIC Main St Force Main | SALT MARSH |
| □ BARRIER BEACH SYSTEM | SHALLOW MARSH MEADOW OR FEN |
| □ BOG | SHRUB SWAMP |
| □ COASTAL BANK BLUFF OR SEA CLIFF | TIDAL FLAT |
| □ COASTAL BEACH | WOODED SWAMP CONIFEROUS |
| □ COASTAL DUNE | WOODED SWAMP DECIDUOUS |
| □ CRANBERRY BOG | WOODED SWAMP MIXED TREES |

1:3000
1 inch = 250 feet

Figure 2
MassGIS Wetlands for the
Proposed 18" Effluent Pipe
09.4.2002

where groundwater is high; however, the use of pressure sewer reduces this need, since pressure sewers do not require deep installation. Erosion and sedimentation control measures, as described later in the narrative, will be employed throughout the duration of this work to ensure the prevention of offsite impacts to nearby wetland resource areas.

4.0 Project Alternatives

4.1 Wastewater Treatment Facility Upgrades

Various alternatives were considered for improvements to the Town of Marion Wastewater Treatment Facility. The alternatives considered for the liquid treatment processes are described in the Town of Marion Wastewater Facilities Plan and include:

Preliminary Treatment

- Hand Cleaned Bar Racks
- Mechanically Cleaned Screens with Bar Racks
- Aerated Grit Chamber
- Centrifugal Grit Chamber
- Cyclone Preliminary Sludge Degritter
- Velocity Controlled Grit Removal Channels

Secondary Treatment

- Conventional Activated Sludge
- Biological Aerated Filters
- Oxidation Ditches
- Rotating Biological Contactors
- Sequencing Batch Reactors and Equalization Tanks

As summarized in Section 6 of the Wastewater Facilities Plan, the results of the screening and cost evaluation indicate that a liquid process train should include screening and grit removal facilities, equalization with the existing lagoons (aeration added), sequencing batch reactors, disk filters, and UV disinfection.

Residuals management alternatives considered as part of the Wastewater Facilities Plan include:

Holding Facilities

- Storage in aerated lagoons
- Holding Tanks

Dewatering Facilities

- Belt Filter Presses
- Centrifuges
- Sludge Drying Beds

Disposal

- Offsite Incineration
- Lime Stabilization and Sanitary Landfilling
- Lime Stabilization and Sludge Only Landfilling
- Composting

The screening of the above-listed alternatives is detailed in Section 6 of the Wastewater Facilities Plan, and recommends that sludge from the proposed activated sludge processes be pumped to the lagoons for treatment and disposal. The sludge discharged to the lagoon will break down over time, without additional solids treatment. This method of residuals management is practiced at several similar facilities and provides the Town with a simple, low cost method of sludge disposal.

MA DEP has concurred with the selected processes in the Draft CWMP.

4.2 Wastewater Collection System

The three needs areas have been identified through several studies as requiring an off-site solution (see Draft CWMP). All three areas are characterized as dense existing residential development, with high groundwater and highly variable soils, often with a shallow hardpan layer.

Following the Draft CWMP, the Town undertook a detailed evaluation of a localized treatment alternative, termed a satellite system. Each satellite system would include sewers, a package wastewater treatment plant, and a disposal system. The key issue with the feasibility of such a plan is the location of a suitable and permissible disposal site. Potential disposal sites were identified in or near each of the three needs areas. Testing was conducted at the most promising sites. The results were that there are no suitable, available disposal sites for such a satellite system. Therefore, the extension of the central collection system was the only feasible alternative for these existing residences.

The following subsections describe the various alternative approaches to connecting these areas to the sewer system.

4.2.1 Berry Roads Area

The Berry Roads area consists of approximately 91 lots (developed or vacant developable). Between County Road and the split with Spring Street, “along the way” to the existing sewer system, there are another 31 existing or developable lots that may be sewerred if a connector sewer is installed in Front Street (State Route 105).

Two options for sewerred this area were evaluated. The first option includes a combination of gravity sewers, pressure sewers, force mains and a pumping station. The second option is the all grinder pump option and is shown in Figure 3. Options 1 and 2 include a connector sewer along Front Street consisting of a force main and gravity sewer to connect the proposed needs area to the existing sewer system. Houses along this route would be connected by gravity or with grinder pumps via a separate pressure sewer adjacent to the force main. Option 1 includes 64 grinder pumps. Option 2 includes all 122 service area lots with grinder pumps. Although Option 2 is the least expensive, it would require that about 58 houses install grinder pumps that would not need them if Option 1 were selected. Capital costs for options 1 and 2 are \$3,400,000 and \$2,600,000, respectively.

Costs presented for both options include providing sewer service to the main service area and the cost of a force main (and connector gravity sewer) to connect the main service area to the existing sewer system. With input from the Wastewater Planning Committee, the Board of Water and Sewer Commissioners determined that the all-pressure sewer option was preferred for this area.

4.2.2 Dexter Beach Area

The Dexter Beach area consists of approximately 162 lots (developed or vacant developable¹). Three options for sewerred this area were evaluated. The first two options include a combination of gravity sewers, pressure sewers, force mains and pumping stations. The third option is the all grinder pump, pressure sewer option (see Figure 4 for a layout). Option 1 includes 44 grinder pumps, Option 2 requires 24 grinder pumps and Option 3 includes all 162 lots with grinder pumps. Capital costs for Options 1 through 3 are \$4,000,000, \$4,900,000, and \$3,300,000, respectively.

With input from the Wastewater Planning Committee, the Board of Water and Sewer Commissioners determined that the all-pressure sewer option was preferred.

¹ Vacant lots that are entirely in the velocity zone are not eligible for connection to the sewer and are therefore not included in these counts.

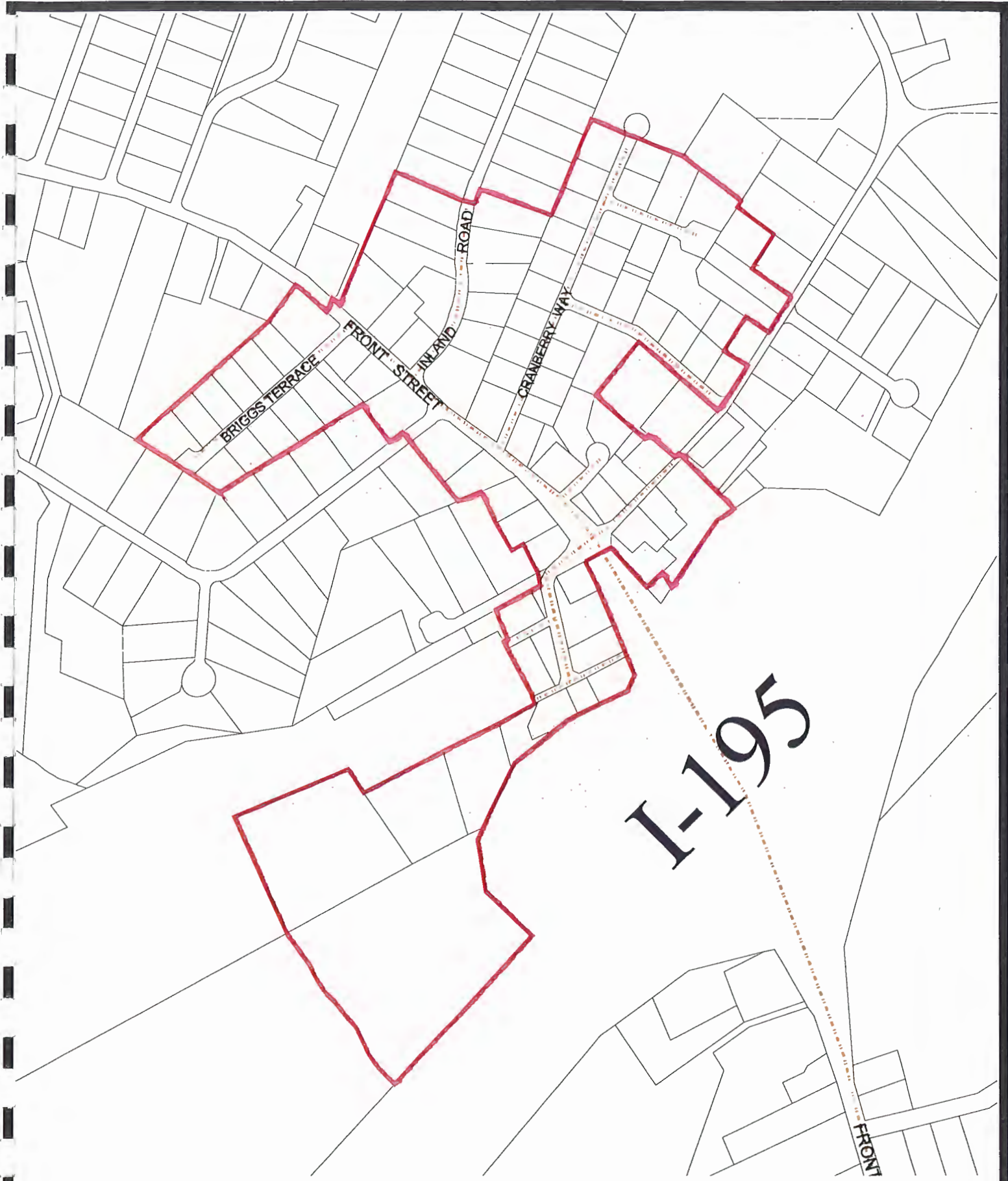
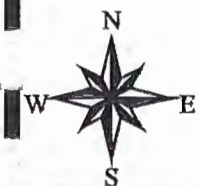


Figure 3 – Berry Area Proposed Pressure Sewer



0 500 1000 Feet

 Berry Area
 Proposed Pressure Sewer
 Assessors Parcels

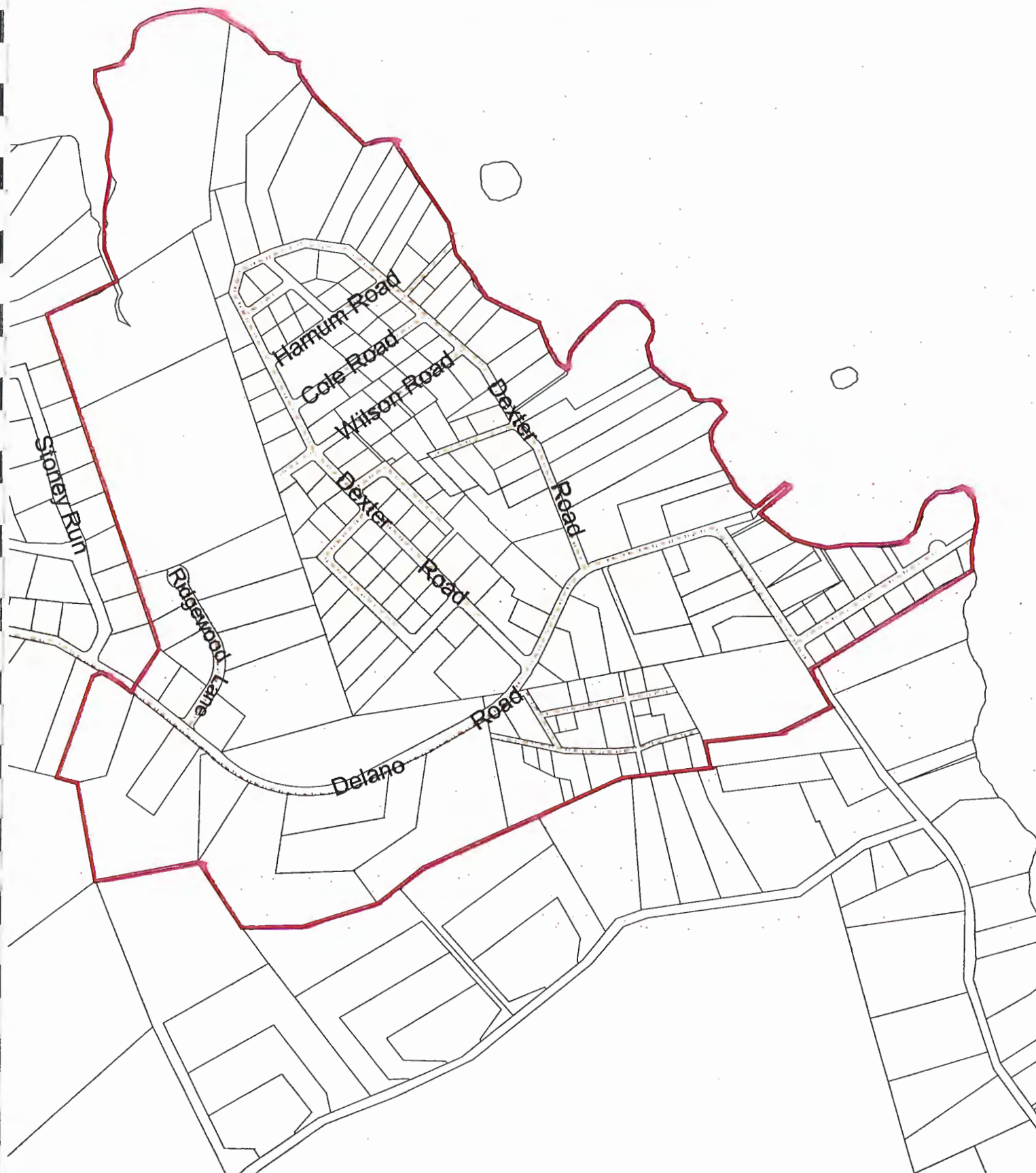



Figure 4 – Dexter Beach Proposed Pressure Sewer



500 0 500 Feet

 Dexter Beach Area
Assessors' Parcels
Proposed Pressure Sewer

4.2.3 South Converse Road

The South Converse Road area consists of approximately 173 lots (developed or vacant developable). Between Card Drive and Cove Road, there are another 27 existing and developable lots "along the way" that may be sewerred when a sewer or force main is installed in South Converse Road.

Four options for sewerred this area were evaluated. The first three options include a combination of gravity sewers, pressure sewers, force mains and pumping stations, and the fourth option is an all grinder pump option (see Figure 5 for the layout). Options 1 through 3 include a force main along South Converse Road to connect the proposed needs area to the existing sewer system. Houses along this route would be connected with grinder pumps via a separate pressure sewer adjacent to the force main, if required by the Town. Option 4 simply includes grinder pumps connecting directly to the single pressure sewer. Option 1 includes 29 grinder pumps in the service area; option 2 requires 76; and Option 3 requires 109 grinder pumps. Option 4 includes all lots except for 5 lots north of Cove Road with grinder pumps. The feasibility of connecting individual grinder pumps directly to a force main should be explored during detailed design.

Construction activities associated with Options 1 and 2 will impact salt marshes. Furthermore, property owner negotiations will be necessary for pump station siting and construction activities. Options 3 and 4 are preferred over Options 1 and 2, as much less of the proposed work is within or adjacent to salt marsh. In addition, costs associated with Options 3 and 4 are less than those associated with Options 1 and 2; capital costs for options 1 through 4 are \$5,400,000, \$5,000,000, \$4,600,000, and \$4,100,000, respectively. Costs presented for all four options include providing sewer service to the main service area and the cost of a force main to connect the main service area to the existing collection system.

With input from the Wastewater Planning Committee, the Board of Water and Sewer Commissioners determined that the all-pressure sewer option was preferred for this area.

4.2.4 Advantages of the Preferred Plan

The project offers significant environmental benefits to the Effluent Brook, Sippican River and Sippican Harbor, Weweantic River, and Buzzards Bay, as well as localized groundwater resources. The treatment plant upgrade will significantly improve the water quality of the effluent, affecting Effluent Brook, Aucoot Cove, and Buzzards Bay. The treatment plant upgrade provides processes to modernize the treatment plant, and provides redundancy and flexibility for future compliance. The treatment plant upgrade also is required by an administrative consent order.

In addition the project offers public health benefits by replacing poorly functioning onsite cesspools and septic systems. Taking these systems out of service will benefit

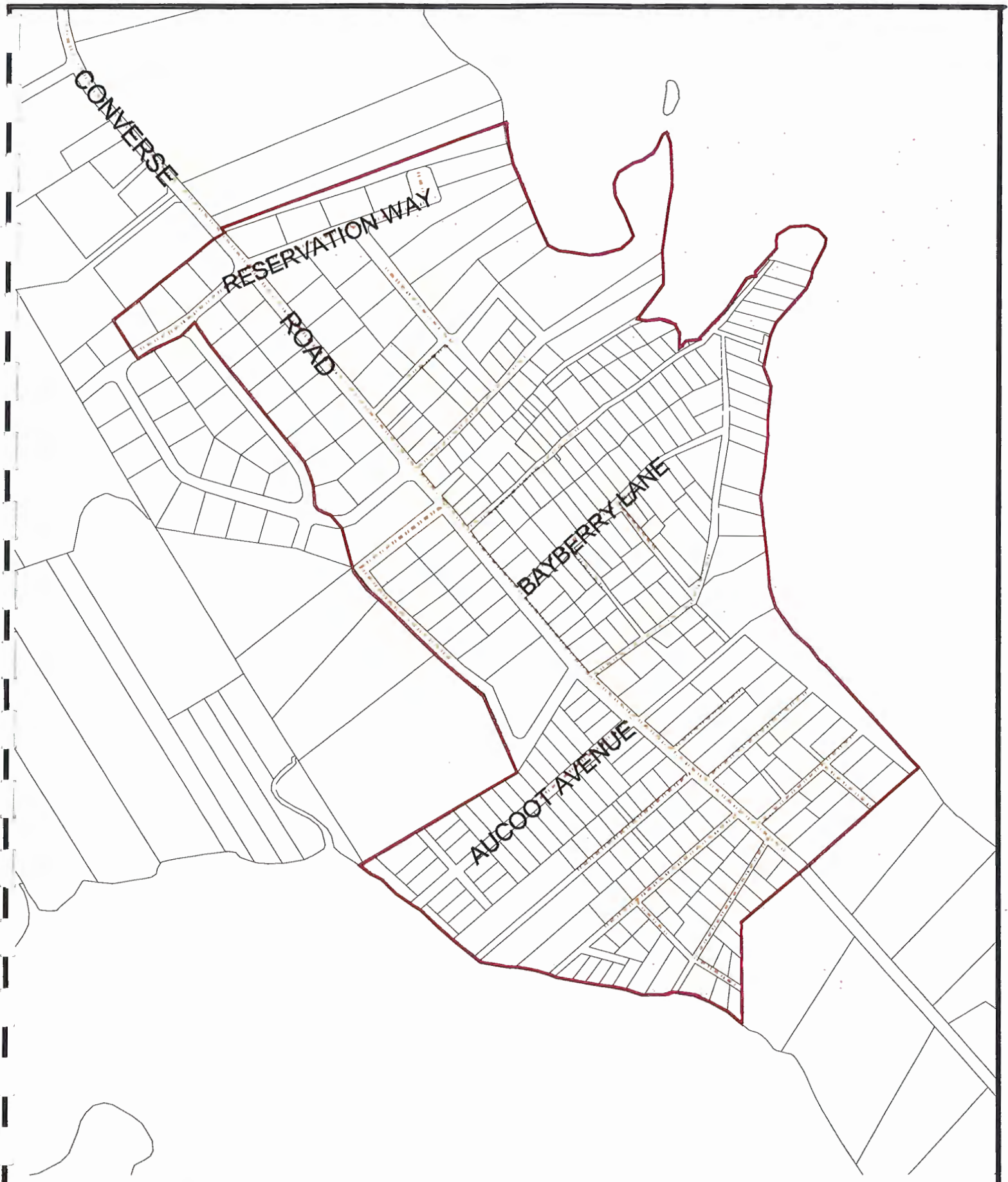


Figure 5 — South Converse Road Proposed Pressure Sewer

several local embayments that are deemed to be overloaded with nitrogen (source: Buzzards Bay Project). Instead, the wastewater from these homes will receive far superior treatment including nitrogen removal at the treatment plant, and be discharged to Effluent Brook, which exits to an embayment that is not considered overloaded. The project also provides benefits to the reliability of the collection system, reducing the chance for backups and overflows, by improving pumping stations and removing I/I.

5.0 Mitigation Measures

5.1 Mitigation of Secondary Development

In spite of the environmental benefits associated with the implementation of the sewer system extension project, the Town of Marion was concerned with the potential for any increase in growth and development as a result of the expanded sewer system. This concern has been addressed throughout the project in two ways: (1) understanding and defining the limits of the expansion areas; and (2) adopting specific strategies to ensure control of future connections and limiting additional expansion.

Regarding item (1), the sewer expansion areas have been defined specifically, on a lot-by-lot basis, and the number of vacant lots has been analyzed. This effort documents (as shown in Table 1 above) that sewer extensions primarily serve existing housing stock. In addition, vacant velocity zone lots in these areas have been identified and addressed to ensure that they will remain unbuildable.

Regarding Item (2), the Marion Board of Water and Sewer Commissioners has developed and adopted "Sewer System Policies" (see Attachment 3) which outline the Town's philosophy towards wastewater management. The policies present the wastewater system as a finite resource that must be preserved for the existing town population. The policies further explain that the proposed wastewater collection system expansion has been developed for existing housing; however, sewer system expansion to support new development is not desired. In summary, the Town intends to provide sewers to the three needs areas; but for the remainder of the town, there will be a preference toward maintaining either onsite systems or considering small-scale satellite systems, where appropriate.

In addition, the Town has developed and adopted sewer regulations (also see Attachment 3) which meet the following objectives:

- Establish connection rules that are consistent with the Sewer System Policies, described above, including definition of eligibility for connection that excludes velocity zone lots, and does not allow future extensions of the sewer system;
- Provide a procedure and form for obtaining a permit to connect to the system;

- Provide a procedure and form for obtaining a permit to connect to the system;
- Provide minimum construction standards for sewer connections;
- Establish the authority of the Town over discharges to the sewer;
- Protect the Town against violations and against any discharges to the sewer that would cause upset to the plant; and
- Require and operating permit for private sewers, to protect the Town's interests and clarify responsibilities for the private sewer, should any problems occur in the future.

The connection rules will prevent unplanned expansion of the sewer system, such as those resulting from private developer proposals, by establishing specific criteria for any connection. The Town will adopt a map indicating all parcels within the service area, and will amend the map only to add individual properties close to the existing system with support from the Board of Health. Individual parcels are eligible for addition only when it is already developed, or is vacant with current required frontage on the road with the sewer.

The town regulations will also limit the total flow from each connection into the system, so that the Town may control the flows at the WWTF. The regulations set the discharge limits for each existing or future connection to either (1) 440 gallons per day, or (2) the design flow in place as of April 15, 2002 plus 110 gallons per day, whichever is greater. The Town may grant non-residential connections an increased flow.

Another provision of the town regulations is to require that owners of existing private sewers obtain a permit to continue discharging to the public sewer. This requirement was developed to avoid future confusion over who determines connections to private sewers, as well as ensure that there is a designated party responsible for operations and maintenance of the sewer connections.

An additional concern of the Town with respect to this project is consistency with state policy regarding development in the Velocity Zone. The objective of the Office of Coastal Zone Management (CZM) Coastal Hazards Policy #3 is:

To ensure that state and federally funded public works projects proposed for locations within the coastal zone will...not promote growth and development in hazard-prone or buffer areas, especially in Velocity Zones and ACECs...

In accordance with this policy, Marion's sewer regulations specify that within the sewer expansion areas, new residential connections can serve only lots outside the Velocity Zone (or if partially in the Velocity Zone, the structure must be outside the

Velocity Zone, or the structure must be pre-existing). As a result, those vacant lots within the proposed sewer expansion areas that are located within the Velocity Zone are not eligible for connection.

5.2 Mitigation of Impacts to Wetland Resource Areas

The following summary presents the mitigation measures that will be implemented to avoid and minimize wetland impacts during construction. Please refer to the project plans for typical details of measures to protect wetlands and waterways during and after construction.

- Staked silt fence and/or hay bales will be installed at the limit of work prior to commencement of construction to prevent the transport of sediment and debris to downgradient wetlands, and to demarcate the limit of work.
- All silt fence/hay bale barriers will be inspected weekly and after all storm events and repaired as needed. The barrier will be left in place until the area is permanently stabilized. A stockpile of silt fence and hay bales will be stored in an easily accessible location under a protective cover for routine maintenance and emergency repairs. Hay bales will be replaced as necessary due to sediment build-up and degradation.
- In the event that trench dewatering is necessary, discharge will be filtered to remove sediment prior to discharge.
- Stockpiled soils will be enclosed within a line of staked silt fence and hay bales to prevent erosion or siltation into resource areas. The silt fence/hay bale barrier will be inspected weekly and after all storm events, and repaired as needed. The barrier will be left in place until the area is permanently stabilized. Hay bales will be replaced as necessary due to sediment build-up and degradation.
- Work will proceed as rapidly as possible, thereby limiting the potential for soil erosion and subsequent sedimentation.
- Storm drain inlet protection will be provided, if applicable, for all storm drains which will collect runoff from the work area. This protection will prevent sediment from entering the storm drain system and being conveyed to wetlands or waterways.

Post Construction Measures

The following summary of mitigation measures will be implemented to restore any short-term impacts that occur in or adjacent to wetlands.

- All disturbed soils in the 100-Foot Buffer Zone to wetland resource areas, if applicable, will be permanently stabilized to match pre-construction conditions.

The area will be maintained and re-seeded to ensure that cover is adequate to stabilize the exposed soil.

- The silt fence/hay bale barrier will not be removed until a vegetative cover, dense enough to prevent erosion, is established in the work area.

In addition, traffic-related impacts associated with the construction phase of this project will be addressed using increased signage and traffic details, as appropriate. No long-term impacts to traffic patterns or flow are anticipated as a result of this project.



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

JANE SWIFT
Governor

COPY

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

August 15, 2001

Ms. Julie Enroth-Whitlock
Town Administrator
Town Hall
Marion, MA 02738

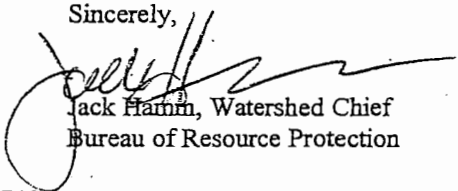
RE: Marion - BRP/WPC
Wastewater Treatment Plant
Benson Brook Road
ACOP-SE-01-104-SEP

Dear Ms. Enroth-Whitlock:

Enclosed is one fully executed copy of the referenced consent order. The effective date is August 14, 2001.

Should you have any questions in this matter, please contact me at (508) 946-2737.

Sincerely,


Jack Hamm, Watershed Chief
Bureau of Resource Protection

CERTIFIED MAIL NO. 7099 3223 0002 0276 7400

cc: Dan deHedouville, Esq. OGC
John O'Brien, DEP SERO
Ron Lyberger, DEP Boston
Joe Shepherd, DEP SERO
Dave Burns, DEP SERO
Dave DeLorenzo, DEP SERO
Regional Enforcement Office (original and 1 copy)

Steven Couto, Water Technical Unit
United States Environmental Protection Agency
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

Elizabeth Beardsley
Camp Dresser & McKee
56 Exchange Terrace
Providence, RI 02903

Thomas Crotty
Perry Hicks Crotty Deshaies
388 County Street
New Bedford, MA 02740

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF)	RE: Marion—BRP/WPC
Town of Marion)	ADMINISTRATIVE CONSENT ORDER
2 Spring Street)	WITH PENALTY AND
Marion, MA 02738)	NOTICE OF NONCOMPLIANCE
		ACOP-SE-01-1004-SEP

I. THE PARTIES

1. The Department of Environmental Protection (the "Department") is a duly constituted agency of the Commonwealth of Massachusetts. The Department maintains a primary office at One Winter Street in Boston, Massachusetts 02108, and a regional office located at 20 Riverside Drive in Lakeville, Massachusetts 02347.
2. The Town of Marion (the "Town") is a duly constituted municipal corporation in the Commonwealth of Massachusetts. The Town through its Department of Public Works operates a wastewater system that serves a portion of the Town.

II. STATEMENT OF LAW

1. Unless otherwise stated herein, the terms used in this Consent Order are defined pursuant to the regulations codified at 310CMR 5.00, 314 CMR 3.00, 314CMR7.00, and 314CMR 14.00.
2. This Consent Order is issued by the Department pursuant to its authorities under: M.G.L. c.21A, §16 and M.G.L. c.21, §26-53, and their respective regulations; 314 CMR 3.00
3. The Department is authorized to assess Civil Administrative Penalties by M.G.L. c.21A, §16 and regulations at 314 CMR 3.00.
4. In addition to being a Consent Order, this action by the Department is also a Notice of Noncompliance with regard to the specific violations of M.G.L. c.21, §26-43 as cited herein.

III. STATEMENT OF FACTS

1. The Town owns and operates a wastewater collection system (the "collection system") and a wastewater treatment plant (the "plant") that provides wastewater service to a portion of the Town. This plant discharges its effluent to Effluent Brook in the Town. The Town has a state

permit (NPDES permit number MA-0100030) that regulates the discharge from the plant that was issued on September 30, 1998.

2. On May 10, 2000, the Department conducted an inspection of the plant in order to determine compliance with the state permit regulating the plant and Department regulations establishing minimum standards for operation and maintenance requirements. The Department also reviewed the DMRs for the plant submitted by the Town. These inspections and reviews revealed that the Town is in violation of the permit with permit excursions of ammonia-n, cu, BOD, TSS, pH, and fecal coliform for at least one month in the period from January 2000 through May 2001.
3. The Town submitted to the Department on May 17, 2001 a draft of a Comprehensive Wastewater Management Plan (the "CWMP") that addresses certain improvements that need to be implemented to bring the plant into compliance with its current operating permit and the future anticipated operating permit that may be issued when the plant is due for a new permit.
4. The Town's CWMP does not reach a conclusion on whether sewer service should be provided to three areas in Town that are identified as needs areas. The Town has undertaken a separate study of one of these areas to determine the cost-effectiveness and feasibility of a localized decentralized solution compared to public sewers. The Town requires additional funding authorization to complete the studies necessary for comparison of decentralized studies.
5. The Town has provided to the Department a listing of sewer extension projects that have been completed in the Town. The Department has determined that one or more of these projects did not receive the required sewer extension permit from the Department. Specifically, a sewer extension was constructed for Stoney Run and Edgewater Lane on or about 1996 without a valid Department permit.
6. The Department acknowledges that the Town has undertaken many actions in the recent past to address the ongoing problems with the Town's wastewater systems. Moreover, the Department acknowledges that the Town continues to pursue those actions that are necessary in resolving the remaining wastewater issues.

IV. DISPOSITION

1. As a result of discussions between the Department and the Town (the "Parties"), and without adjudication of any fact or law set forth above, the Parties have agreed to this Consent Order rather than expending the time and resources necessary to adjudicate this matter. This Consent Order represents the full and final agreement between the Parties concerning the operation of the wastewater systems at the facilities occurring prior to the date of execution of this Consent Order.

2. This Consent Order is issued by the Department pursuant to its authorities under M.G.L. c.21, §§26-53, 314 CMR 3.00, M.G.L. c.21A, §16 and 314 CMR 5.00.
3. The Town assents to the authority of the Department to issue this Consent Order and waives its rights to further administrative or judicial review of this Consent Order. The Town reserves all their rights to challenge any requirements imposed by the Department beyond those set forth in this Consent Order.
4. This Consent Order is not an admission of fact or liability or a waiver of defenses that the Town might raise in any proceeding to enforce this Consent Order. The facts set forth in the Statement of Facts are for the purpose of this Consent Order only and shall not be binding on the Town in any administrative or adjudicatory proceeding.
5. This Consent Order is also a Notice of Noncompliance, issued pursuant to M.G.L. c.21A, §16 and the regulations promulgated there under at 310 CMR 5.00.
6. The Department hereby determines, and the Town agrees, that the deadlines set forth in this Consent Order constitute reasonable times to perform the acts expressly agreed to in this Consent Order.
7. The activities required pursuant to this Consent Order are subject to approval by the Department and shall comply with all other applicable federal, state and local laws
8. The Town shall not violate this Consent Order and shall not knowingly allow its agents or contractors to violate this Consent Order.

V. ORDER

For the reasons and under the authority set forth in Sections II, III and IV of this Consent Order, the Department hereby enters into this Consent Order with the Town who shall perform the following actions:

1. Within ninety (90) days of the Effective Date of this Consent Order, the Town shall submit to the Department a report detailing all identifiable sewer extension projects and major sewer connection projects that have been completed since January 1, 1990 and the measures the Town undertook to identify said sewer extensions and connections. At a minimum the Town shall review its files for sewer extensions and connections and interview those that may have knowledge of work completed on the collection system.

The report shall provide the following information for each sewer extension project identified: the time period the work was completed; the entity that completed the work, including the name, address and telephone number for extensions completed by private parties; the length of sewer installed and the location where installed. A sewer extension is defined as "The addition to a sewer system of a sewer pipe, together with appurtenant works,

4. The Department and the Town acknowledge the intention to modify this Consent Order by written amendment to include projects or procedures identified in item 3 that are related to compliance with state regulations.
5. By October 31, 2001, the Town shall obtain funding authorization necessary to complete preliminary design of the proposed plant modifications as described in the CWMP. It is expected that Town Meeting action will be necessary to obtain the funding authorization.
6. By December 31, 2001, the Town shall commence preliminary design for the proposed new plant.
7. By April 30, 2002, the Town shall submit to the Department a CWMP supplement that completes the CWMP report. The CWMP supplement shall include resolution for the three outlying areas as to whether or not the plan is to connect them to the sewer system. The plan supplement shall also finalize the proposed plant design flow rates.
8. By May 31, 2002, the Town shall obtain the funding authorization necessary for the construction of the proposed plant modifications as described in the CWMP. It is expected that this process will consist of bringing to the spring Town Meeting an article or articles necessary to obtain funding and conducting a subsequent override vote during the town elections.
9. By June 15, 2003, the Town shall execute a contract for construction of the proposed plant modifications as described in the CWMP.
10. This Consent Order shall act as an interim authorization to continue operating all Town owned sewer extensions and connections that were placed into operation without a valid Department sewer extension/connection permit until such time as the Department completes its review and determination on the permit applications to be submitted by the Town in accordance with the schedule set forth in this consent order.
11. The Town agrees to conduct and fund a Supplemental Environmental Project (hereinafter the "SEP") costing ten thousand six hundred seventy five dollars (\$10,675.00). The SEP shall consist of data development and evaluation in support of improved town wide on-site septic system management. The Town agrees to propose to the Department within thirty days of the effective date of the Consent Order an SEP for Departmental consideration, including an implementation. The Town shall implement the SEP only after receiving written approval by the Department. Should the Department not accept the proposed SEP or require modifications thereto, the Town shall have an additional fourteen days from notification from the Department in writing to modify or propose another SEP to fulfill the SEP requirement. Failure of the Town to submit an approvable SEP by the second submittal shall result in full payment of the additional \$10,675.00 penalty as set forth below.

VI. PENALTIES

1. Within ninety days of the effective date of the Consent Order, the Town shall pay an amount of three thousand five hundred seventy five dollars (\$3,575.00) to the Commonwealth as a civil administrative penalty for the violations listed in Part III above.
2. Should the Town fail to propose an approvable SEP or fail to implement or abandon the approved SEP prior to completion; then an additional amount of ten thousand six hundred seventy five dollars (\$10,675.00) shall be paid to the Commonwealth within twenty-one days of the Department notifying the Town that the SEP proposal has failed.
3. Payment of the described Administrative Penalties must be by certified check, cashier's check, or money order payable to the "Commonwealth of Massachusetts". The name, the Town of Marion, Federal Employer Identification Number (FEIN), and the Consent Order file number, **ACOP-SE-01-1004-SEP**, should be clearly printed on the face of the check or money order. Failure to do so could delay accreditation of your payment and compliance status. The remittance shall be sent, within ninety (90) days of the Effective Date of this Consent Order to:

Commonwealth of Massachusetts
 Department of Environmental Protection
 P.O. Box 3584
 Boston, MA 02241-3584

VII. STIPULATED PENALTIES

1. If the Town fails to comply with any of the actions or deadlines contained in Section V of this Consent Order, or incorporated by reference herein without the expressed approval of the Department, the Town shall pay the Commonwealth, without demand, stipulated penalties in accordance with the following schedule:

<u>Violation</u>	<u>Penalty</u>
Section V item #1, #2, #6, and #7	
1 st through 15 th days	\$100.00 per day
16 th through 30 th days	\$200.00 per day
31 st day and thereafter	\$300.00 per day
Section V #9	\$ 50,000.00 one time

Violation of this order and/or failure to complete Section V items #8 and #9 may subject the Town of Marion to further enforcement action, under which injunctive relief and/or penalties may be sought.

2. All payments of stipulated penalties shall be by certified check, cashier's check or money order, made payable to the "Commonwealth of Massachusetts". All stipulated penalty payments shall be sent to the following address:

Commonwealth of Massachusetts
 Department of Environmental Protection
 P.O. Box 3584
 Boston, MA 02241-3584

The name, the Town, Federal Employer Identification Number (FEIN) or Social Security Account Number (SSAN) (whichever is applicable), and the Consent Order file number, **ACOP-SE-01-1004-STIP**, should be clearly printed on the face of the check or money order.

3. The payment of the Stipulated penalty for a Section V item #6 and #7 violation shall be suspended for a period of sixty-days to allow the Town a second opportunity to attempt to obtain the necessary funding. If funding is still not obtained within the second sixty-day period, then the suspended stipulated penalty shall come due and be paid in accordance with the consent order. If the funding is obtained, then the suspended stipulated penalty shall not become payable.
4. The payment of the Stipulated penalty for a Section V item #9 violation shall be suspended for a period of one hundred-days to allow the Town a second opportunity to attempt to obtain the necessary funding. If the funding is obtained, then the suspended stipulated penalty shall not become payable. If necessary funding is still not obtained within the second one hundred day period, then the suspended stipulated penalty shall come due and be paid in accordance with one of the two following options determined by the Town. The Town shall declare in writing to the Department within thirty days following the end of the one hundred day period that option it will pursue. If the Town does not select an option by notifying the Department in writing within the time period allowed, then Option 1 shall be enforced. The two options are: Option 1; pay the \$50,000 penalty to the Commonwealth of Massachusetts in accordance with the consent order payment directions and Option 2; take those necessary actions to establish a local fund to be used exclusively for the funding of the proposed plant. The penalty amount shall be deposited into the fund. The Town shall triple the current sewer usage fees within sixty days and deposit the increased amounts to the fund. The Department reserves its rights to take additional enforcement actions to move the Town to construct the proposed plant.

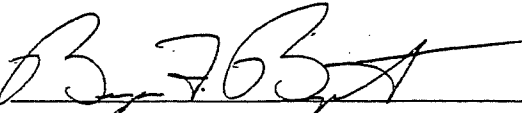
VIII. ADDITIONAL PROVISIONS

1. The terms and conditions of this Consent Order shall take effect on the Effective Date, which is the date on which the Department signs the Consent Order.
2. The Department represents that the Regional Director has the authority to bind the Department with respect to this Consent Order and all applicable statutes and regulations.
3. The Department may, on its own initiative or upon a reasonable documented request from the Town, extend any deadline established in this Consent Order by a written amendment hereto. If the Town has reason to know that any event has occurred or may occur which could cause delay of performance hereunder, the Town shall immediately notify the Department in writing, specifying the cause for the delay.
4. Failure on the part of the Department to complain of action or non-action on the part of the Town shall not constitute a waiver by the Department of any of its rights hereunder. Furthermore, no waiver by the Department of any provision herein shall be construed as a waiver of any other provision herein.
5. If any term or provision of this Consent Order, or the application thereof, to any person or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this Consent Order, and the application thereof, shall not be affected thereby, and each remaining term and provision shall be valid and enforceable to the fullest extent permitted by law.
6. Each document submission required from the Town by this Consent Order shall be submitted to:

Mr. David Burns
Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347


IX. EFFECTIVE DATE

Town of Marion

BY: 
Benjamin F. Bryant, Clerk
Member, Board of Selectmen of the Town of Marion

DATE: 8-13-01FEIN: 046-001-211

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
Paul A. Taurasi, P.E.
Regional Director

DATE: 8/14/01

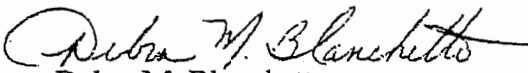


TOWN OF MARION
2 SPRING STREET
MARION, MASSACHUSETTS 02738-1519

August 15, 2001

I, Debra M. Blanchette, hereby certify that by action of the Marion Board of Selectmen,
Member Benjamin F. Bryant, Clerk of the Board, was authorized to sign the
Administrative Consent Order, file number ACPO - SE - 01 - 1004, STIP, dated
August 13, 2001.

Respectfully,


Debra M. Blanchette
Town Clerk

Attachment 3
Agency Correspondence



One Cambridge Place, 50 Hampshire Street
Cambridge, Massachusetts 02139
tel: 617 452-6000
fax: 617 452-8000

August 28, 2002

Ms. Patricia Huckery
Massachusetts Division of Fisheries and Wildlife
Natural Heritage and Endangered Species Program
Route 135
Westborough, MA 01581-3337

Subject: Town of Marion Wastewater System Improvements
Town of Marion

Dear Ms. Huckery:

On behalf of the Town of Marion, CDM (Camp Dresser & McKee, Inc.) is preparing an Environmental Notification Form (ENF) for the proposed Marion Wastewater System Improvements Project in the Town of Marion.

This project involves the implementation of the Town of Marion Comprehensive Wastewater Management Plan (CWMP). The following three CWMP recommendations will be completed as part of this project:

- (1) Wastewater Treatment Plant Upgrade: New processes will be added to the existing treatment plant, including grit/screening removal, sequencing batch reactors, and aeration to the existing lagoons. These upgrades were designed to enable the plant to comply with its present and anticipated permit limits. The upgrade will also increase the design flow through the treatment plant from 0.5 to 0.588 mgd. In addition to these upgrades, portions of an existing effluent pipe will be upgraded to increase capacity (see Figure 5-4).
- (2) Collection System Improvements: Infiltration/Inflow (I/I) problems will be addressed and selected sections of undersized sewer segments will be replaced, and several of the existing pump stations will be upgraded. This will improve the overall capacity, safety, and reliability of the system. Locations of recommended I/I work and the location of the existing pump stations are shown on Figure 5-4.
- (3) Sewer Extensions: Sewer service will be extended to three existing neighborhoods in need of an off-site sewer solution. The Town of Marion has adopted a sewer system policy and sewer connection regulations in anticipation of the project; these



Wastewater System Improvements, Town of Marion

August 27, 2002

Page 2

regulations will allow the Town to maintain control of sewer connections. All new sewers will be installed within existing roadways. The locations of the new sewers are shown on Figures 1 through 6.

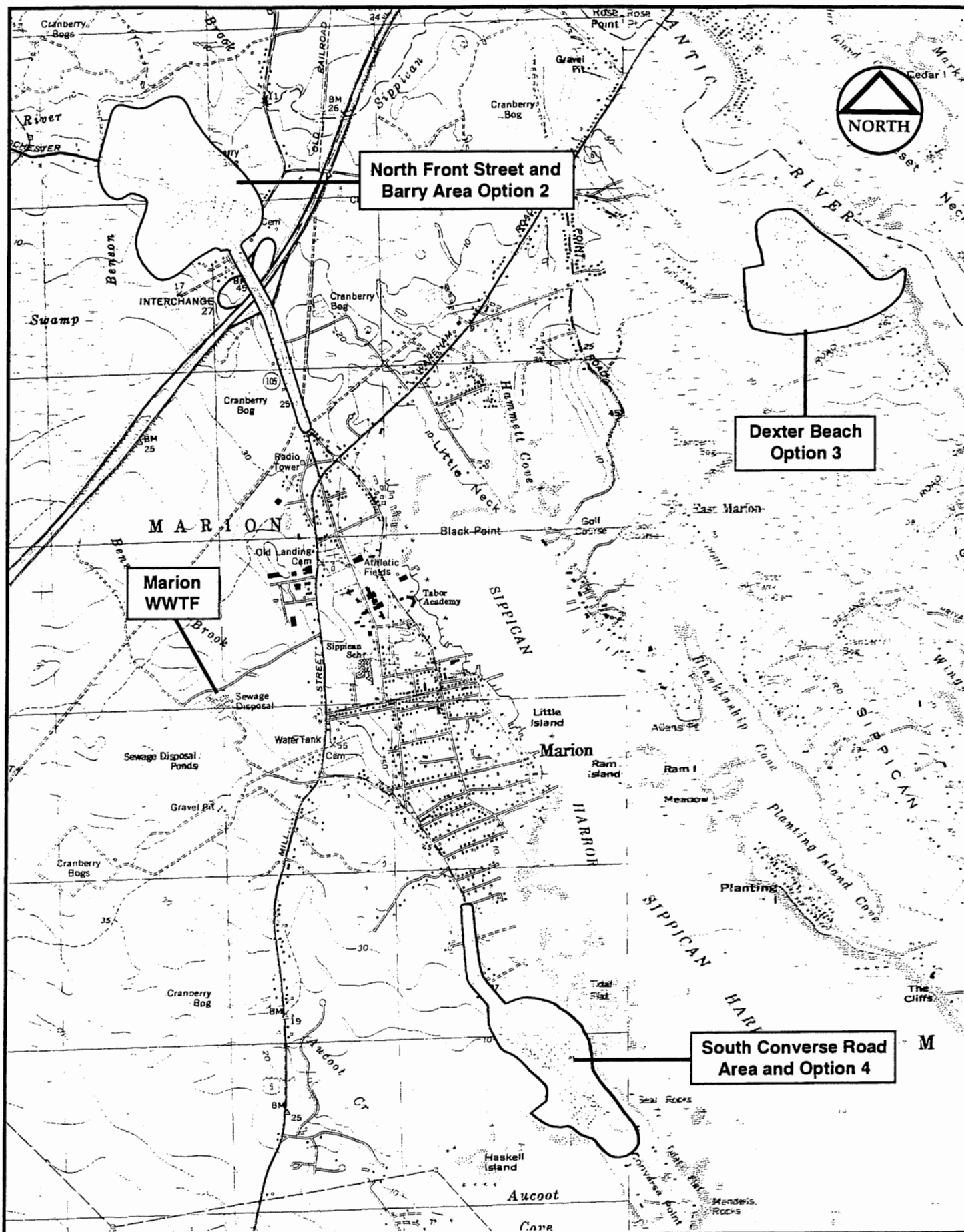
We are hereby requesting your review of rare species habitats, exemplary natural communities, estimated habitats of state-listed rare wildlife, and certified vernal pools in the proposed project area (see Figures 1 through 6, and Figure 5-4). A review of the Massachusetts Natural Heritage Atlas (2000-01 Edition, Marion and Onset Quads.) does show estimated habitats of state-listed rare wildlife in the proposed South Converse sewer extension area (polygon labeled WH 4136)(see Figure 7). All new sewers will be installed within existing roadways and no impacts to state-listed rare species are anticipated as a result of this project. Estimated habitats of state-listed rare wildlife are also shown in the area of the existing Little Neck Pump Station (polygon labeled WH 4117). Work associated with the Little Neck Pump Station is limited to replacement of the control panel.

We would appreciate your response to this request at your earliest convenience so that relevant information may be incorporated into an ENF filing. Please contact me at (617) 452-6597 if you have any questions or require additional information.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Magdalena Lofstedt'.

Magdalena Lofstedt, PWS
Environmental Scientist
Camp Dresser & McKee Inc.



Town of Marion, Massachusetts
Town of Marion Wastewater System Improvements

Figure 1
Location of Sewer Extensions

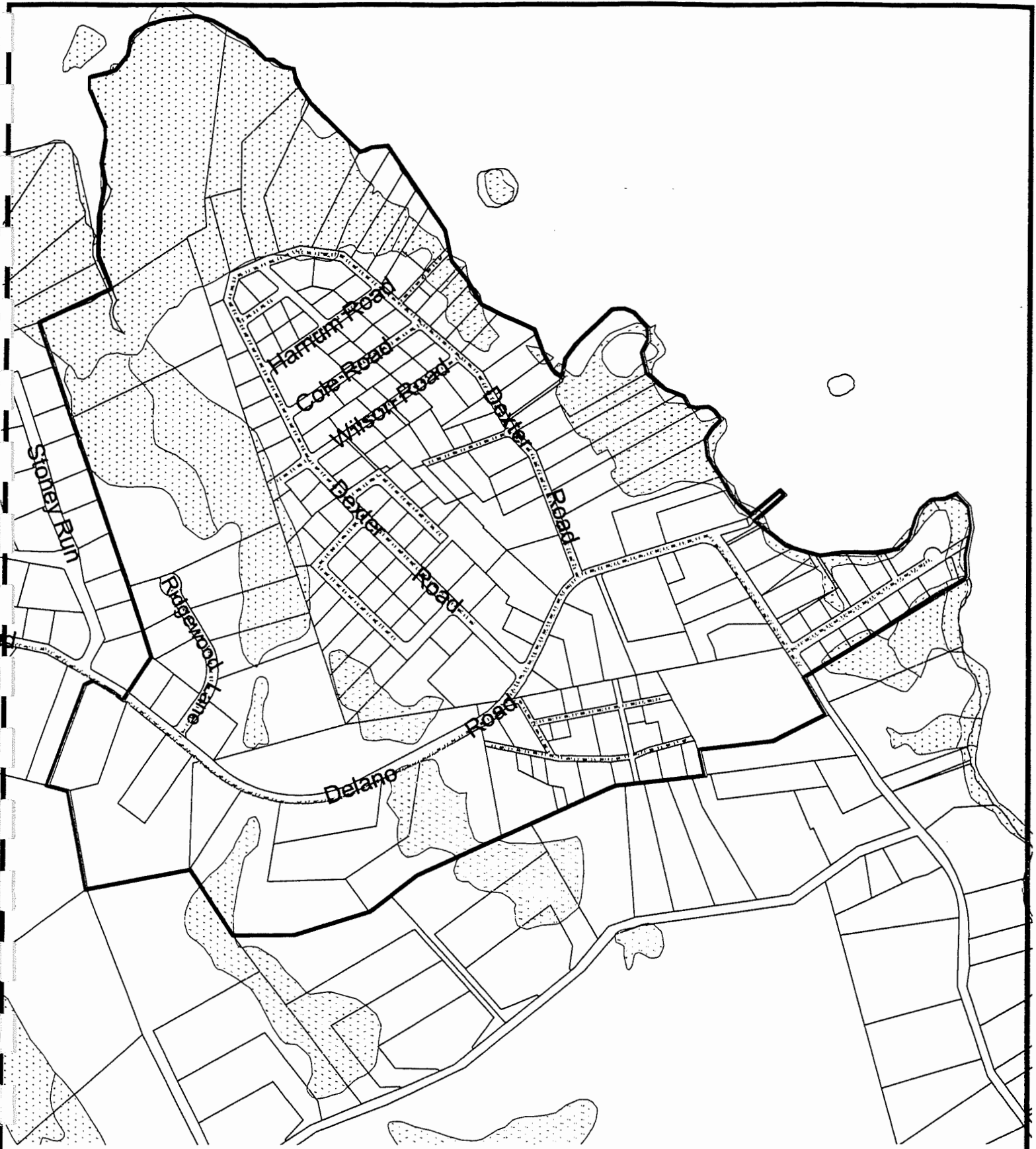
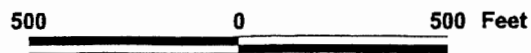



Figure 2 Dexter Beach Option 3
All Grinder Pump and Pressure Sewer







Proposed Pressure Sewer
Streetnames.shp
Dexter Beach Area

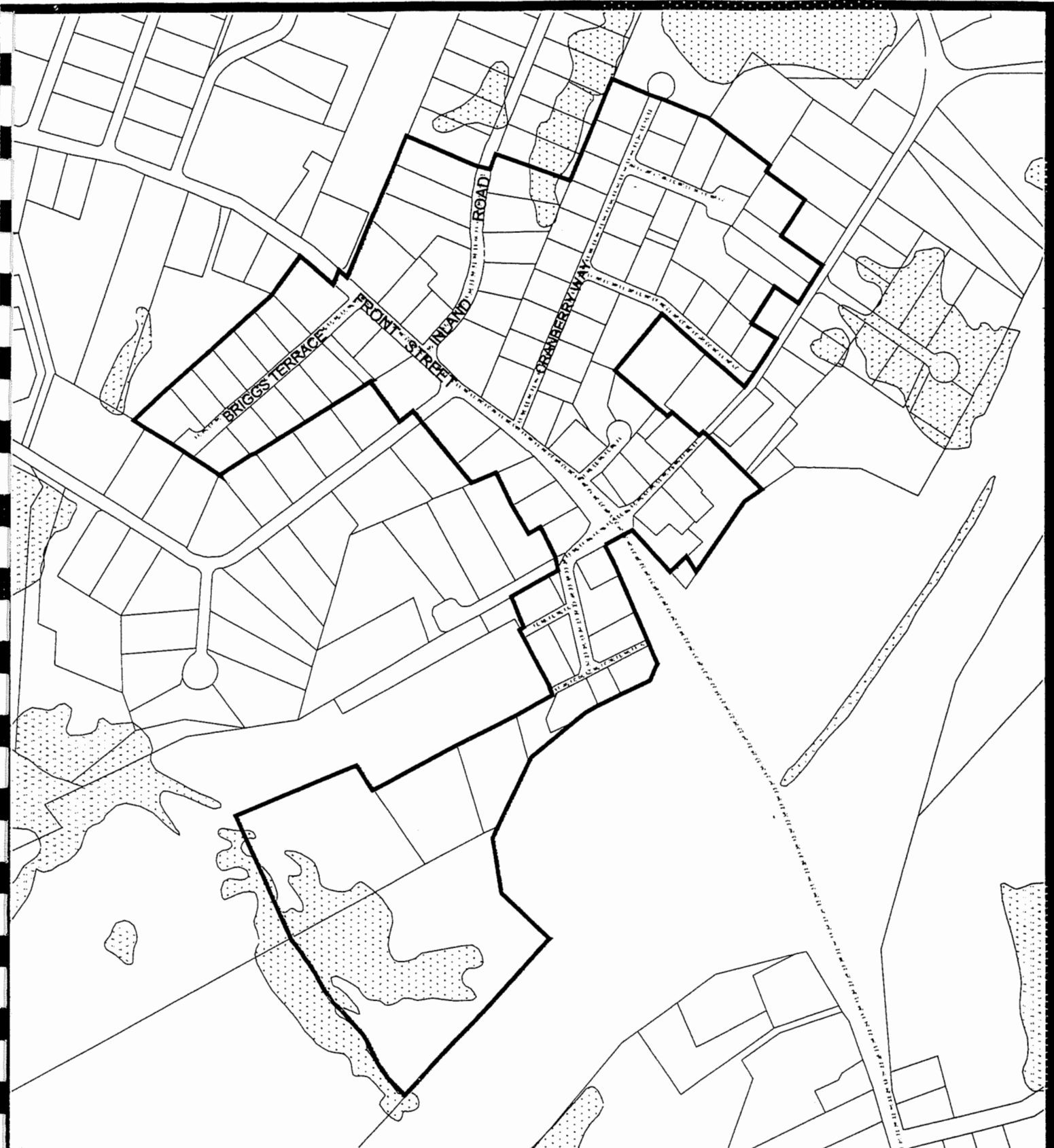
 Wetlands

**Figure 3 -- Berry Area
Along the Way Lots**



0 500 1000 Feet




-  Berry Area
-  Proposed Pressure Sewer
-  Assessors Parcels
-  Wetlands



**Figure 4 -- Berry Area Option 2
All Grinder Pumps and Pressure Sewer**



0 500 1000 Feet

-  Proposed Pressure Sewer
-  Berry Area
-  Wetland

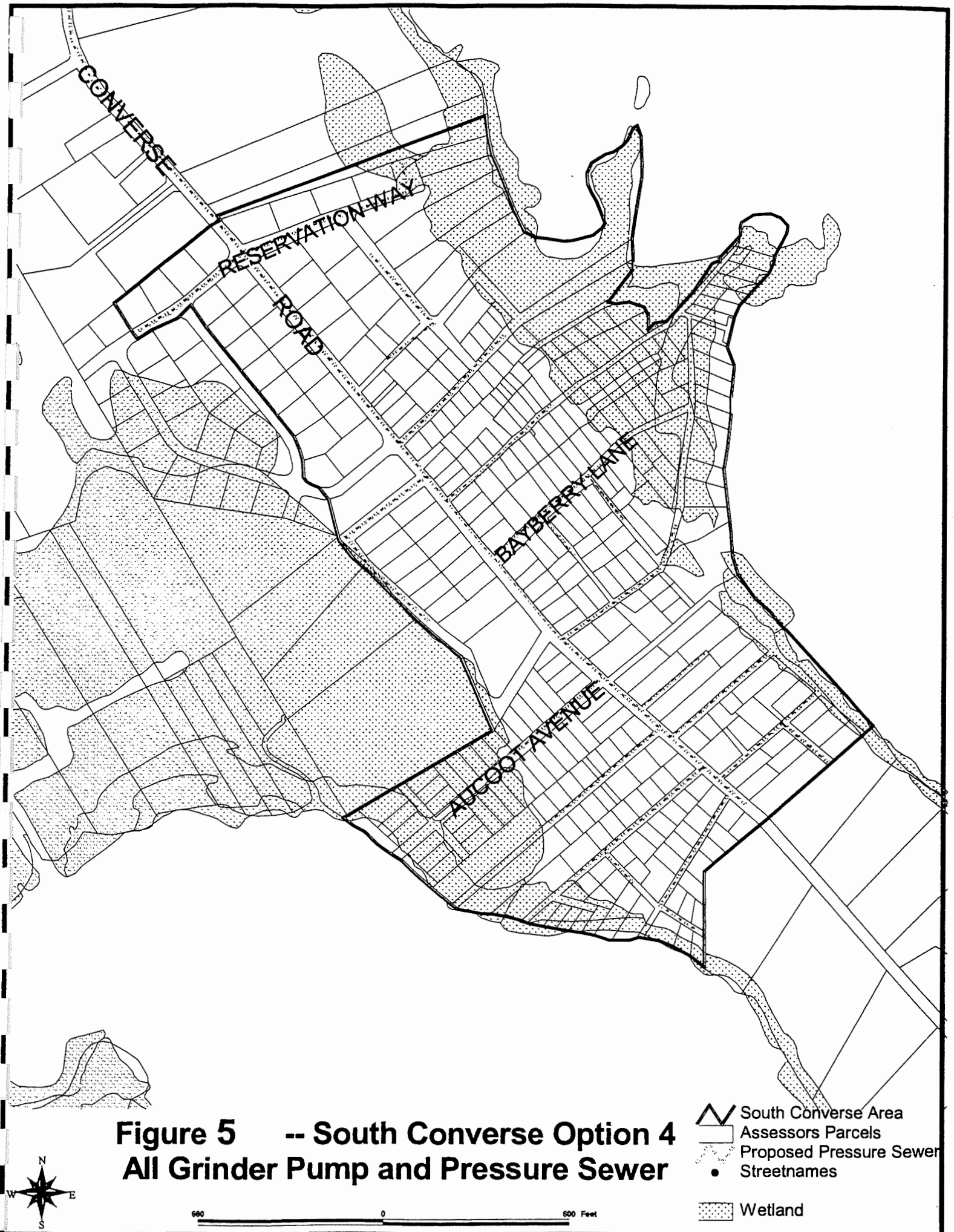




Figure 6
South Converse Road
"Along the Way Lots"

- Wetlands
- Pressure Sewers
- Existing Gravity Sewers
- Streetnames
- South Converse Area
- Assessors Parcels

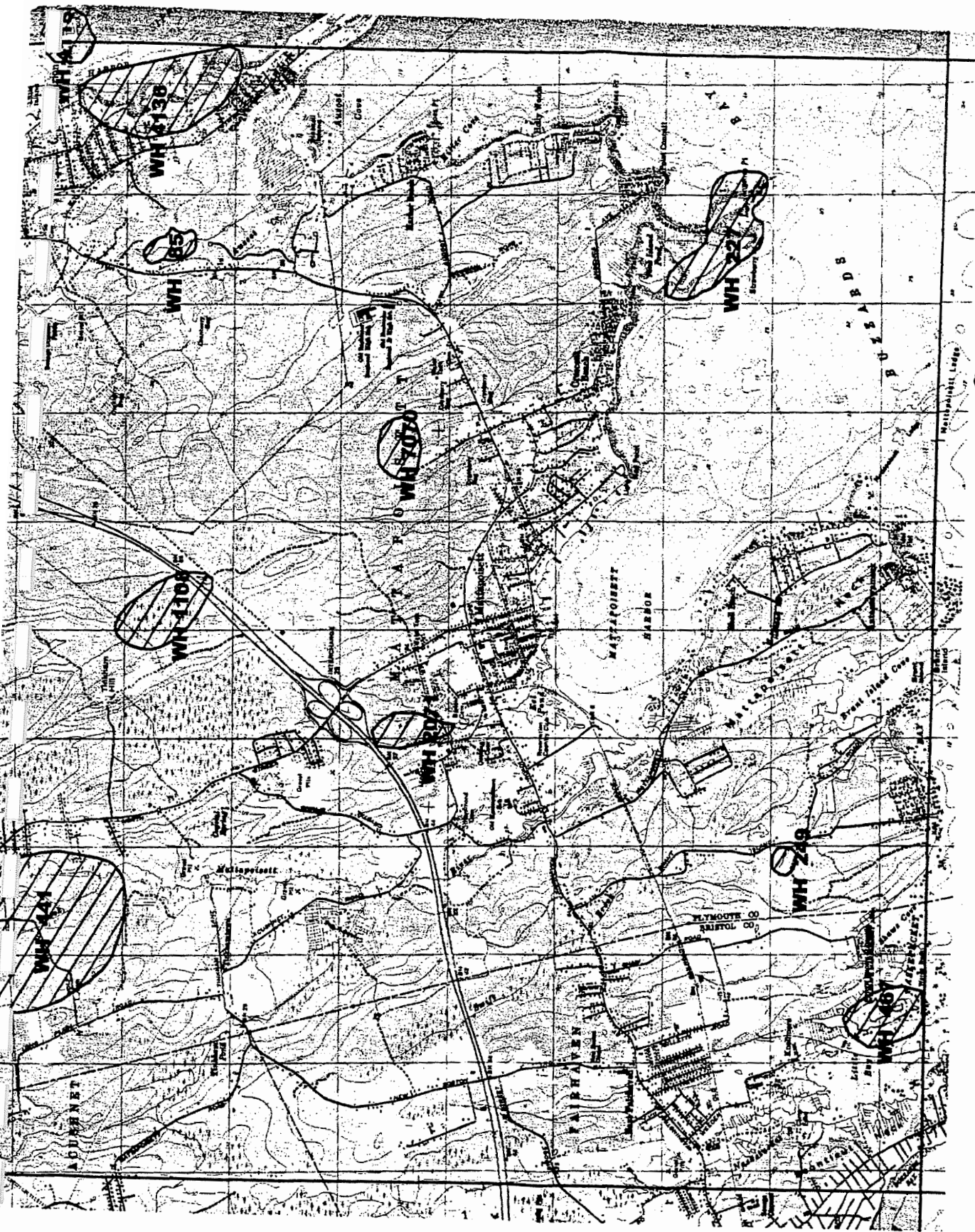
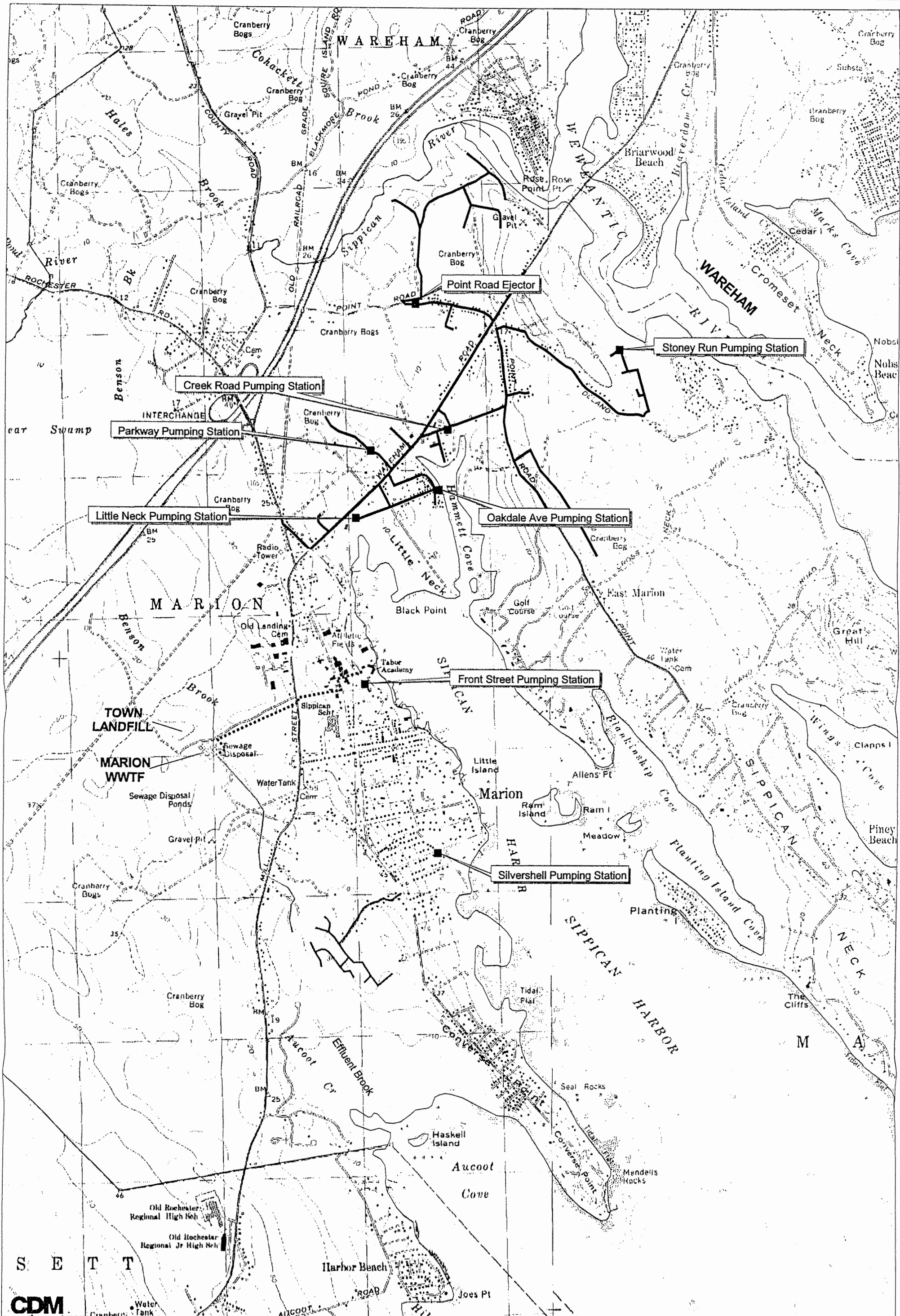


Figure 7
MARION QUAD

See County Index Maps to
locate adjacent quadrangles





Town of Marion, Massachusetts

Locations for Recommended I/I Work

Figure 5-4

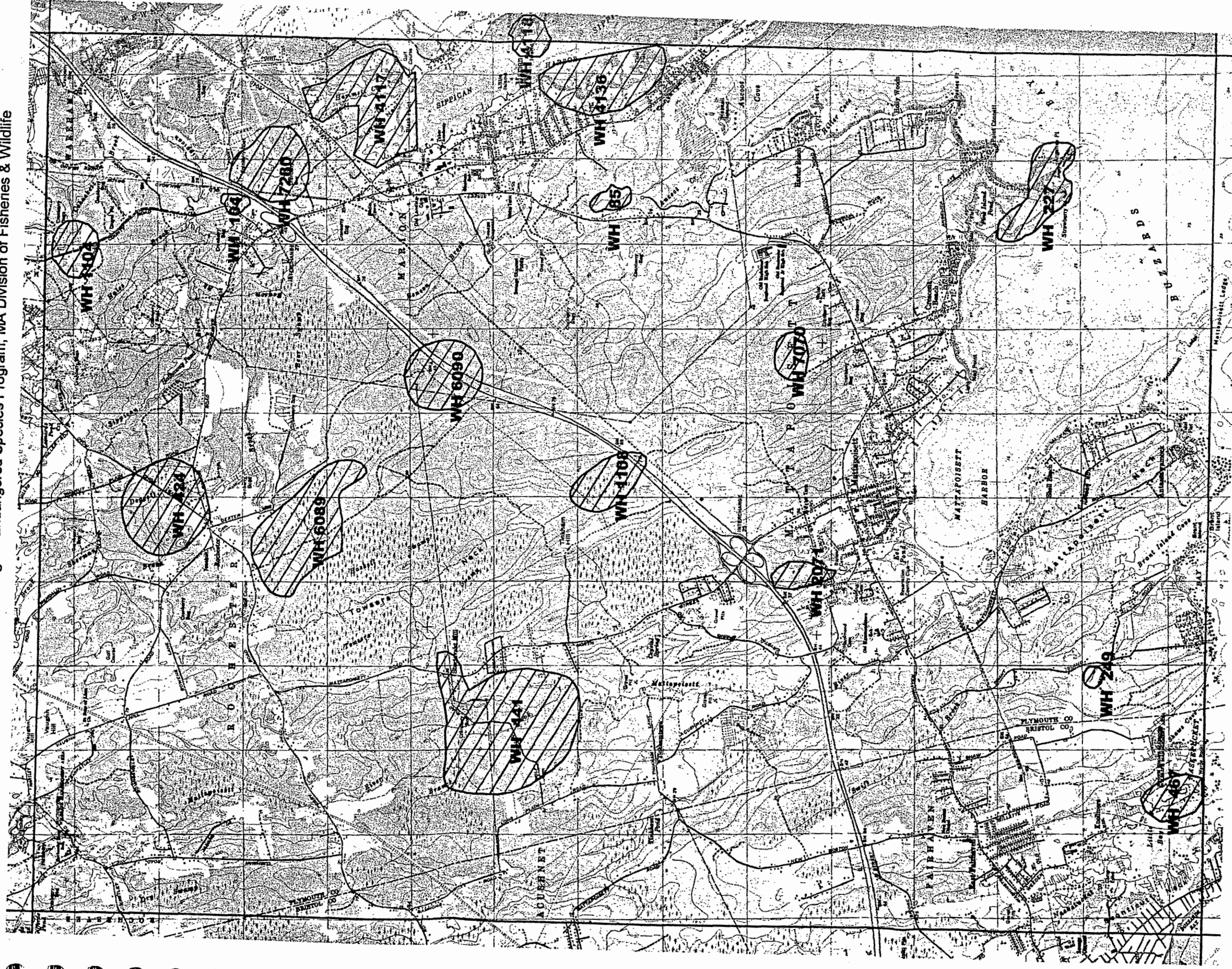


ESTIMATED HABITATS OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS

For use with the MA Wetlands Protection Act regulations (310 CMR 10)

Effective October 1, 1999 through December 31, 2001

Produced by the Natural Heritage & Endangered Species Program, MA Division of Fisheries & Wildlife



0.5 0 0.5 1 Miles

**See County Index Maps to
locate adjacent quadrangles**



Figure 7

MARION QUAD



Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

September 3, 2002

Magdalena Lofstedt
Camp, Dresser & McKee, Inc.
One Cambridge Place
50 Hampshire Street
Cambridge, MA 02139

Re: Wastewater System Improvements
Marion, MA
NHESP File: 02-10920

Dear Ms. Lofstedt,

Thank you for contacting the Natural Heritage and Endangered Species Program for information regarding state-protected rare species in the vicinity of the above referenced site. I have reviewed the site and would like to offer the following comments.

Our database indicates that the Eastern Box Turtle (*Terrapene carolina*), a species of special concern, is known to occur in the vicinity of the South Converse Road Area/Option 4. No rare species are known to occur in the vicinity of Option 2 or 3. The Eastern Box Turtle is protected under the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00) as well as the state's Wetlands Protection Act (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Fact sheets for this species can be found on our website at www.state.ma.us/dfwele/dfw.

This evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. Should your site plans change, or new rare species information become available, this evaluation may be reconsidered.

Please do not hesitate to call me at (508)792-7270 x154 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Christine Vaccaro".

Christine Vaccaro
Environmental Review Assistant



Natural Heritage & Endangered Species Program

Field Headquarters, Westborough, MA 01581 Tel: (508) 792-7270, ext 200 Fax: (508) 792-7821
An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement
<http://www.masswildlife.org>



One Cambridge Place, 50 Hampshire Street
Cambridge, Massachusetts 02139
tel: 617 452-6000
fax: 617 452-8000

August 28, 2002

Ms. Brona Simon
Massachusetts Historical Commission
The State Archive Building
220 Morrissey Boulevard
Boston, MA 02125-3314

Subject: Town of Marion Wastewater System Improvements
Town of Marion

Dear Ms. Simon

On behalf of the Town of Marion, CDM (Camp Dresser & McKee, Inc.) is preparing an Environmental Notification Form (ENF) for the proposed Marion Wastewater System Improvements Project in the Town of Marion.

This project involves the implementation of the Town of Marion Comprehensive Wastewater Management Plan (CWMP). The following three CWMP recommendations will be completed as part of this project:

- (1) Wastewater Treatment Plant Upgrade: New processes will be added to the existing treatment plant, including grit/screening removal, sequencing batch reactors, and aeration to the existing lagoons. These upgrades were designed to enable the plant to comply with its present and anticipated permit limits. The upgrade will also increase the design flow through the treatment plant from 0.5 to 0.588 mgd. In addition to these upgrades, portions of an existing effluent pipe will be upgraded to increase capacity (see Figure 5-4).
- (2) Collection System Improvements: Infiltration/Inflow (I/I) problems will be addressed and selected sections of undersized sewer segments will be replaced, and several of the existing pump stations will be upgraded. This will improve the overall capacity, safety, and reliability of the system. Locations of recommended I/I work and the location of the existing pump stations are shown on Figure 5-4.
- (3) Sewer Extensions: Sewer service will be extended to three existing neighborhoods in need of an off-site sewer solution. The Town of Marion has adopted a sewer system policy and sewer connection regulations in anticipation of the project; these



Ms. Brona Simon

August 27, 2002

Page 2

regulations will allow the Town to maintain control of sewer connections. All new sewers will be installed within existing roadways. The locations of the new sewers are shown on Figures 1 through 6.

Please review Figures 1 through 6, and Figure 5-4, and advise us in writing of any significant historical or archaeological resources on or near the project location. We would appreciate a response to this request at your earliest convenience so that relevant information may be incorporated into an ENF filing.

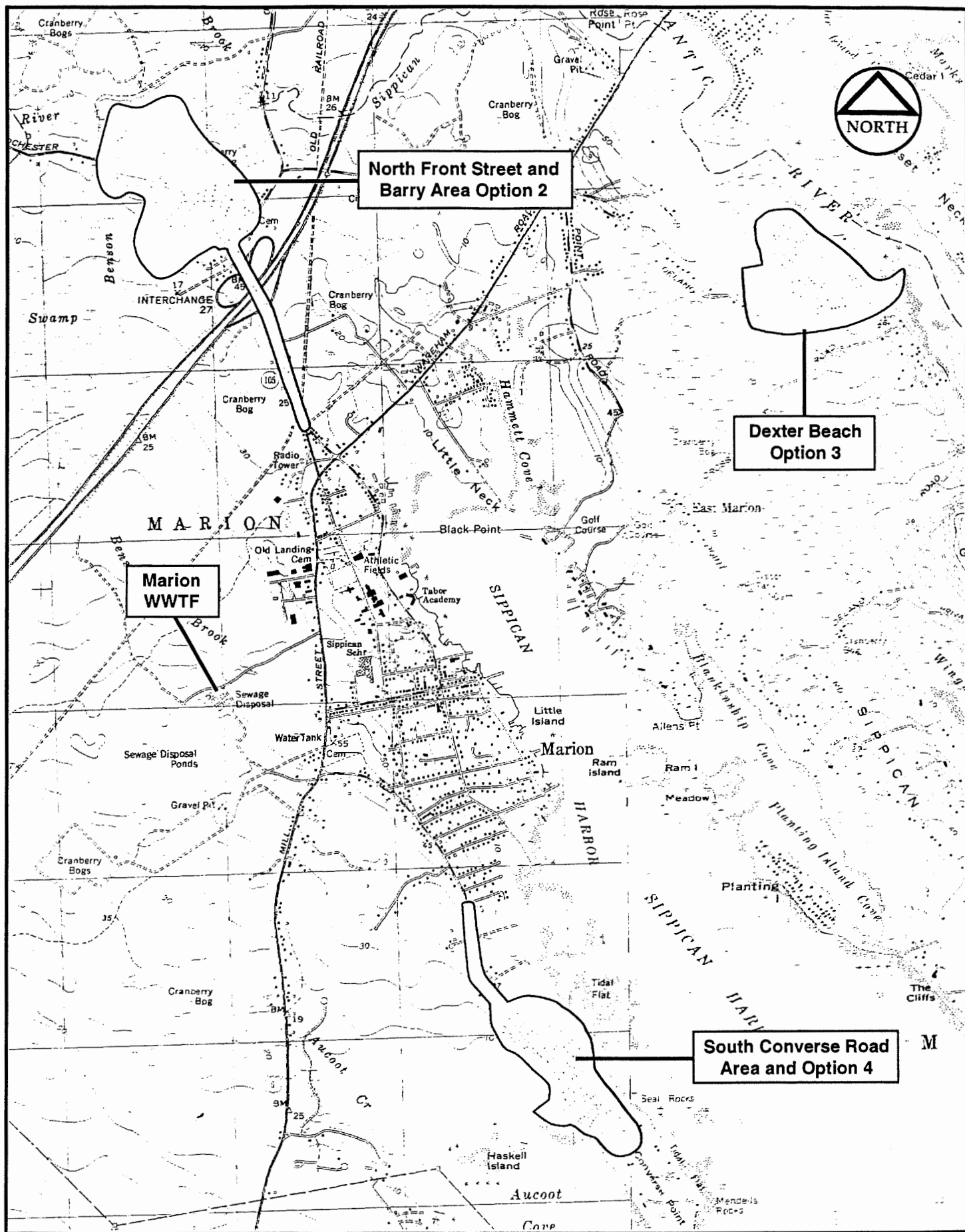
Please contact me at (617) 452-6597 if you have any questions or require additional information.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Magdalena Lofstedt'.

CAMP DRESSER & MCKEE INC.

Magdalena Lofstedt, PWS
Environmental Scientist



Town of Marion, Massachusetts
Town of Marion Wastewater System Improvements

Figure 1
Location of Sewer Extensions

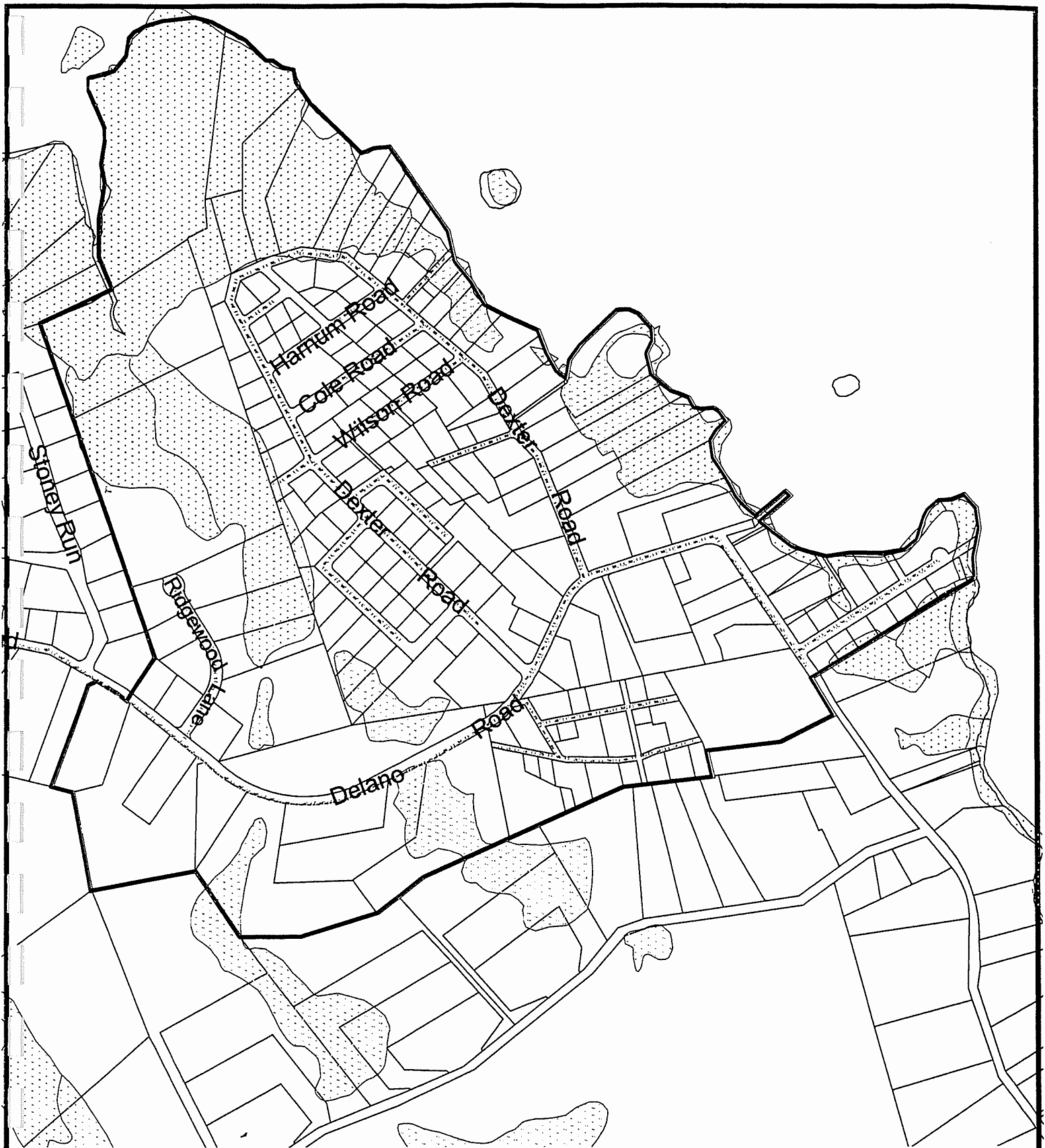


Figure 2 Dexter Beach Option 3
All Grinder Pump and Pressure Sewer



500 0 500 Feet





Proposed Pressure Sewer
Streetnames.shp
Dexter Beach Area
Wetlands

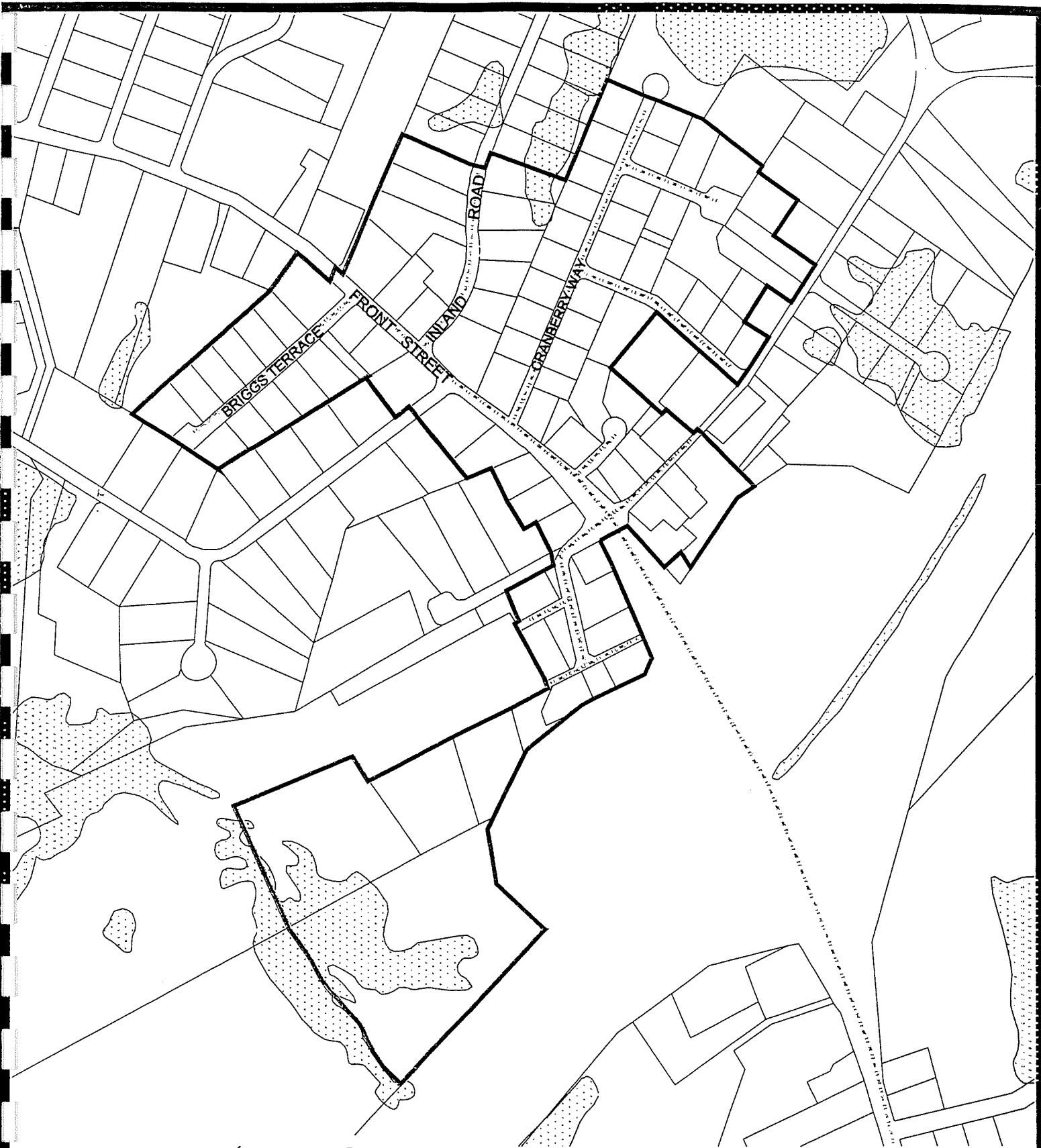


**Figure 3 -- Berry Area
Along the Way Lots**



0 500 1000 Feet

-  Berry Area
-  Proposed Pressure Sewer
-  Assessors' Parcels
-  Wetlands



**Figure 4 -- Berry Area Option 2
All Grinder Pumps and Pressure Sewer**



0 500 1000 Feet

- Proposed Pressure Sewer
- Berry Area
- Wetland

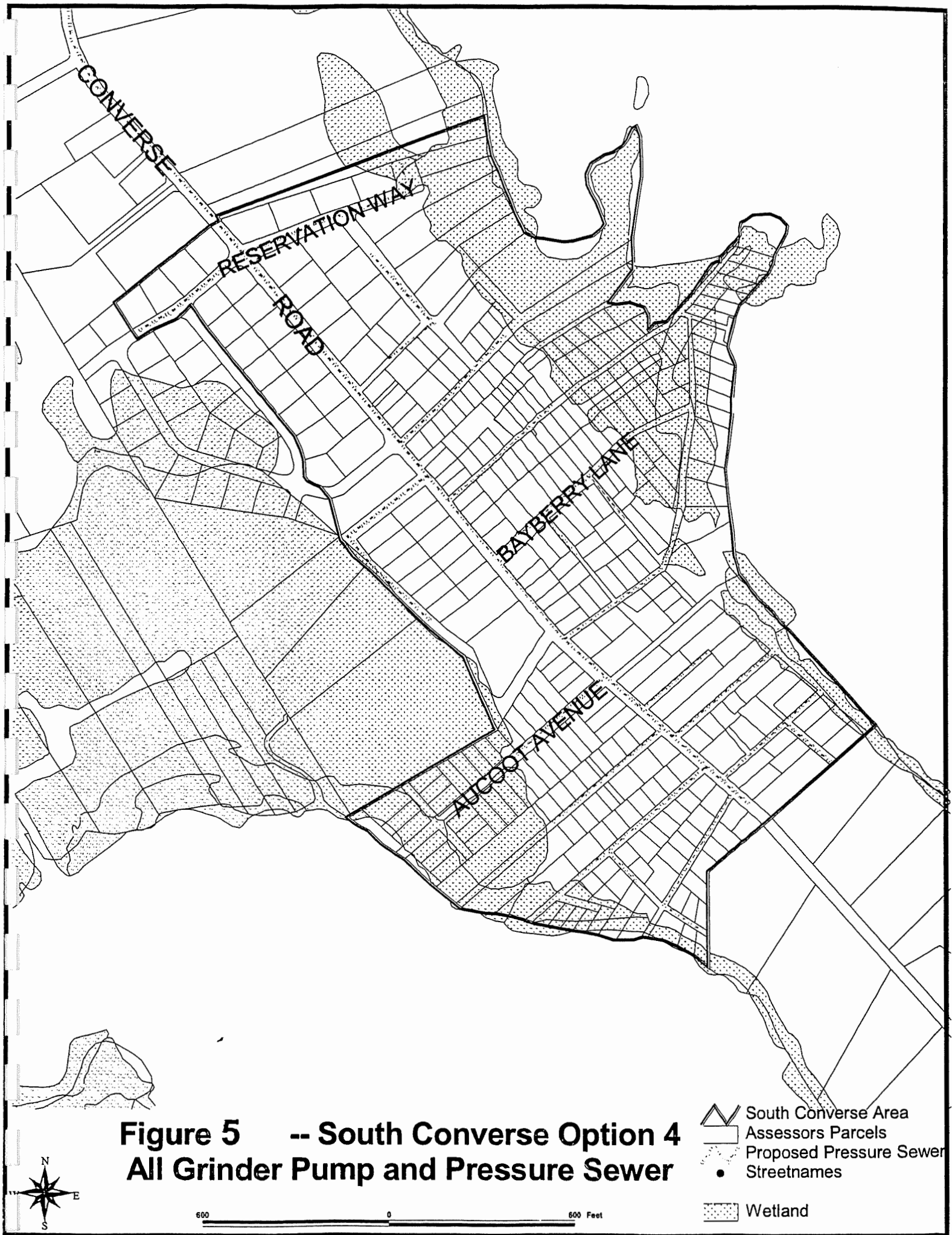
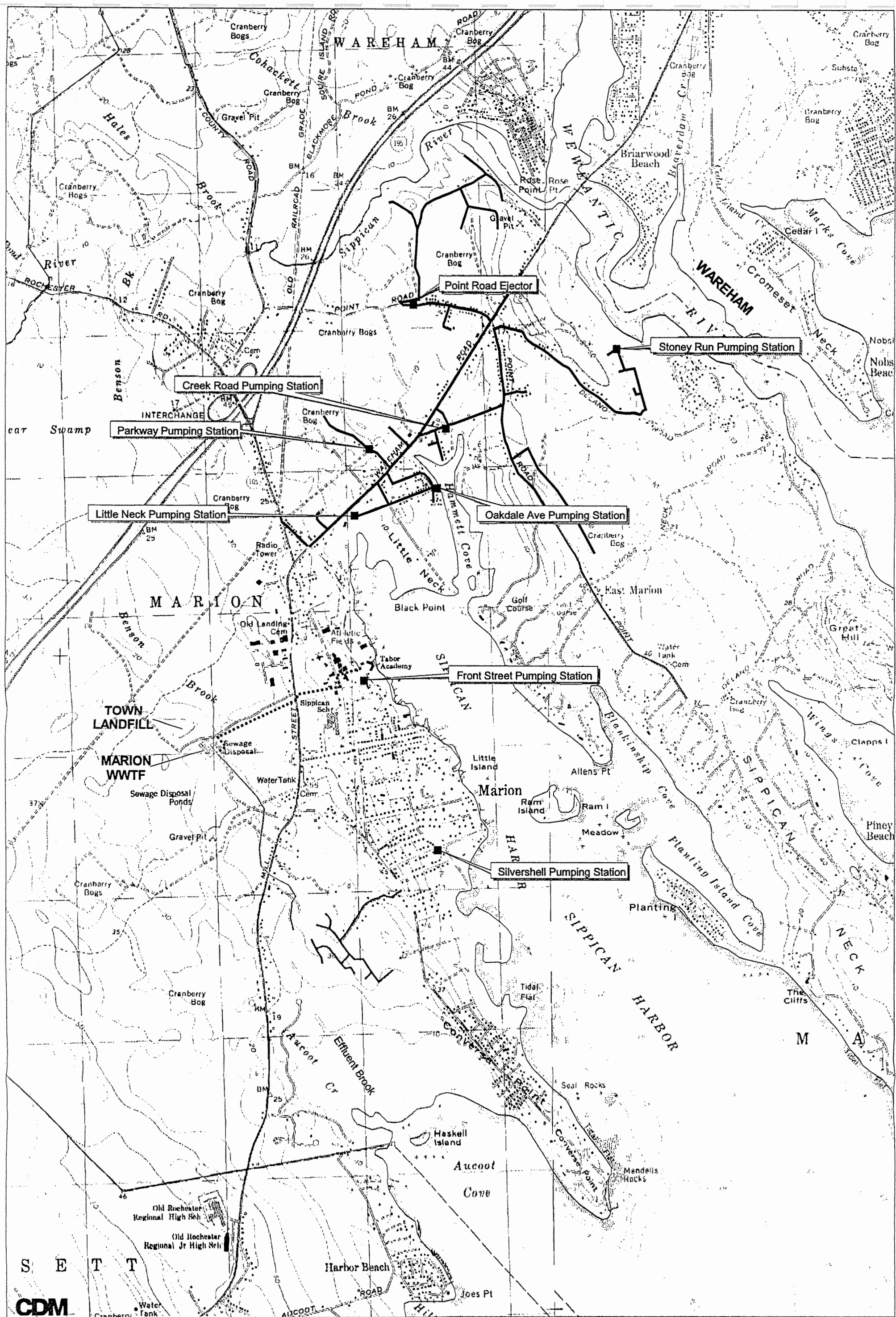




Figure 6
South Converse Road
"Along the Way Lots"

- Wetlands
- Pressure Sewers
- Existing Gravity Sewers
- Streetnames
- South Converse Area
- Assessors Parcels

600 0 600 Feet



Town of Marion, Massachusetts

Locations for Recommended I/I Work

Figure 5-4



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

September 26, 2002

Magdalena Lofstedt
CDM
One Cambridge Place, 50 Hampshire Street
Cambridge, MA 02139

RE: Town of Marion Wastewater System Improvements, MHC #RC.31550, EOE A # not yet published

Dear Ms. Lofstedt:

Thank you for submitting information to the Massachusetts Historical Commission regarding the proposed project referenced above. Staff of the MHC have reviewed the information you submitted and have the following comments.

Review of MHC's Inventory of the Historic and Archaeological Assets of the Commonwealth indicates that the Town of Marion contains numerous known archaeological sites associated with the Native American history of the Marion area as well as the more recent agricultural, industrial, and maritime development of the area. In addition, many undisturbed areas within the town are likely to contain archaeological sites.

Regarding the collection system improvements and sewer extensions, installation of new sewers within existing paved streets, replacement of existing sewers in place, and upgrades to existing pump stations are unlikely to affect significant historic or archaeological resources.

Regarding the wastewater treatment plant upgrade, review of MHC's inventory indicates that no known historic properties or archaeological sites are located within the existing treatment plant. The proposed upgrade is unlikely to affect significant historic or archaeological resources.

If plans should change and cross-country sewers or new pump stations are planned, MHC requests the opportunity to review revised project plans in order to determine whether an archaeological survey is warranted.

These comments are offered to assist in compliance with Massachusetts General Laws, Chapter 9, Sections 26-27C (950 CMR 71) and MEPA (301 CMR 11). If you have any questions concerning this review, please feel free to contact me at this office.

Sincerely,

A handwritten signature in cursive script, reading "Eric S. Johnson".

Eric S. Johnson
Archaeologist/Preservation Planner
Massachusetts Historical Commission

xc: Secretary Bob Durand, EOE A, Attention MEPA Office
DEP. Southeast Regional Office
Marion Historical Commission

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.state.ma.us/sec/mhc

Marion Board of Water and Sewer Commissioners

REVISED 3/19/02
Sewer System Policies

Whereas:

The Wastewater Treatment Plant capacity is a limited resource;

- The Town of Marion has an existing sewer collection system and wastewater treatment plant (WWTP).
- The WWTP capacity is limited. The current sewer flows to the wastewater treatment plant are close to the permitted discharge flow (0.5 million gallons per day).
- The sewer collection system cannot be expanded beyond the permitted capacity of the WWTP. Extension or expansion of the sewer collection system will require that the treatment plant be expanded, and that the Town obtain a revised permit from EPA and the Massachusetts Department of Environmental Protection (DEP). EPA and DEP have indicated that the agencies will consider an increase in plant capacity if the level of waste treatment is improved. The EPA and DEP have not determined a maximum potential discharge from the Marion WWTP.

The Town has identified the portions of Marion that may need sewer service in the Facilities Plan;

- The Town has undertaken an evaluation of the town's wastewater needs for the next 20 years in the Wastewater Facilities Plan, as required by DEP.
- This plan identifies certain developed areas of town that may need to be provided with sewers ("needs areas"). The identification of these areas is based upon the soils, groundwater conditions, past on-site system problems, potential ability to meet state Title 5 regulations, population density, lot sizes, and other factors.
- Based on this study, other areas in Marion should generally be able to be served by on-site septic systems. Additionally, other areas in Marion are less dense, and providing sewers to these areas would likely be significantly more expensive to property owners than maintaining and upgrading Title 5 systems as may be required over time.

And, The sewer system should be managed consistent with the Town's other goals and policies, including the Growth Management Policy,

- In general, expansion of the sewer collection system may lead to an increased density and/or pace of land development in those areas. The increased land development may tax Town resources (such as schools) and/or detract from the rural, village character desired by Town residents.
- WWTP capacity should be made available to existing residents that are experiencing problems, before serving new development.

Therefore:

The Board of Water and Sewer Commissioners adopts the following policies concerning extension or expansion of the sewer system:

1. The Town shall reserve all WWTP capacity for properties that are within the existing service area and have a legal right to connect.
2. The Town shall provide sewer service to the three needs areas identified in the Facilities Plan, if a majority of voting property owners in each area votes for such service as a betterment, and shall seek to expand the WWTP and its permit as required.
3. Any extension of the sewer system, plus any capacity or permit increase for the WWTP that is needed as a result of such extension, shall be paid entirely by betterments assessed on the properties so served.
4. It is the intent of the Board to avoid any extension of the Town sewer collection system beyond the three needs areas identified in the Facilities Plan. Such further extension would necessitate enlargement of the WWTP and seeking a further increase in the permitted discharge flow from EPA and DEP.
5. For the remainder of Marion, the alternatives for wastewater treatment shall include
 - (1) on-site septic systems in accordance with Title 5 and as permitted by the Board of Health, and/or
 - (2) neighborhood-scale wastewater collection and treatment systems (also termed cluster systems or satellite systems).
6. The extension of the Town sewer collection system to serve a neighborhood outside the official sewer system map shall be considered a last resort, after the other alternatives have been demonstrated to be infeasible, and if an increase in the WWTP permitted discharge flow can be obtained if needed.
7. Connection of only individual properties close to the existing system may be considered by the Board according to the procedures and criteria outlined in the sewer regulations, for reasons of health and financial hardship.
8. No private sewer systems shall be allowed to connect to the Town's wastewater collection and treatment systems.

TOWN OF MARION

SEWER USE REGULATIONS

CONTENTS:

Article I – Definitions

Article II – Building Sewers and Connections

Article III – Use of the Public Sewers

Article IV – Industrial Wastes

Article V – Protection from Damage

Article VI – Powers and Authority of Inspectors

Article VII – Penalties

Article VIII – Validity

Article IX – Ordinance in Force

Attachment A – Sewer Connection Application for Residential and Commercial Buildings

Attachment B – Application for Private Sewer to Discharge into Town Sewer System

Attachment C – Sewer Connection Application for Industrial User

Attachment D – Drain Layer License Application

SEWER USE REGULATIONS

REGULATIONS OF THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): IN THE TOWN OF MARION, COUNTY OF PLYMOUTH AND STATE OF MASSACHUSETTS .

Be it enacted by the Board of Water and Sewer Commissioners of the Town of Marion, State of Massachusetts as follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1. "The Applicant" shall mean any person requesting approval to discharge wastewaters into a public sewer or sewage works.
- Sec. 2. "Best Management Practices"—Practices such as preventive maintenance, scheduling of activities, or process alterations which enable the user to comply with the provisions of this ordinance or any applicable state and/or federal guidelines.
- Sec. 3. "Board" shall mean the Town of Marion Board of Water and Sewer Commissioners.
- Sec. 4. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter.
- Sec. 5. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge of waste from pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- Sec. 6. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 7. "Compatible Pollutants"—Wastewater constituents for which the Publicly Owned Treatment Works (POTW) was designed or is operated to adequately treat.
- Sec. 8. "Common Sewer Connection" shall mean a sewer connection that serves two or more properties all of which are within the Sewer Service Area and is specifically approved in accordance with Article II Section 6.
- Sec. 9. "Current Valid Lot" shall mean a lot that is located in the Sewer Service Area and that either (a) had a developed use (e.g., residence) as of April 15, 2002, or (b) meets the minimum frontage requirement of zoning in effect on the date of application with the minimum frontage being located on the public road containing the public sewer to which the property is be connected.

Sewer Use Regulations

- Sec. 10. "Domestic Wastes"—The liquid wastes (A) from the non-commercial preparation, cooling and handling of food or (B) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and/or institutions.
- Sec. 11. "Drain Layers License" shall mean an authorization by the Board of Water and Sewer Commissioners issued to a contractor to perform work on the sanitary sewer system. Drain Layers licenses shall be required for all work greater than 10 feet outside of a building wall.
- Sec. 12. "Excessive"—Amounts or concentrations of a constituent of a wastewater which in the judgment of the Board: (A) will cause damage to any town facility; (B) will be harmful to a wastewater treatment process; (C) cannot be removed in the town treatment works to the degree required to meet the discharge permit; (D) can otherwise endanger life, limb or public property; or (E) can constitute a nuisance.
- Sec. 13. "Facilities"—Structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or other wastewaters including treatment and disposal works, intercepting sewers, outfall and outlet sewers, pumping stations and all equipment and furnishings integral therewith.
- Sec. 14. "Force Main" – A pipe carrying pressurized sewage flow from a public pumping station. (A grinder pump serving an individual property is not considered a public pumping station.)
- Sec. 15. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- Sec. 16. "Grab Sample"—A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.
- Sec. 17. "Holding Tank Waste"—Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- Sec. 18. "Indirect Discharge"—The discharge or the introduction of non-domestic pollutants from any source into the POTW; (including holding tank waste discharged into the system).
- Sec. 19. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic wastes.
- Sec. 20. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 21. "Oil and Grease"—Any material (animal, vegetable or hydrocarbon) which is extractable from an acidified sample of a waste by Freon or other designated solvent and as determined by the appropriate standard procedure.
- Sec. 22. "Pass-Through"—The discharge of pollutants through the POTW in quantities or concentrations which alone or in conjunction with discharges from other sources are a cause of a violation of any requirement of the POTW's discharge permit (including an increase in the magnitude or duration of a violation).
- Sec. 23. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sewer Use Regulations

- Sec. 24. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 25. "Private Sewer Extension" – A sewer extension serving more than one property that was constructed by a person other than the Town and for which the Town has not subsequently accepted ownership; not including a common sewer connection.
- Sec. 26. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- Sec. 27. "Property" shall mean a parcel of land.
- Sec. 28. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 29. "Publicly Owned Treatment Works" or "POTW"—The town-owned wastewater treatment plant including all sewers and pumping stations used to convey wastewater to the treatment plant. Also includes all piping and facilities associated with the disposal of treated effluent and sewage sludge.
- Sec. 30. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 31. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.
- Sec. 32. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- Sec. 33. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 34. "Sewer Connection" shall mean a connection of a building sewer to a public sewer.
- Sec. 35. "Sewer Extension" shall mean an extension of the sewer system to serve multiple properties.
- Sec. 36. "Sewer Service Area" – Geographical area in which public sewer service is or will be available, shown on an official map adopted by the Board and a copy of which shall be posted at Town Hall. The Core Service Area is the portion of the sewer service area that is served by public sewer service as of April 15, 2002. The Expansion Service Area is the portion of the sewer service area in which the Town plans to provide sewer service by the construction of new sewer extensions.
- Sec. 37. "Shall" is mandatory; "May" is permissive.
- Sec. 38. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.
- Sec. 39. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

Sewer Use Regulations

- Sec. 40. "Superintendent" shall mean the Superintendent of the Department of Public Works in the Town of Marion or his authorized deputy, agent or representative.
- Sec. 41. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 42. "Town" shall mean the town of Marion.
- Sec. 43. "Wastewater"—The spent water of a community which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.
- Sec. 44. "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 45. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Building Sewers and Connections

Sec. 1. **Prohibitions.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Board in writing at least forty-five (45) days prior to the proposed change or connection. No person shall break, cut or remove any pipe of the of the public sewer system, or make any connection to the sewer system except through connection branches specifically provided for that purpose, or by method approved by the Board where no connection branch exists.

Sec. 2. **Prohibition of Surface Runoff Connections.** Connection of sump pumps, roof downspouts, exterior foundation drains, area or driveway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, are prohibited.

Sec. 3. **Eligibility for Connection.** A property that is not connected to the public sewer as of April 15, 2002 shall be eligible to apply for a permit for connection to the public sewer system if it meets these three requirements:

(1) the property is located in the Sewer Service Area, and

(2) the property is a Current Valid Lot, and

(3) if a residential property in the Expansion Service Area, no portion of the property is located within the velocity zone of the 100-year floodplain, or if a portion of the property is within the velocity zone the building to be served is not within the velocity zone or the building to be served was in existence as of the original date of adoption of these regulations and cannot be expanded within or into the velocity zone.

Properties in an Expansion Service Area may be connected to the public sewer only upon completion of the sewer line in that Expansion Service Area.

Each existing connection and current valid lot shall be entitled to connect and discharge into the sewer line as follows:

- the design flow capacity in place as of April 15, 2002, plus 110 gallons per day for future additional expansion
- a maximum of 440 gallons per day for new construction after April 15, 2002.

Property owners of nonresidential connections may apply to the Board for an increase in the design flow capacity. The Board may allow an increase in the connection flow above 440 gpd per connection for nonresidential connections, subject to a finding that the sewer line and sewage works have adequate capacity.

The Board may amend the Sewer System Area map by a unanimous vote to add only individual properties close to the existing system, for reasons of health or financial hardship. A map amendment may be requested by a property owner, the Board, the Board

of Health, or the Council on Aging. Any request for a map amendment shall clearly identify the property to be added, the reason for the request, the public health conditions of the property, the financial considerations, and a map showing the sewer connection and any additional lots that could be affected. The Board shall consult with the Board of Health and the Department of Public Works concerning any map amendment.

- Sec. 4. **Sewers to Serve Single Property.** Except as provided below, no sewer connection shall serve more than one property, except: two or more property owners may apply in writing to the Board for permission to build a common building sewer, only in cases where the distance between each houses and the town sewer is greater than 200 feet and where the owners demonstrate adequate provisions for the long-term access, operation, and maintenance of the proposed common building sewer.
- Sec. 5. **Separate Sewer Connections.** Except as provided below, a separate and independent sewer connection shall be provided for every building; except that accessory buildings (such as a garage or a barn or a properly approved in-law apartment) on the same lot may be connected to the primary use building (such as a residence).
- Sec. 6. **Common Sewer Connection.** In cases where the distance from the nearest building to the town sewer is greater than 200 feet, the Board may allow connection of a common sewer connection to service two or more buildings, where such common sewer connection would serve one or more lots all of which are in the Sewer Service Area and all of which are individually eligible for connection under Section 3, and where such common sewer connection would be in lieu of separate individual sewer connections. The owner or owners must demonstrate adequate provisions for the long-term operation and maintenance of the proposed common sewer connection. The applicant for a common sewer connection shall grant to the Town a permanent easement, in a form satisfactory to the Town, giving the Town to right to enter onto property, and to access, maintain, and repair the sewer connection, and any related equipment including force mains and pumps; and including an obligation running with the land requiring the owner or owners to indemnify the Town for its costs in accessing, maintaining, or repairing the sewer connection, and related equipment.
- Sec. 7. **Connection to Force Mains.** Where connection of a building to a public gravity or low pressure sewer is not possible, the Board may allow connection by a force main. In such a case, the property owner shall apply for such permission in writing to the Board and must agree to design and construction requirements established by the Department of Public Works for the connection.
- Sec. 8. **Permits.** There shall be three (3) classes of sewer permits: (a) for building of new residential and commercial service, (b) for operation of private sewers serving two or more properties, and (c) for building of new service to establishments producing industrial wastes. In all cases, the owner or his agent and a Licensed Drain Layer if applicable shall prepare and submit to the Board a Sewer Connection Permit Application (Attachments A, B, and C). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit and inspection fee as determined by the Board shall be paid to the Town at the time the application is filed. The applicant must sign the permit application. Applicants for permits (a) and (c) must include identification of and signatures of the licensed Drain Layer authorized by the applicant to perform the work.

- Sec. 9. **Existing Private Sewer Extensions.** All private sewer extensions, including those constructed prior to the original date of adoption of these regulations, shall require a permit to continue discharging into the public sewer system. Owners of existing private sewer extensions shall file a permit application by December 31, 2002.
- Sec. 10. **Installation Cost Borne by the Owner.** All costs and expense incident to the installation and connections of the building sewer, including inspection costs incurred by the Board, shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 11. **Method of Construction.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

A minimum of 6-inch pipe shall be used for all building sewers.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.E.F. Manual of Practice No. 8 shall apply, except only PVC type SDR 35 with bell and spigot or ductile iron class 52 with push-on joints pipe shall be used.

All joints shall be watertight and gas tight.

No building sewer shall be connected to the public sewer unless said building has a soil pipe extended to the top of the building, properly vented.

All pipe shall be laid on a twelve (12") crushed stone (3/4-inch stone) bed extending to one foot above the crown of the pipe to the full trench width. In instances where groundwater may back up in the basement, a well-compacted backfill seal shall be placed around the building sewer at the face of the building. Backfill above the crushed stone shall be placed in 12-inch lifts and well compacted. No backfill shall be placed until work has been inspected by the Board or its authorized agent.

All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, pathways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

When water is present in the trench, a sump of crushed stone shall be constructed and water shall be pumped, in accordance with all applicable Conservation Commission regulations and requirements. The trench shall be kept dry at all times during construction. At no time shall groundwater in the trench be allowed to enter the sewer system.

At times when pipe installation is not in progress, the open ends of the pipe shall be closed with temporary, watertight plugs.

The connection of the building sewer into the public sewer shall be made at the "Y" connection. If no branch is available, a connection may be made by tapping the existing sewer, following approval of the Board. Cutting a hole in the pipe by hand is prohibited.

The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board or his representative.

- Sec. 12. **Notification of Commencement of Work.** The board or its duly authorized agent shall be notified at least forty-eight (48) hours prior to the beginning of any work on a building sewer.
- Sec. 13. **Notification of Completion of Work.** Notification of completion of work with certification that all conditions have been complied with shall be filed in writing to the Board within twenty-four (24) hours after completion of the work covered in each permit.
- Sec. 14. **Reporting of Prohibited Substances.** All Drain Layers are required to give a full written report to the Board within twenty-four (24) hours of the detection of a prohibited substance, as defined in Article III, found in a building sewer during the course of the work.
- Sec. 15. **Licensing Drain Layers.** All Drain Layers are required to obtain a license from the Board prior to performing any work in town. All licenses shall be issued for a one-year period with renewal required on January 1st of each year. The licensing fee shall be \$150 annually. In applying for a license, the Drain Layer shall provide the license application (Attachment C) and all information required by the Board including, but not limited to, a statement that the licensee shall supervise and be responsible for all work performed under the license. All Drain Layer applicants shall also provide the Board a list of communities in which they are currently licensed with references and telephone numbers, list of their last ten (10) building sewer installations with references and telephone numbers, list of currently owned construction equipment, number of employees, and all other pertinent information that the applicant may believe is appropriate for review by the Board.

The licensee shall file with the Board, a certificate of insurance in with general liability coverage in the amount of no less than \$1,000,000 and statutory Workmen's Compensation; all of which shall remain in full force and effect for a period of at least one (1) year from the date of license approval. No insurance policy shall be canceled without thirty (30) days prior written notice to the Board. Said insurance shall identify the town as an additional insured for all claims, liabilities, or actions for damages incurred in, or in any way connected with, any acts or omissions of the licensee.

A deposit shall be paid by each licensee to the Town of Marion, in the amount of \$300 per permit, up to a maximum of \$1,500 per calendar year. Upon notification by the Board that deficiencies exist for any work undertaken during the immediately preceding 18-month period, failure by the licensee to remedy said deficiencies within twenty-four (24) hours of notification by the Board, shall result in the Board authorizing others to remedy the deficiencies. The amount incurred to make corrections shall be deducted from the deposit and forfeited by the licensee. The remaining balance of any such deposits shall be refunded to the licensee by July 1st of the following calendar year.

No person duly licensed by the Board to construct building sewers and make connections to public sewers shall allow his name to be used by any other person, either for the purpose of doing work under his license or for obtaining permits.

ARTICLE V

Protection from Damage

- Sec. 1. **Prohibited Acts.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.
- Sec. 2. **Trespass.** No unauthorized person shall enter or remain in or upon any land or structure of the sewage works. Any person violating this provision shall be subject to charges of trespass.

ARTICLE VII

Penalties

- Sec. 1. **Written Notice of Violation.** Any person found to be violating any provision of this ordinance shall be served by the Board with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. **Penalty for Continued Violation.** Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be fined in the amount not exceeding three hundred dollars (\$ 300.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. **Liability.** Any person violating any of the provisions of this regulation shall become liable to the town for any expense, loss, or damage occasioned by the town by reason of such violation.

ARTICLE VIII

Validity

- Sec. 1. **Repeal of Conflicting Regulations.** All regulations of the Board of Water and Sewer Commissioners in conflict herewith are hereby repealed.
- Sec. 2. **Invalidation of Sections.** The invalidity of any section, clause, sentence, or provisions of this regulation shall not effect the validity of any other part of this regulation which can be given effect without such invalid part or parts.

ARTICLE IX

Regulation in Force

Sec. 1. **Regulation in Force.** This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Board of Water and Sewer Commissioners of the Town of Marion, State of Massachusetts on the _____ day of _____ (month) in the year 2002 following public notification and comment at a Public Hearing which took place on the _____ day of _____ (month) in the year 2002.

Attachment A

Town of Marion

Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Sewer Connection Application for
Residential & Commercial Buildings**

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

I _____ hereby request a permit to install and connect the
(Applicant) (Property Owner),

property located at _____
(Number) (Street)

to the public sewer system within the town of Marion. The property is a _____
_____ establishment.
(Residence) (Commercial Building) (etc.)

1. If a residence, how many family living units will use the sewer connection _____
Number of bedrooms ____ toilets ____
2. The name, address, and license number of the person or firm who will perform the proposed work is: _____

3. Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".
4. An application fee for \$ _____ is attached to this application.
5. Property owner is responsible for obtaining any additional permits that may be required for the sewer connection, such as from the Massachusetts Department of Environmental Protection (DEP). (Note: An individual single family residence does not require an additional DEP permit.)

Attach DEP permit, or permit application with date filed, to this application.

Sewer Use Regulations

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED PROPERTY OWNER AGREES:

1. To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Marion, and all other pertinent rules and regulations that may be adopted in the future.
2. To pay all the costs of said building sewer and its connection to the public sewer in said street, including all labor and materials or other expenses incurred necessary for the proper construction of said building sewer as determined by the Town of Marion.
3. To maintain the building sewer at no expense to the Town of Marion.
4. That the Town of Marion shall have access at all reasonable hours, to said premises, to see that all laws, by-laws, ordinances, rules and regulations relating to the sewer are complied with.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED DRAIN LAYER AGREES:

1. To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Marion.
2. To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.
3. That construction of the sewer connection will be completed within sixty (60) days of issuance of this permit.
4. Construction of the building sewer and connection to the public sewer shall comply with the plans and specifications attached hereto at Exhibit "A".

Date _____

Signed _____
(Applicant) (Property Owner)

Date _____

Signed _____
(Drain Layer)

Application approved and permit granted
BOARD OF WATER AND SEWER COMMISSIONERS

Date _____

By _____

Attachment B

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Application for
Private Sewer to Discharge into Town Sewer System**

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

I _____ hereby request a permit to operate a private
(Applicant) (Property Owner)

sewer extension located at _____
(Streets)

and connected to the public sewer system within the Town of Marion. The sewer extension serves or will
serve the following properties:

(list all Map and Parcel numbers)

(list all Map and Parcel numbers)

1. Total number of sewer connections: ____ Residences ____ Commercial/Industrial ____ Total
Number currently connected: ____ (attach list of properties currently connected)

2. Describe method of determining or allocating future connections:

3. The name, address, and telephone number of the person or firm who will operate the system
is: _____

24-hour phone number for the person is _____

Backup emergency contact name and telephone number is _____

Sewer Use Regulations

4. Plans and specifications for the private sewers and building sewers are attached hereto as Exhibit "A".
5. There is no application fee.
6. Applicant and property owner(s) are responsible for obtaining any additional permits that may be required for the sewer connection, such as from the Massachusetts Department of Environmental Protection (DEP). Attach DEP permit, or permit application with date filed, to this application.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED SEWER EXTENSION AGREES:

1. To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Marion, and all other pertinent rules and regulations that may be adopted in the future.
2. To maintain the sewer(s) at no expense to the Town of Marion.
3. That the Town of Marion shall have access at all reasonable hours, to said premises, to see that all laws, by-laws, ordinances, rules and regulations relating to the sewer are complied with.
4. To obtain any permit required from Massachusetts DEP and abide by any regulations, federal or state, concerning the operation and maintenance of a sewer.

This permit is non-transferable. If the private sewer is sold or transferred, the new owner(s) must apply for a discharge permit. If the contact person and/or telephone number change, the owner must notify the Town in writing with new information.

Date _____

Signed _____
(Applicant) (Property Owner)

Application approved and permit granted
BOARD OF WATER AND SEWER COMMISSIONERS

Date _____

By _____

Attachment C

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Sewer Connection Application for
Industrial User**

To the MARION SEWER DEPARTMENT,
COMMONWEALTH OF MASSACHUSETTS

I _____ hereby request a permit to install and connect the
(Applicant) (Industry Owner) (Property Owner)

property located at _____
(Number) (Street)

to the public sewer system within the Town of Marion. The property is an industrial facility specializing
in the manufacture of _____.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A."
2. Plans and specifications covering any work proposed to be performed under this permit are attached hereunto as Exhibit "B."
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, are attached hereunto as Exhibit "C."
4. The estimated number of full time employees at the premises is _____.
5. The estimated number of part time employees at the premises is _____.
6. The name, address and license number of the person or firm who will perform the proposed work is _____

_____.
7. The Standard Industrial Classification (SIC) number for the business is _____.
8. An application fee for \$ _____ is attached to this application.

Sewer Use Regulations

9. Property owner is responsible for obtaining any additional permits that may be required for the sewer connection, such as from the Massachusetts Department of Environmental Protection (DEP). Attach DEP permit, or permit application with date filed, to this application.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED
COMPANY OWNER AGREES

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Superintendent.
2. To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Marion, and of all other pertinent rules and regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial waste involved, in an efficient manner at all times, and at the applicant's expense.
4. To cooperate at all time with the Town of Marion, and its representatives in their inspection, sampling, and study of the industrial wastes, and any wastes or process waters not covered by this permit.
5. To notify the Superintendent immediately in case of any accident, negligence, or any other occurrence that occasions discharge to the public sewer of any wastes or process waters not covered by this permit.
6. For himself, his heirs, devisees and assigns, that the Town of Marion shall have access at all reasonable hours, to said premises, to see that all laws, by-laws, ordinances, rules and regulations relating to the sewer are complied with.

Sewer Use Regulations

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED DRAIN LAYER AGREES:

1. To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Marion.
2. To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.
3. That construction of the sewer connection will be completed within sixty (60) days of issuance of this permit.
4. Construction of the building sewer and connection to the public sewer shall comply with the plans and specifications attached hereto at Exhibit "B".

Date _____

Signed _____
(Applicant) (Industry Owner) (Property Owner)

Date _____

Signed _____
(Drain Layer)

Application approved and permit granted
BOARD OF WATER AND SEWER COMMISSIONERS

Date _____

By _____

Attachment D

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

Drain Layer License Application

To the MARION SEWER DEPARTMENT,
COMMONWEALTH OF MASSACHUSETTS

1. Company Name _____
2. Address _____

3. Telephone No. _____
4. Fax. No. _____
5. The following items must be submitted to the Board with this application:
 - List of all communities currently licensed in as a Drain Layer
 - Reference list of municipal officials (in licensed communities) familiar with your work. Include name, address and telephone number.
 - Last ten (10) installations with contact references.
 - List of construction equipment currently owned.
 - Number of employees.
 - Average number of installations performed annually.
 - Any additional information that may be appropriate for consideration by the Board of Water and Sewer Commissioners.
6. A \$150 application fee accompanies this application.

Sewer Use Regulations

IN CONSIDERATION OF THE GRANTING OF THIS LICENSE, THE UNDERSIGNED DRAIN LAYER AGREES:

1. To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Marion.
2. To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.
3. To supervise and be responsible for all work performed under this license.
4. I understand that a cash deposit or certified check shall be made payable to the Town of Marion in the amount of \$300 per permit up to a maximum of \$1,500 prior to commencement of any work. Said cash deposit or certified check shall be refunded by June 1st of the following calendar year. Upon notification by the Board that deficiencies exist for any work undertaken during the immediately preceding 18-month period, failure by the licensee to remedy said deficiencies within twenty-four (24) hours of notification by the Board, shall result in the Board authorizing others to remedy the deficiencies. The amount incurred to make corrections shall be deducted from the deposit and forfeited by the licensee.
5. Any violation of the conditions of this license or of the Rules and Regulations governing the use of sewers of the Town of Marion by the Drain Layer shall subject the licensee to a one (1) year license suspension.

Date _____

Signed _____
(Drain Layer)

Application approved and license granted
BOARD OF WATER AND SEWER COMMISSIONERS

Date _____

By _____

Authorized License No. _____

ENF for Marion Wastewater System Improvements Distribution List (301 CMR 11.16(2))

MEPA

The Executive Office of Environmental Affairs
251 Causeway Street
Suite 900
Boston, MA 02114

The Executive Office of Environmental Affairs
Attn: Mark Smith, Water Policy Director
251 Causeway Street
Suite 900
Boston, MA 02114

The Executive Office of Environmental Affairs
Attn: Bob O'Connor, Land Policy Director
251 Causeway Street
Suite 900
Boston, MA 02114

Department of Environmental Protection
Attn: David Murphy, Commissioner's Office
One Winter Street
Boston, MA 02108

Department of Environmental Protection
Attn: Ron Lyberger
One Winter Street
Boston, MA 02108

Department of Environmental Protection
Southeast Regional Office
Attn: MEPA Coordinator
20 Riverside Drive
Lakeville, MA 02347

Department of Environmental Protection
Southeast Regional Office
Attn: Jack Hamm
20 Riverside Drive
Lakeville, MA 02347

Department of Environmental Protection
Southeast Regional Office
Division of Wetlands and Waterways
20 Riverside Drive
Lakeville, MA 02347

Executive Office of Transportation and Construction
10 Park Plaza
Boston, MA 02116

Massachusetts Highway Department
Public/Private Development Unit
10 Park Plaza
Boston, MA 02116

Massachusetts Highway Department, District #5
Attn: MEPA Coordinator
1000 County Street
Taunton, MA 02780

Massachusetts Aeronautics Commission
Attn: MEPA Coordinator
10 Park Plaza
Room 6620
Boston, MA 02116-3966

Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125-3314

Southeastern Regional Planning and Economic Development District
88 Broadway
Taunton, MA 02780

Marion Conservation Commission
2 Spring Street
Marion, MA 02738

Marion Planning Board
2 Spring Street
Marion, MA 02738

Ms. Karen Walega
Health Agent
2 Spring Street
Marion, MA 02738

Marion Board of Selectmen
Ms. Julia Enroth-Whitlock, Town Administrator
2 Spring Street
Marion, MA 02738

Mr. Robert Zora
Superintendent of Public Works
Town of Marion
2 Spring Street
Marion, MA 02738

Coastal Zone Management
Attn: Project Review Coordinator
251 Causeway Street
Suite 900
Boston, MA 02114-2119

Ms. Patricia Huckery
Massachusetts Division of Fisheries and Wildlife
Natural Heritage and Endangered Species Program
Route 135

Westborough, MA 01581-3337
Department of Public Health
250 Washington Street
Boston, MA 02108-4619

Massachusetts Bay Transit Authority
Attn: MEPA Coordinator
10 Park Plaza, 6th Floor
Boston, MA 02116-3966

Mr. Joe Costa, Director
Buzzards Bay Project
National Estuary Program
2870 Cranberry Highway
East Wareham, MA 02538



consulting • engineering • construction • operations