

Proposed Memorandum of
Agreement



TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT

470 Dedham Ave., Needham, MA 02492
Telephone: (781) 455-7534 Fax: (781) 449-9023

Richard P. Merson
Director
John F. Cusick
Parks & Forestry Supt.

Anthony L. Del Gaizo, P.E.
Town Engineer
Mark A. Flynn, P.E.
Highway Supt.

Robert A. Lewis
Water & Sewer Supt.
Steven J. Hawes
Garage & Equip. Supv.

Reid 1114
#1504

COPY

July 19, 2000

Mindy Lubber, Regional Administrator
United States Environmental Protection Agency
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

RE: PROPOSED MEMORANDUM OF AGREEMENT
Development of Needham's Stormwater Management Program

Dear Ms. Lubber:

I am responding on behalf of the Town of Needham to your correspondence of May 9, 2000 regarding a proposed Memorandum of Agreement (MOA) to be implemented between the Town of Needham and the EPA relating to the development of a Stormwater Management Program. This letter followed an earlier letter dated October 21, 1999 regarding the same subject. Upon receipt of the earlier correspondence, the Department of Public Works contacted Mr. Jay Brolin of your office. We had been in periodic contact with him regarding this matter since that time. We have just been informed that he is no longer employed by EPA.

At the time we received the earlier correspondence we were in the process of reviewing the Center for Watershed Protection's (CWP) final review of the Town of Needham's Stormwater Management Program. During our review of the CWP document, we noted numerous and significant omissions or incomplete representations of our conversations and communications with CWP. As a result, this required a somewhat lengthy and involved detailing of these items in order to provide a more complete and thorough picture of Needham's present status. Whereas the proposed MOA and the supporting attachments produced by CWP serve as the base upon which the Town of Needham will proceed, the Town felt it important that this document be as correct a representation as possible.

On December 29, 1999, the Town of Needham and its consultant Beta Engineering, Inc. met with Jay Brolin to discuss among other things the status of the MOA. At that time, we detailed the magnitude of our comments to CWP. This was followed up with a letter to Mr. Brolin dated December 30, 1999 with a draft of a letter to Mr. Ted Brown of CWP detailing our comments. This included other attachments demonstrating these points. The letter to CWP was finalized and sent on February 18, 2000. The receipt of this letter was acknowledged by Mr. Brown on March 2, 2000. Mr. Brolin was copied on this letter. Since that time, we have been awaiting a revised set of

comments from CWP of the Stormwater Management Plan for review. We believe this will result in a significantly different Stormwater Management Recommendation Summary (Attachment 1) and Example Narrative and Table Response to CWP Comments (Attachment 2) as provided in each of the 2 earlier letters. Upon resolution of the content of these attachments based upon revised comments from CWP, a revised MOA can be developed.

Please advise this office how you wish to proceed in this matter. I can be reached by telephone at (781) 455-7537.

Sincerely,



Richard P. Merson
Director of Public Works

enclosures(2)

cc. C.F. Valente, Town Administrator
A.L. Del Gaizo, Town Engineer
R.A. Lewis, Supt. Water & Sewer Div.
C. Alwin, Asst. Supt., Water & Sewer Div.
M. Vignale, Beta Group, Inc.
L. Newman, Needham Planning Director
R. Cramer, Chairman, Needham Conservation Comm.

epa.dg



TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT

470 Dedham Ave., Needham, MA 02492
Telephone: (781) 455-7534 Fax: (781) 449-9023

Richard P. Merson
Director
John F. Cusick
Parks & Forestry Supt.

Anthony L. Del Guizo, P.E.
Town Engineer
Mark A. Flynn, P.E.
Highway Supt.

Robert A. Lewis
Water & Sewer Supt.
Steven J. Hawes
Garage & Equip. Supv.

KP 127

December 30, 1999

Mr. Jay Brolin
United States Environmental
Protection Agency - Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

COPY

RE: IMPLEMENTATION OF STORM WATER MANAGEMENT PLANS AND
MEMORANDUM OF UNDERSTANDING; FOLLOW-UP SAMPLING RESULTS

Dear Mr. Brolin:

Thank you for agreeing to meet with our consultant Beta Engineering, Inc., my staff and me regarding these issues. In regard to the Memorandum of Understanding (MOU), I would like to clarify the reason for not submitting the MOU in a timely fashion. Please be advised that the DPW fully intends to recommend that the Board of Selectmen sign the MOU. The issue that has caused the delay pertains to items 5a through 5c contained in the MOU. These relate to the Areas of Improvement outlined in the comments provided by the EPA and its consultant, Center for Watershed Protection (CWP).

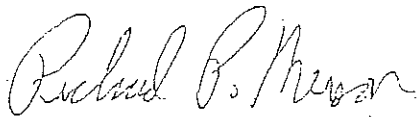
Upon receipt of the draft of the comments from CWP in late July 1999, the DPW recognized that the Areas of Improvement sections of the comments failed to reflect significant components which are presently being done and have been for quite some time. Apparently the site visit by CWP staff and subsequent follow-up discussions failed to capture these significant components. The DPW regrets that it did not present our comments in a more timely fashion. However, given that the current version of the comments which will be attached to the MOU will serve as a "snapshot" of our current practices, the DPW felt strongly that these comments and Areas of Improvement be corrected and a true representation attached to the MOU. Because of the extensive nature of the omissions, it has taken a considerable amount of time to complete and prepare our response. What we believe to be our final draft of the response to CWP is attached for your files. We anticipate the final version to be completed and forwarded to CWP by January 15, 2000. Please contact me to establish a revised MOU and schedule of milestones based upon an updated set of comments from CWP.

In regard to the follow-up dry weather sampling results conducted throughout the summer of 1999 for sections N10A-7, N10A-9, N10A-9A and N10A-9B, I appreciate your input during this meeting. Given our discussions, analysis and further investigation of our records, it appears that the problem in N10A-7 is not significant and is related to animal vs human origin. One of the remaining three areas, N10A-9B, will be investigated in greater detail. This investigation will include field

investigation, CCTV inspection and additional sampling. The DPW will seek the assistance of the Board of Health Director to pursue the status of two houses in the vicinity which we now believe are not connected to the sewer. One house, No. 1012 Webster Street, located adjacent to the sewer and drain easement which parallels the railroad right-of-way, now appears to be a strong candidate for a source of the contamination. The DPW will also follow up on the disconnection of the direct connection from the cesspool at No. 15 Norfolk Street to the storm drain ordered previously. Whereas circumstances have delayed the connection of this house to the sewer system, it may be possible that effluent from the cesspool may still be leaching into this drain.

Upon completion of these investigations and any subsequent actions that may be required, these outlets will be re-sampled and submitted to the EPA for review and comment. The DPW believes this work can be completed by April 30, 1999.

Sincerely,



Richard P. Merson
Director of Public Works

enclosure - Response to Draft CWP Comments

cc: Carl F. Valente, Town Administrator
A.L. Del Gaizo, Town Engineer
R.A. Lewis, Supt., Water & Sewer Div.
C. Alwin, Asst. Supt. Water & Sewer Div.
M. Vignale, Beta Engineering, Inc.
L. Newman, Needham Planning Director
R. Cramer, Chairman, Needham Conservation Commission