



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONAL OFFICE OF CITY OF CAMBRIDGE

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

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CAMBRIDGE, MASS.

23 AUG 1985

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John J. Cusack, Jr., Superintendent
Water Department
City of Cambridge
250 Fresh Pond Parkway
Cambridge, MA 02138

Dear Mr. Cusack:

Re: Water Treatment Plant Discharge to Fresh Pond

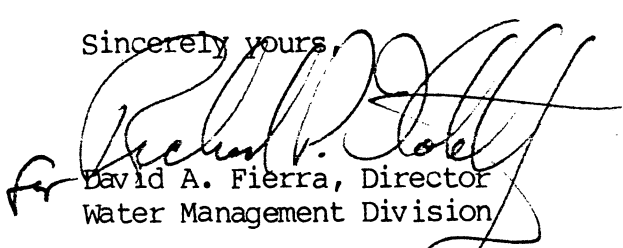
Enclosed is an Administrative Order issued to the City of Cambridge, Massachusetts by the Regional Administrator of the Environmental Protection Agency ("EPA"), Region I, under Section 309(a)(3) of the Clean Water Act (the "Act"). The Regional Administrator has found that Cambridge has violated Section 301 of the Act by failing to obtain an NPDES permit for its water treatment plant discharge to Fresh Pond.

The Order requires Cambridge to submit a plan and schedule for the elimination of the discharge of treatment plant sludge to Fresh Pond. The City is also being required to submit a plan and schedule for applying for an NPDES permit and providing treatment for the filter backwash wastewater discharge to Fresh Pond. The Order also requires submittal of a progress report on the above requirements.

Failure to comply with the enclosed Order may subject the City to further enforcement action. EPA may initiate a civil action in federal district court for violations of an Order, seeking injunctive relief and penalties, pursuant to Section 309 of the Act.

If you have any questions concerning this matter, please contact Daniel Murray, an engineer in the Permit Compliance Section, at 617/223-5330.

Sincerely yours,


David A. Fierra, Director
Water Management Division

cc: William Gaughan, MDWPC
Sabin Lord, MDWPC-ERO
Francis H. Duehay, Mayor, Cambridge

UNITED STATES ENVIRONMENTAL AGENCY
REGION I

23 AUG 1985

IN THE MATTER OF	) DOCKET NUMBER <u>85-38</u>
	)
City of Cambridge, Massachusetts	) FINDINGS OF VIOLATION
	)
Proceedings Under Section 309 (a)(3)	) AND
of the Clean Water Act, as amended,	)
33 U.S.C. §1319(a)(3).	) ORDER FOR COMPLIANCE

STATUTORY AUTHORITY

This Order is issued pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the "Act"), 33 U.S.C. §1319(a)(3), which grants to the Administrator of the United States Environmental Protection Agency ("EPA") the authority to issue Orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318 and 405 of the Act and to comply with any permit condition or limitation implementing any such sections in a National Pollutant Discharge Elimination System ("NPDES") permit issued under Section 402 of the Act. This authority has been delegated to the Regional Administrator.

The Order herein is based on findings of unlawful discharge of pollutants into navigable waters. A discharger of pollutants into navigable waters is required to apply for and obtain an NPDES permit for the discharge. The City of Cambridge (the "City") has failed to apply for and obtain an NPDES permit for its discharge of pollutants to Fresh Pond. The Order requires the City to submit a schedule by which it will discontinue the discharge of water treatment plant sludge to Fresh Pond. Also, the Order requires the City to submit a plan and schedule by which it will apply for an NPDES permit for its filter backwash discharge and provide treatment for the filter backwash wastewater or apply for and secure approval to discharge the filter backwash wastewater to the

sanitary sewer. The Regional Administrator has found the enclosed schedule to be reasonable.

FINDINGS

The Regional Administrator makes the following FINDINGS of fact:

1. The City of Cambridge is a municipality organized under the laws of the Commonwealth of Massachusetts.
2. The City owns and operates a water treatment plant which discharges untreated filter backwash wastewater and treatment plant sludge to Fresh Pond, a Class A waterway.
3. Since the initiation of the discharge to Fresh Pond, the City has not applied for and received an NPDES permit required by 40 CFR Part 122 and Section 402 of the Act, 33 U.S.C. §1342, for discharges into navigable waters of the United States.
4. Section 301(a) of the Act, 33 U.S.C. §1311(a), makes unlawful the discharge of pollutants to waterways of the United States except, inter alia, in compliance with the terms and conditions of an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. §1342.
5. The City's discharge of untreated filter backwash wastewater and treatment plant sludge into Fresh Pond without an NPDES permit violates Section 301(a) of the Act.

Based upon the above FINDINGS, it is hereby ORDERED:

1. By September 30, 1985, the City shall submit the following to EPA:
 - A. A plan and schedule by which the City will eliminate the discharge of treatment plant sludge to Fresh Pond. As a minimum the plan and schedule shall include:

- i. an evaluation of sludge treatment and disposal alternatives;
 - ii. a reasonable timetable for selecting a method for sludge disposal; designing and constructing sludge treatment facilities; and eliminating the discharge of treatment plant sludge to Fresh Pond.
- B. A plan and schedule by which the City will apply for an NPDES permit for its filter backwash wastewater discharge and design and provide treatment for the filter backwash wastewater; or apply for and secure approval to discharge the filter backwash wastewater to the sanitary sewer.
2. By December 31, 1985, the City shall submit a progress report to EPA. This report shall include a discussion of the implementation of the plans submitted by the City in accordance with Item 1 above.

NOTIFICATION PROCEDURES

1. Where this Order requires a specific action to be performed within a certain time frame, the City shall submit a written notice of compliance or noncompliance with each deadline. Notification shall be mailed within seven days after each required action.
2. If noncompliance is reported, notification shall include the following information:
 - A. a description of the noncompliance;
 - B. a description of any actions taken or proposed by the city to comply with the elapsed schedule requirements;

- C. a description of any factors which tend to explain or mitigate the noncompliance; and
- D. an approximate date by which the City will perform the required action.

The reports shall be in writing and addressed as follows:

U.S. Environmental Protection Agency
Water Management Division (WCC)
2103 JFK Federal Building
Boston, MA 02203
Attn: Daniel Murray

Massachusetts Division of Water
Pollution Control
One Winter Street
Boston, MA 02108
Attn: William Gaughan

Massachusetts Division of Water
Pollution Control
Eastern Regional Office
5 Commonwealth Avenue
Woburn, MA 01801
Attn: Sabin Lord

The City may, if it desires, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the City. The City should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. For example, the Clean Water Act provides that "effluent data" shall in all cases be made available to the public. See 33 U.S.C. §1318(b).

This Order does not constitute a waiver of EPA's right to seek any and all remedies available under Sections 309(b),(c) or (d) of the Act for any violation cited in this Order.

The information request contained herein is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Date: August 22, 1985

Paul J. Keough, Acting
Michael R. Deland
Regional Administrator

7.

11 S-631

Communication received from David A. Fierra,
Director, Water Management Division, EPA,
requesting that the City of Cambridge submit
a plan and schedule for the elimination of
the discharge of treatment plant sludge to
Fresh Pond, a plan and schedule for applying
for an NPDES permit and providing treatment
for the filter backwash wastewater discharge
to Fresh Pond together with progress reports on
the above requests.

*Copy sent to the City Manager
9/12/85 mhr*

In City Council,

September 9, 1985

9/9/85

Referenced to Council

FOR CONSULTATION WITH

DEPTS CONCERNED -

*REPORT BACK TO
CITY COUNCIL -*