



Town of Rockland

Sewer Commission

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June 6, 2023

Mr. Robert Rosa, Chairman
Rockland Zoning Board of Appeals
242 Union Street
Rockland, MA 02370

Dear Mr. Rosa, and Zoning Board Members;

Based on my understanding of **310 CMR 22.20B (3)(a) Surface Water Supply Protection(b) Within the Zone A** of all surface water supplies and tributaries as defined in 310 CMR 15.00:

“The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.”

Within Zone A, B and C, shall be in compliance with the requirements of **310 CMR 15.000**. The proposed development at 0 Pond Street, known as Shinglemill does not meet the exemptions listed. Specifically;

“All sewer lines and appurtenances are prohibited, EXCEPT as required to eliminate existing, or potential pollution to the water supply, or where the crossing of tributaries is necessary to construct a public sewer system.”

- (1) The proposed sewer connection at 0 Pond Street does not ***“eliminate an existing or potential pollution to the water supply”***. On the contrary, the potential pollution would be created by installing a private property sewer connection (lateral) and with age, blockage, or breaks in the installed connection and general alteration of the sub-surface could lead to the creation of a preferential pathway which may or may not lead to any underlining unknown groundwater problems leaving the site causing potential environmental pollution problems.
- (2) The development at 0 Pond Street is not ***“constructing a public sewer system”***, rather they are proposing the creation of a **private lateral** to connect to the existing public sewer system, which by regulation, laterals are the property of the landowner and NOT the public sewer system.

The project at 0 Pond Street also increases the risk of a potential problem in altering the groundwater table and groundwater flow by raising the elevation and installing sub-surface construction. This alteration not only holds the potential of flooding the abutting properties, but also puts an additional pressure strain on the older Vitrified Clay Pipes (VTC) in the immediate area, all of which are 65 years or older and service both sewer and water.

At a meeting with Rockland Town Officials and Town Counsel on May 5, 2022, the EPA Director of Compliance stated that "Rockland is not just suffering from a severe I&I problem, they also have a serious over capacity situation".

As a direct result of that meeting, and for neglecting to take adequate corrective action to the original Administrative Order issued to the Town and the Rockland Sewer Department in September 29, 2006, the EPA has placed the Town of Rockland and the Rockland Sewer Department under an EPA Administrative Finding of Violation and Order (June 2022) for repeated flow violations due to over-capacity conditions, along with the inflow and infiltration. This Order has mandated conditions of compliance forcing the Sewer Department to place a strict moratorium on new connections.

On April 25th, 2023, a letter was sent by the Sewer Commission to all Boards, the Building Department and the Rockland Board of Selectmen stating that, due to our current capacity issues at the Wastewater Treatment Plant, we will not be accepting any applications for new connections that contribute more than 440 Gallons-Per-Day (GPD) during the next fiscal year.

The EPA has informed the Town of Rockland and the Rockland Sewer Department that we will be fined for the violations to the 2006 Order, and the EPA will be monitoring our compliance to the 2022 Administrative Order and Notice of Violations.

310 CMR 22.20B (7) (c) under Enforcement further states;

"The Department (MADEP) may take enforcement actions against any public water system which fails to carry out its enforcement responsibilities under 310 CMR 22.20B, or may enforce directly against persons violating 310 CMR 22.20B."

- (1) Whereas the Town and the Rockland Sewer Department are under a direct EPA Administrative Order of Violation and Compliance, approval of this project by the ZBA would place the Town and Sewer Department in jeopardy of increased additional fines.

The Sewer Department currently has a pre-approved waiting list of project ready connections which will add another 28,365 GPD of flow to the system that must connect with the next availability. To comply with the EPA Order, the Rockland Sewer Department must remove 312,000 GPD of additional Inflow and Infiltration before additional connections can be made.

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As of today, our current twelve-month rolling average is 2.60 MGD. Again, our maximum allowable permit discharge is set at 2.5 MGD which continues to place us in violation of the EPA's Administrative Order.

For the reasons and conditions stated in this letter to the Rockland Zoning Board of Appeals, the project located at 0 Pond Street, known as Shinglemill, should not reasonably be allowed to connect to the Rockland Sewer System.

I would be glad to discuss this matter in open session if the Board wishes to do so.

Sincerely,

Charles Heshion, Chairman
Rockland Board of Sewer Commissioners

cc: Mr. Douglas Lapp
Town Administrator

Mr. Robert Galvin, Esquire
Land Use Counsel

Ms. Kristal Cameron
Rockland-Abington Water Superintendent