



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

May 11, 2016

Mayor William F. Martin  
City of Greenfield  
14 Court Square, 2<sup>nd</sup> Floor  
Greenfield, MA 01301

RE: Greenfield-WWM  
Greenfield WPCF  
Project #114-001  
ACOP-WE-16-1N001

Dear Mayor Martin:

Enclosed please find a fully executed copy of Administrative Consent Order with Penalty, ACOP-WE-16-1N001, for the noncompliance at the Greenfield WPCF and Sewer Collection System described in the Administrative Consent Order.

Please pay particular attention to the landmark dates and requirements set forth in the enclosed fully executed Administrative Consent Order. Please be advised a press release may be issued related to this matter.

If there are questions regarding this matter, please contact Paul Nietupski at 413-755-2218.

Sincerely,

Paul J. Nietupski  
Section Chief, Wastewater Management  
Bureau of Water Resources

PJN/pjn

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Enclosure: Fully executed ACOP-WE-16-1N001

CC: WERO: File (3)  
WERO: Christine LeBel

Mr. Donald Ouellette, P.E.  
Director of Public Works  
14 Court Street  
Greenfield, MA 01301

Mr. Mark Holley  
Water Facilities Superintendent  
14 Court Street  
Greenfield, MA 01301

REC-13  
Greenfield, MA  
01301  
ACOP-WE-16-1N001



Mark Holley  
Water Facilities Superintendent

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

In the matter of: )

City of Greenfield )

Department of Public Works )

Water and Sewer Department )

File No.: ACOP-WE-16-1N001  
Program ID #:114-001

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY  
AND  
NOTICE OF NONCOMPLIANCE**

I. THE PARTIES

1. The Department of Environmental Protection (“Department” or “MassDEP”) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Western Regional Office at 436 Dwight Street Springfield, Massachusetts 01103.
2. The City of Greenfield (“Respondent”) is a Municipality with its principal offices located at 14 Court Street Greenfield, Massachusetts. Respondent’s mailing address for purposes of this Consent Order is 14 Court Square, 2<sup>nd</sup> Floor, Greenfield, Massachusetts 01301.

II. STATEMENT OF FACTS AND LAW

3. MassDEP is responsible for the implementation and enforcement of M.G.L. c. 21, §§ 26-53, the Surface Water Discharge Permit Regulations at 314 CMR 3.00; the Sewer System Extension and Connection Permit Regulations at 314 CMR 7.00; the Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges at 314 CMR 12.00; and the requirements for Certification of Operators of Wastewater Treatment Facilities at 257 CMR 2.00. MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.
4. Respondent maintains a National Pollutant Discharge Elimination System (NPDES) Permit (MA0101214) for its Water Pollution Control Facility (Greenfield WPCF) located on Deerfield Street in the City of Greenfield. Respondent’s Permit, issued jointly by the Department, as well as the United States Department of Environmental Protection (“USEPA”), establishes that the Permittee may discharge treated effluent from outfall serial number 001 to the Deerfield River.
5. The following facts and allegations have led MassDEP to issue this Consent Order:

- A. On April 27, 2015, MassDEP conducted a Compliance Evaluation Inspection Non-Sampling (CEI) at Respondent's WPCF noted above. A report with the details of the inspection was sent to Respondent dated May 26, 2015.
- B. During the 2015 CEI, MassDEP discussed with Respondent excursions of Respondent's NPDES Permit since the previous CEI (2010). Respondent exceeded the permitted flow limit for the months of January through October 2012; July through September 2013; December 2014; and January through March 2015. Permit excursions also include effluent Biochemical Oxygen Demand (BOD<sub>5</sub>) Mass Limit and Weekly Average Concentration in October 2012; Mass Limit in June 2013 and Monthly Concentration Limits in August, September and October 2013; Mass Limit and Monthly Average in April 2014; Mass Limit and Monthly Average in June 2014; Total Suspended Solids (TSS); E-Coli Bacteria.
- C. During the 2015 CEI, MassDEP discussed with Respondent the 2014 revision of MassDEP regulations at 314 CMR 12.00, including, among other obligations, the requirement for a comprehensive Inflow and Infiltration (I/I) study of Respondent's collection system.
- D. Respondent completed its last comprehensive I/I study in 1995, with Close Captioning Televising (CCTV) of various areas of the collection system in 2014 (mostly along the city's Maple Brook culvert). Previous reports required under Respondent's NPDES Permit indicate that, although some progress has been made curtailing I/I, it appears that this matter remains an issue in the collection system.
- E. During the 2015 CEI, MassDEP discussed with Respondent the need for Respondent to update the 1993 Facility Plan, Operation and Maintenance Manual, Nitrogen Optimization Study and Comprehensive I/I Program. MassDEP also recommended that Respondent review its existing rate structure to assure that future projects involving these items could be properly funded.
- F. On July 22, 2015, Respondent notified MassDEP (electronically) that, due to high flow conditions in Respondent's collection system, a regulating chamber in the collection system designed to restrict sudden flow changes to the WPCF had bypassed raw sewage to the Green River.
- G. This notification was the first time MassDEP became aware that the high-flow relief point in Respondent's collection system discharged to a receiving water, in noncompliance with Respondent's NPDES Permit.
- H. The bypass had been noted by Respondent's staff during a routine check of the regulating structure on July 14, 2015.
- I. Since this discharge of sewage is not from Outfall 001 referenced in Respondent's NPDES Permit, it qualifies as an unpermitted discharge. Pursuant to 314 CMR 3.19(2), Respondent has a duty to comply with the NPDES Permit.
- J. Pursuant to 314 CMR 3.19(20)(e), Respondent was required to notify MassDEP within 24 hours of the discovery of the non-compliance with its NPDES permit. Although the bypass occurred on July 14, 2015, Respondent did not notify MassDEP until July 22, 2015, in violation of the regulation.

- K. On February 2, 2016, MassDEP met with Respondent to discuss the above-referenced issues. During the meeting, Respondent provided MassDEP with additional information which is incorporated into this Consent Order.
- L. Respondent provided MassDEP with additional material on March 2, 2016. Respondent indicated that it has performed a comprehensive inspection of its sewage-collection system, and to the best of Respondent's abilities through inspections, records reviews, staff knowledge or other suitable means, Respondent has located all relief points, regulating structures, bypasses, pipes (valved or otherwise), divided pipes or any other appurtenances (hereafter "Structures") that could potentially allow flow from any outfalls or cross connection between storm water and sanitary sewer lines causing a discharge from a point other than what is allowed in Respondents NPDES permit. These Structures are identified as follows:
1. Regulator Chamber, rear 302 Deerfield Street. Overflow weir, main interceptor to WPCF;
  2. Overflow East Greenfield Pump Station, 156 Montague Road, Pump Station high wet well relief;
  3. 147-149 School Street, rear. Overflow weir as cross over between storm sewer and sanitary sewer;
  4. 147-149 School Street, parking area, large break in pipe allowing water into sanitary sewer;
  5. Leyden Woods Pump Station. No manufactured overflow. The wet well has a maintenance manhole that will relieve in the event of station malfunction.
- M. Respondent provided the information in Section II.5.L of this Consent Order to MassDEP, along with a schedule for the periodic inspections of those Structures in March 2, 2016 correspondence. Respondent's March 2, 2016 correspondence also detailed a periodic inspection and reporting regiment which includes the following:
1. All Structures referenced in Section II.5.L of this Consent Order will be checked at a minimum on a monthly basis. The Structures will also be checked during and/or after rain events;
  2. Each Structure will be monitored during rain events to delineate how much rainfall is needed to cause a bypass (discharge from the Structure);
  3. An electronic database has been created and will be maintained to log inspections and discharges from the Structures;
  4. Each Structure will be equipped with a generally acceptable method for monitoring any discharges as follows:
    - a. Regulator Chamber, rear 302 Deerfield Street: The Structure will be equipped with a block and string. The Structure is equipped with a flap over the outlet pipe that will jamb open

- and allow the block and string to exit the pipe during any discharge;
- b. Overflow East Greenfield Pump Station, 156 Montague Road: The Structure overflow will be equipped with a block and string that will exit the pipe to confirm any discharge that may occur;
  - c. 147-149 School Street, rear: The separation weir in the Structure will be equipped with a block and string to indicate any overflow either from the sanitary sewer to the storm sewer or vice versa;
  - d. 147-149 School Street, parking area: The Structure will be equipped with a block and string to verify any discharge. Considering its construction, Respondent has identified this repair as a priority;
  - e. Leyden Woods Pump Station: No overflow from the Structure. Respondents staff will inspect the area and wet well weekly and anytime the high wet well alarm is triggered;
  - f. As new Structures are discovered through construction, maintenance, engineering or otherwise, that are not detailed in Section II.5.L of this Consent Order, the information shall be submitted to MassDEP within seven (7) business days of discovery. These newly discovered Structures shall be equipped with a generally acceptable method for monitoring any discharges from the Structure and added to Respondents periodic inspection reporting regiment outlined in Section II.5.M. of this Consent Order.
- N. On March 2, 7, and 14, 2016, Respondent provided MassDEP with additional information concerning its sewage-collection system which also is incorporated into this Consent Order.

### III. DISPOSITION AND ORDER

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

6. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.

7. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.

8. Respondent shall perform the following actions:

- A. Respondent shall work with its current engineer, or another engineer that is a qualified professional engineer registered in Massachusetts (Engineer). Respondent's Engineer shall be experienced in wastewater treatment and sewage collection systems. Any contractual relationship between Respondent and its Engineer for work required hereunder shall require the Engineer, as a condition of the contract, to implement work consistent with the provisions of this Consent Order.
- B. Within 30 days of from the date of this Consent Order, Respondent shall ensure that it has begun retaining all records of inspections of Structures referenced in Section II.5.L.M of this Consent Order in its established database, as well as its written logbook. Respondent shall continue the inspections of the Structures until permanently sealed per Section III.8.D.6.e of this Consent Order and or until such time as MassDEP determines that a similar condition is mandated in Respondents NPDES Permit.
- C. Until such time as all Structures referenced in Section II.5.L.M of this Consent Order, are sealed per Section III.8.D.6.e of this Consent Order, Respondent shall notify MassDEP and US EPA, in accordance with 314 CMR 12.03(8), anytime there is an identified discharge from any Structure other than what is allowed in its NPDES Permit.
- D. By no later than January 31, 2019, Respondent shall complete, and shall continue on an ongoing basis, until such time as MassDEP determines a similar requirement is mandated in Respondent's NPDES Permit, the following activities for the sewer system which it owns:
  1. Respondent shall review its sewer rates yearly to determine feasible funding mechanisms in order to perform the requirements of this Consent Order. The identified funding mechanisms shall be implemented to assure all work associated with this Consent Order is funded.
  2. Maintenance Staff: Respondent shall provide adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this Consent Order, as well as provisions to meet the requirements described in the Collection System Operation and Maintenance (O & M) Plan required pursuant to Section III.8.D.6 of this Consent Order. By no later than January 31, 2019, Respondent shall provide MassDEP with written documentation that it has provided sufficient staffing necessary to properly operate and maintain the sanitary-sewer collection system and regarding how the operation and maintenance program is staffed.
  3. Preventative Maintenance Program: Respondent shall maintain an ongoing preventative maintenance program to prevent backups, overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an ongoing inspection program designed to identify all potential and actual unauthorized discharges. Plans

and programs to meet this requirement will be described in the Collection System O & M Plan required pursuant to Section III.8.D.6. of this Consent Order.

4. Infiltration/Inflow: Respondent shall control infiltration and inflow (I/I) into its sewage collection system on an ongoing basis to prevent high-flow-related unauthorized discharges from its collection system from the Structures, identified in Section II.5.L.M. of this Consent Order and high-flow-related violations of the wastewater treatment plant's effluent limitations specified in Respondent's NPDES Permit. Respondent shall describe its plans and programs to control I/I in the Collection System O & M Plan required pursuant to section III.8.D.6. of this Consent Order.
5. Collection System Mapping: By no later than January 31, 2019, Respondent shall prepare and keep current a map of its sewer-collection system (both public and private). The map shall be on a street map of the community, with sufficient detail and at a scale to allow easy interpretation. The collection-system information shown on the map shall be based on current conditions, be kept up to date and be made available for review by MassDEP and/or US EPA. The map shall include, but is not limited to the following:
  - a. All sanitary sewer lines and related manholes;
  - b. All combined sewer lines (to include divided pipes), related manholes, and catch basins;
  - c. All combined sewer regulators and any known or suspected connections between the sanitary sewer and storm drain systems (e.g. combined manholes and or divided piping);
  - d. All outfalls, including the treatment plant outfall(s), CSOs, combined manholes, divided pipes, and any known or suspected SSOs;
  - e. All pump stations and force mains (both public and private);
  - f. The wastewater treatment plant;
  - g. All surface waters (labeled);
  - h. Other major appurtenances such as inverted siphons and air release valves;
  - i. A numbering system which uniquely identifies manholes, catch basins, overflow points, regulators and outfalls;
  - j. The scale and a north arrow; and
  - k. The pipe diameter, date of installation, type of material, distance between manholes, prior maintenance (i.e. slip lining) and the direction of flow.
6. Collection System Operation and Maintenance Plan: Respondent shall develop, implement and keep current at all times, a Collection System Operation and Maintenance (O&M) Plan. The plan shall be developed and submitted to MassDEP by no later than January 31, 2019. The plan shall include, but not be limited to, the following:

- a. A description of the collection-system-management goal, staffing, information management, and legal authorities;
- b. A comprehensive evaluation of the collection system, to include comprehensive flow metering, a list of all pump stations (public and private) and a description of all recent studies and construction activities (public only). The evaluation of the sewer system shall be performed consistent with MassDEP's Guidance document titled *Guidelines for Performing Infiltration/Inflow Analysis and Sewer Systems Evaluation Survey* to determine its existing condition, the presence and quantity of infiltration and inflow into the system, and locations and risks of wet weather sanitary sewer overflows or by-passes in the sewer system. The I/I Analysis may assess a range of design storms, but shall specifically assess the risk of sewer-system overflows for a five-year, 24-hour storm event. The sewer system authority shall proceed with the evaluation in accordance with the following scope and schedule:
  1. By not later than January 31, 2019, complete a comprehensive I/I Analysis of the sewer system, and submit a report to MassDEP for review and approval. The I/I Analysis shall include, but is not limited to, a description of the work completed, the findings from a comprehensive sewer metering program and I/I Analysis, and a recommended construction plan and schedule to proceed with a Sewer System Evaluation Survey in areas of the sewer system determined to have excessive I/I.
  2. Complete and report on the Sewer System Evaluation Survey in accordance with terms and schedules set forth in the approved I/I Analysis report required in section III.8.D.6.b.1. of this Consent Order. The results of each Sewer System Evaluation Survey shall be included in a report, submitted to MassDEP for review and approval. The Report shall identify excessive infiltration and inflow and recommend actions to address excessive infiltration and inflow sources, and a construction schedule for such actions.
  3. Where Respondent has completed the plans identified in Section III.8.D.6.b.1. and 2. of this Consent Order and is in the process of implementing the recommended actions identified in the Sewer System Evaluation Survey, those plans, along with an update as to what recommendations have been completed and what remains to be completed, including a schedule for completion, must be submitted not later than January 31, 2019, to MassDEP for review and approval.

4. The plans identified in Section III.8.D.6.b.1., 2. and 3. will be presumed approved if MassDEP does not issue a written approval, conditional approval, denial or request for further information within 120 days after submittal. The submittal and issuance dates are the dates that the plans, the Department's approval, conditional approval, denial or information request are postmarked. The Department may require modification of a presumptively approved submission as needed to address violations of any applicable law, regulation or permit.
  - c. Current or pending Standard Operating Procedures (SOP's) for all private pump stations and collection systems. The SOP's shall include an ongoing requirement for private collection systems to control inflow and infiltration.
  - d. A program for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows from the collection system and storm water system through divided pipes and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include redirection of illegal sump pumps and roof down spouts.
  - e. A proposed construction schedule for sealing Structures identified in Section II.5.L.and M. of this Consent Order to assure there are no discharges from Structures other than what is allowed in Respondent's NPDES Permit.
  - f. An educational public outreach program for all aspects of I/I control, particularly private inflow.
  - g. An Overflow Emergency Response Plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in Respondents NPDES permit.
7. Annual Reporting Requirement

Until such time as MassDEP determines a similar requirement is mandated in Respondent's NPDES Permit, Respondent shall submit a summary report of activities related to the implementation of its Collection System O & M Plan during the previous calendar year. The report shall be submitted to MassDEP annually by March 31<sup>st</sup>. The summary report shall, at a minimum, include;

- a. A description of the staffing levels maintained during the year;
- b. A description of funding for the Collection System O & M Plan required pursuant to section III.8.D.6of this Consent Order;
- c. A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year;

- d. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- e. A map with areas identified for investigation/action in the coming year;
- f. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharges section of this permit.

9. Except as otherwise provided, all notices, submittals and other communications required by this Consent Order shall be directed to:

Paul J. Nietupski  
Wastewater Management Section Chief  
Bureau of Water Resources  
MassDEP WERO  
436 Dwight Street  
Springfield, MA 01103

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

10. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.

11. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.

12. Respondent shall pay to the Commonwealth the sum of five thousand seven hundred fifty dollars (\$5,750) as a civil administrative penalty for the violations identified in Part II above. MassDEP hereby agrees to suspend payment of the entire penalty amount; provided, however, that if Respondent violates any provision of this Consent Order, or further violates any of the regulations cited in Part II above, Respondent shall pay to the Commonwealth the full amount of five thousand seven hundred fifty dollars (\$5,750) within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation.

13. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.

14. This Consent Order may be modified only by written agreement of the parties hereto.

15. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

16. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

17. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

18. This Consent Order shall be binding upon Respondent and upon Respondent's, successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.

19. In addition to the penalty set forth in this Consent Order (including any suspended penalty), Respondent shall pay stipulated civil administrative penalties to the Commonwealth in accordance with the following schedule if Respondent violates any provision of this Consent Order:

For each day, or portion thereof, of each violation, Respondent shall pay stipulated civil administrative penalties in the following amounts:

<u>Period of Violation</u>	<u>Penalty per day</u>
1 <sup>st</sup> through 15 <sup>th</sup> days	\$100 per day
16 <sup>th</sup> through 30 <sup>th</sup> days	\$250 per day
31 <sup>st</sup> day and thereafter	\$500 per day

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

20. Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended and stipulated penalties, by certified check, cashier's check, or money order made payable to the Commonwealth of Massachusetts, or by electronic funds transfer. If payment is made by certified check, cashier's check, or money order, Respondent shall clearly print on the face of its payment Respondent's full name, the file number appearing on the first page of this Consent Order, and the Respondent's Federal Employer Identification Number, and shall mail it to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 3982  
Boston, Massachusetts 02241-3982

If payment is made by electronic funds transfer, Respondent must complete the attached form "Electronic Funds Transfer Request" and, within 10 days of the effective date of this Consent Order, submit it to Director, BAS Division of Fiscal Management via Facsimile at the MassDEP Revenue Fax Number 617-292-5824 or via mail to:

Department of Environmental Protection  
Attn: Revenue Unit  
1 Winter Street, 4th Floor  
Boston, MA 02108

In the event Respondent fails to pay in full any civil administrative penalty as required by this Consent Order, then pursuant to M.G.L. c. 21A, § 16, Respondent shall be liable to the Commonwealth for up to three (3) times the amount of the civil administrative penalty, together with costs, plus interest on the balance due from the time such penalty became due and attorneys' fees, including all costs and attorneys' fees incurred in the collection thereof. The rate of interest shall be the rate set forth in M.G.L. c. 231, § 6C.

21. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.

22. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to the Greenfield WPCF and its associated collection system for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.

23. Force Majeure

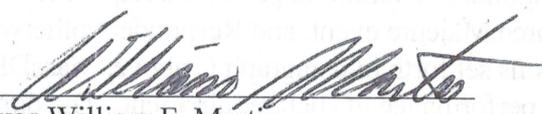
- A. MassDEP agrees to extend the time for performance of any requirement of this Consent Order if MassDEP determines that such failure to perform is caused by a Force Majeure event. The failure to perform a requirement of this Consent Order shall be considered to have been caused by a Force Majeure event if the following criteria are met: (1) an event delays performance of a requirement of this Consent Order beyond the deadline established herein; (2) such event is beyond the control and without the fault of Respondent and Respondent's employees, agents, consultants, and contractors; and (3) such delay could not have been prevented, avoided or minimized by the exercise of due care by Respondent or Respondent's employees, agents, consultants, and contractors.
- B. Financial inability and unanticipated or increased costs and expenses associated with the performance of any requirement of this Consent Order shall not be considered a Force Majeure Event.
- C. If any event occurs that delays or may delay the performance of any requirement of this Consent Order, Respondent shall immediately, but in no event later than 5 days after obtaining knowledge of such event, notify MassDEP in writing of such event. The notice shall describe in detail: (i) the reason for and the anticipated length of the delay or potential delay; (ii) the measures taken and to be taken to prevent, avoid, or minimize the delay or potential delay; and (iii) the timetable for taking such measures. If Respondent intends to attribute such delay or potential delay to a Force Majeure event, such notice shall also include the rationale for attributing such delay or potential delay to a Force Majeure event and shall include all available

documentation supporting a claim of Force Majeure for the event. Failure to comply with the notice requirements set forth herein shall constitute a waiver of Respondent's right to request an extension based on the event.

- D. If MassDEP determines that Respondent's failure to perform a requirement of this Consent Order is caused by a Force Majeure event, and Respondent otherwise complies with the notice provisions set forth in paragraph C above, MassDEP agrees to extend in writing the time for performance of such requirement. The duration of this extension shall be equal to the period of time the failure to perform is caused by the Force Majeure event. No extension shall be provided for any period of time that Respondent's failure to perform could have been prevented, avoided or minimized by the exercise of due care. No penalties shall become due for Respondent's failure to perform a requirement of this Consent Order during the extension of the time for performance resulting from a Force Majeure event.
- E. A delay in the performance of a requirement of this Consent Order caused by a Force Majeure event shall not, of itself, extend the time for performance of any other requirement of this Consent Order.
24. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.
25. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.
26. This Consent Order shall become effective on the date that it is executed by MassDEP.

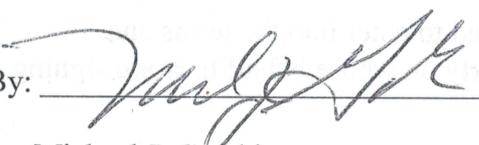
**Consented To:**  
**CITY OF GREENFIELD**

MASSDEP WERO  
MAY - 9 2016

By:   
Mayor William F. Martin  
City of Greenfield  
14 Court Square  
Greenfield, MA 01301  
Federal Employer Identification No.: 046001163

Date: 5-5-16

**Issued By:**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

By:   
Michael J. Gorski  
Regional Director  
MassDEP WERO  
436 Dwight Street  
Springfield, MA 01103

Date: 5-11-16