



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS REQUIRED
SENT VIA ELECTRONIC MAIL

Dated by electronic signature

Michael Milanoski, General Manager
Grafton and Upton Railroad
42 Westboro Road
Grafton, MA 01536
mmilanoski@graftonuptonrr.com

Re: Request for Information Regarding 364 West Street, Hopedale Massachusetts

Dear Mr. Milanoski:

Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), authorizes the U.S. Environmental Protection Agency (EPA) to require any owner or operator of any point source to provide information needed to carry out Clean Water Act section 402. The purpose of this information request is to gather information that will allow EPA to properly respond to a Clean Water Act section 402 National Pollutant Discharge Elimination System (NPDES) Residual Designation Petition submitted by the Town of Hopedale for stormwater discharges from 364 West Street in Hopedale Massachusetts. Accordingly, EPA requires Grafton and Upton Railroad Company (GURR) to submit the information requested below (Enclosure 1) by **July 25, 2022**. Following GURR's response to this Information Request, EPA may request a meeting with appropriate staff or additional information.

Please provide answers to each question as clearly and completely as possible. Information submitted pursuant to this Information Request shall be sent by electronic mail to the attention of Mr. Newton Tedder at the following email address: tedder.newton@epa.gov.

Your responses to this Information Request must also include a statement of certification (Enclosure 2) that is signed and dated by a person who is authorized to respond to the Information Request.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully or to respond by the deadline specified above constitute violations of the CWA, subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. EPA reserves its right to take further enforcement action pursuant to the CWA, and other applicable laws, including the right to seek injunctive relief and penalties, for violations of any requirements of the CWA.

If you have any questions regarding this Information Request, require a different method of a
submittal, or to request additional time to respond, please contact Newton Tedder at (617) 918-
1038 or tedder.newton@epa.gov, or have your attorney contact Erin Flannery-Keith of EPA
Region 1's Office of Regional Counsel at (617) 918-1096 or flannery-keith.erin@epa.gov.

Sincerely,

KENNETH MORAFF Digitally signed by
KENNETH MORAFF
Date: 2022.06.22
16:05:37 -04'00'

Ken Moraff, Director
Water Division

Enclosures

Enclosure 1 - Information Requested

Re: Request for Information Regarding 364 West Street in Hopedale Massachusetts

By July 25, 2022, provide to EPA the following information:

1. Your facility's National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) Stormwater Pollution Prevention Plan (SWPPP) for NPDES ID MAR1002EB
2. All site inspection reports conducted to date consistent with Part 4.7 of the CGP
3. All turbidity sampling results done in compliance with Part 3.3 of the CGP conducted to date.
4. All calculations conducted demonstrating that sediment basins used for stormwater control during construction meet the sizing requirements of 2.2.12.c of the CGP
5. Planned final site design maps, drawings, and other documentation that includes the following information:
 - a. Extent of area in acres of tree removal planned and extent of tree removal conducted to date
 - b. Description and extent of all planned activities on site including any industrial activity and associated SIC code consistent with the 2021 Multi Sector General Permit¹
 - c. Final site design maximum daily users of the site
 - d. Planned building footprints in square feet and associated activity for each building
 - e. Planned pipe network extent and storm drain inlet locations
 - f. Planned stormwater outfall locations and receiving waterbody name
 - g. Estimate of planned impervious area in square feet draining to each planned outfall² and all planned industrial activities within each outfall drainage area
 - h. Estimate of average annual total phosphorus, total nitrogen and total suspended solids loads delivered to receiving waterbodies from each planned outfall in pounds per year³, and an estimate of average annual flow volume in cubic feet delivered from each planned outfall, including final spreadsheet used for all calculations
6. Planned structural stormwater controls to be installed to control post-construction stormwater runoff including:
 - a. Planned location of structural control
 - b. Outfall associated with each planned structural control
 - c. Planned structural control type (i.e. infiltration trench, permeable pavement, etc) consistent with naming convention found here:
<https://www3.epa.gov/region1/npdes/stormwater/tools/bmp-crosswalk.pdf>

¹ SIC codes for the Multi Sector General Permit can be found here: https://www.epa.gov/sites/default/files/2021-01/documents/2021_msgp_-_appendix_n_-_list_of_sic_and_naics_codes.pdf

² Impervious area includes any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using non porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil

³ Calculations must be consistent with EPA Region 1 pollutant loading calculations found in EPA Region 1's Best Management Practice Accounting and Tracking Tool (BATT) version 2.1 or other stormwater pollutant loading analysis tool found here: <https://www.epa.gov/npdes-permits/stormwater-tools-new-england#swbmp>

- d. Design specifications of each planned structural control including design storage volume in cubic feet⁴, including final spreadsheet used for calculations as applicable
- e. Estimate of average annual total phosphorus, total nitrogen and total suspended solids loads in pounds per year removed by each planned stormwater control⁵, and an estimate of average annual water volume infiltrated in cubic feet by each planned stormwater control, including final spreadsheet used for all calculations
- f. Long-term operation and maintenance procedures and requirements for each planned structural stormwater control

⁴ Design storage volume shall be calculated consistent with EPA Region 1 BATT tool version 2.1:
<https://www3.epa.gov/region1/npdes/stormwater/tools/batt-bmp-accounting-tracking-tool-v2-1.xism>

⁵ Calculations must be consistent with EPA Region 1 BATT version 2.1 or other stormwater pollutant loading analysis tool found here: <https://www.epa.gov/npdes-permits/stormwater-tools-new-england#swbmp>

Enclosure 2

Statement of Certification for the Grafton and Upton Railroad Company

(To be returned with the response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of the Grafton and Upton Railroad Company. I certify that the foregoing responses and information submitted were prepared under my direction or supervision, and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Print Name)

(Title)

(Date)

