



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

August 31, 2022

Ed Burt, Chair
Hopedale Water & Sewer Commission
78 Hopedale Street
P.O. Box 7
Hopedale, MA 01747
eburt.hd@gmail.com

RE: Response to Residual Designation Petition for the Grafton Upton Railroad Development Activity at 364 West Street, Hopedale, MA

Dear Ed Burt,

This letter is in response to your June 2, 2022 petition for a determination that stormwater discharges from the land development activities by the Grafton Upton Railroad ("GURR") located at 364 West Street, Hopedale, MA contribute to violations of water quality standards in certain impaired waters throughout EPA Region 1 and require permits pursuant to Section 402(p) of the Clean Water Act ("CWA"). This response is within the 90-day window required by 40 C.F.R. § 122.26(f)(5).

The petition requests that EPA use its residual designation authority ("RDA") under 40 C.F.R. § 122.26(a)(9)(i)(D) to require National Pollutant Discharge Elimination System ("NPDES") permits for currently unregulated stormwater discharges from land clearing and site development activities at 364 West Street because the development activities may be contributing to violations of water quality standards. The petition alleges that the lack of access to detailed plans on the site make it difficult to state if such violations are already occurring. After reviewing your petition, EPA sent GURR a CWA Section 308(a) letter requesting additional site information on June 22, 2022. After requesting and being granted an extension, GURR submitted an incomplete response to EPA R1 on August 5, 2022. Due to the incomplete response and EPA's outstanding information needs, EPA is neither granting nor denying your petition at this time. EPA R1 plans to request additional information from GURR to understand the potential water quality impacts this site could have and once that information is received, EPA R1 will act on your residual designation petition.

EPA R1 appreciates your advocacy for the protection of our nation's waters. If you have any questions, please contact either Newton Tedder, Water Division at tedder.newton@epa.gov or (617) 918-1038 or Erin Flannery-Keith, Office of Regional Counsel, at flannery-keith.erin@epa.gov or (617) 918-1096.

Sincerely,

Ken Moraff, Director

Water Division