



# BOARD OF SELECTMEN

CHARLES E. SHEPARD MUNICIPAL BUILDING

48 High St. • P.O. Box 609 • Warren, MA 01083-0609 • Tel. 413-436-5701 • Fax 413-436-9754

## BOARD OF SELECTMEN

### MINUTES OF AUGUST 6, 2020

**PRESENT:** Mr. John A. Nason; Chairman, Mr. Marc Richard; Vice-Chairman and Mr. David Dufresne, Clerk (VIA ZOOM)

**ATTENDEES:** Atty. Jeffrey Blake, Mr. Shawn Romanski, Mr. Chris Bone, Mr. Don Kurpaska, Mr. Matt Sokop, Atty. Heather Parent, Mr. Peter Krawczyk, Mr. Don Makowski, Ms. Carol Sausville and Mrs. Lisa Digris

#### Opened the Meeting at 1:00 PM

Mr. Nason opened the meeting and dispensed with the Pledge of Allegiance at this time. Today's meeting was called by MassDEP as an Enforcement Hearing and was to be a joint meeting with the Sewer Commissioners, however none of them were in attendance in person or viz Zoom.

After the introductions were made, Mr. Bone (Tighe & Bond) stated that about the staffing issue, the town has done everything that they can do at this point. The issue with attracting and retaining employees, especially a Grade 5 operator, is the pay scale. We are currently down one employee (Gr. 5). This was at issue at the last Enforcement Hearing.

Mr. Sokop from MassDEP stated that he identified the violations (attached) that need to be addressed. The EPA could step in and impose fines. His intent today is to move forward in a productive manner. Today's discussion revolves around staffing levels, equipment maintenance and the Chlorine Alarm System. Chief Operator, Shawn Romanski stated that he has ordered equipment and ran the lines necessary, as he is less than hopeful to get another operator in order to do testing in a safe manner. He would like to hire someone with experience, however as stated at the onset, our pay scale tends to restrict our hiring or retention is often the problem.

Atty. Blake stated that the hiring/staffing issue was a matter of economics and the Sewer Commission is working on amending the wage scale, however it is contingent upon town meeting approval.

Dan Kurpaska suggested that considering everything, he would highly recommend reducing the plant from a Grade 5 to a Grade 4 plant. This would require the Sewer Commission to submit an application to DEP to reduce the grade level and would also require a new O & M. This would allow use of a weekend operator appropriate to their grade level. No grade level is required for the collection system.

A closer look at the current rates is in order as well. While DEP understands that the town doesn't like to pass along added costs to the consumer, it is necessary from time to time in order to maintain the minimum standards. Residential properties currently are billed \$375.00/EDU. Commercial is billed \$5.14/1K gallons. Mr. Bone will look at surrounding towns for a comparison and will send to DEP and the Sewer Commission (S. Romanski). Again, Mr. Kurpaska recommended a formal request from the town to reduce to a Grade 4 plant, which will help the town immensely regarding compliance.

Mr. Romanski stated that he feels it is easier to raise rates, as the complexity of the position is too much for a Grade 3 operator. Atty. Parent (counsel for DEP) stated that they are just trying to find a solution to the staffing issue as we need to comply, plain and simple. A discussion on the matter will be on the Sewer Commissions agenda for August 26<sup>th</sup> and then they will report back to DEP. All agreed.

Also, Mr. Kurpaska questioned if the town had a MOU with CSX for repair. Mr. Romanski stated that we do not. Access to the pipe is vital and this should be done as soon as possible. Atty. Parent will send a draft to Atty. Blake to review the facts of the Enforcement Hearing.

**STATE PRIMARY WARRANT – 2020**

Motion to approve and sign the State Primary Warrant scheduled for September 1, 2020 made by Mr. Richard; second: Mr. Nason – unanimous.

**CHAPTER 90 REIMBURSEMENT**

Motion to approve and sign the Chapter 90 Reimbursement request as presented by Mr. Olson made by Mr. Richard; second: Mr. Nason – unanimous.

**3<sup>RD</sup> QUARTER AMBULANCE ABATEMENTS**

Motion to ratify the 3<sup>rd</sup> Qtr. Ambulance AbateMENTS as presented made by Mr. Richard; second: Mr. Nason – unanimous.

Motion to Adjourn made by Mr. Richard; second: Mr. Nason – unanimous at 3 PM.

Respectfully submitted,

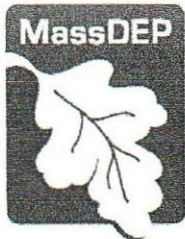


Rebecca Acerra  
Administrative Secretary



David P. Dufresne, Sr., Clerk





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

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

July 10, 2020

Town of Warren  
Board of Sewer Commissioners  
P.O. Box 1537  
Warren, MA 01083

Attention: Shawn Romanski

RE: Warren-WWM  
Wastewater Treatment Plant  
Project #311-001/076  
ENF: 00009889

### **NOTICE OF ENFORCEMENT CONFERENCE**

THIS IS AN IMPORTANT NOTICE. FAILURE TO RESPOND TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Dear Mr. Romanski:

MassDEP (MassDEP or the Department) personnel have observed that staffing levels, equipment maintenance and the Chlorine Alarm System at the Warren Wastewater Treatment Plant are not in compliance with one or more laws, regulations, orders, licenses, permits, guidelines, or approvals enforced by MassDEP. In addition, there is continuing noncompliance with the requirements of the Administrative Consent Order executed on January 26, 2018 (ACOP-WE-17-0000809). The noncompliance includes a failure to meet the minimum requirements of the WWTP according to regulations 314 CMR 12.00.

The Department intends to take enforcement actions in response to the noncompliance. Possible actions include issuance of an enforcement order, and/or a civil administrative penalty. Prior to proceeding with enforcement action, MassDEP requests that you attend a virtual enforcement conference on the following date and time:

LOCATION: (Via Virtual Meeting)  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WESTERN REGIONAL OFFICE  
436 DWIGHT STREET, 5<sup>th</sup> FLOOR  
SPRINGFIELD, MASSACHUSETTS 01103

DATE: August 6, 2020

TIME: 1:00 P.M.

CONNECTION: Meeting information will be sent electronically.

The purpose of the enforcement conference is to provide you with the opportunity to discuss the alleged violations and reach a negotiated settlement with the Department in order to return to compliance.

At the enforcement conference, the Department may discuss assessment of a civil administrative penalty for the alleged violations. The Department considers several factors in determining whether to assess a penalty and the amount of a penalty for each violation. Some of the factors that MassDEP considers, and for which you may wish to provide information, include, but are not limited to, steps taken to prevent the violation or to promptly return to compliance after the violation, or to remedy and mitigate any harm caused by the violation; your financial condition; the public interest; and any other information that can be provided. Please note that if you intend to assert that you do not have the ability to pay some or all of a penalty, the Department will require that you provide documentation to support the assertion. The Department may have legal counsel present at this enforcement conference. You may also wish to have counsel present at this meeting.

Please contact Matthew Sokop at 413-561-0512 or email at [matthew.sokop@mass.gov](mailto:matthew.sokop@mass.gov) to confirm attendance at the enforcement conference or if you have any questions.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Matthew J. Sokop, P.E.  
Section Chief, Wastewater Management  
Bureau of Water Resources

MJS

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cc: WERO: File (3)

Warren Wastewater Treatment Plant  
2527 Main Street  
West Warren, MA 01092

WERO: HP, DJK, JSB, BDH (electronically)