

IN BOARD OF SUDBURY SELECTMEN
THURSDAY, SEPTEMBER 15, 2011

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, Selectman John C. Drobinski, Debbie Dineen, Conservation Coordinator, and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 8:33 a.m. in the Silva Conference Room, Flynn Building, 278 Old Sudbury Road.

EPA Assessed Fine

Town Manager Maureen Valente explained the reason for the meeting: Sudbury had been fined \$6,000 by the EPA for failure to file, on a timely basis, an annual report on the action steps the Town has been taking to comply with our stormwater permit. The report was due May 2, 2011. She submitted a letter to the Board from Town Counsel recommending that the Board approve signing the agreement with the EPA to pay this fine.

Ms. Valente asked Debbie Dineen, Conservation Coordinator, to provide background on the permit, the requirement to file this report, and why it was not prepared and submitted by the due date. Ms. Dineen explained the following to the Board:

The permit has expired, and there have been extensive discussions and hearings on changing the requirements on how such reporting is done. She noted that towns have been told that the reporting requirements would be revised; and in the future, standardized reporting standards would be sent to towns to complete, as opposed to the narrative type letters that had served as annual reports up to now. She had been awaiting these new reporting formats, assuming that would be what would satisfy our reporting requirements.

All action items that Sudbury is required to perform under the permit have been accomplished on a timely basis. These are not what Sudbury is being fined for; instead it is the late submission of a report describing those action steps.

She apologized to the Board for this occurrence and that her assumptions, which were based on the information she was provided, led to this fining. The report in question has been completed and was submitted immediately upon her return from vacation.

Discussion ensued. Selectman Haarde asked if she had received anything in writing saying to wait for the new reporting process. Ms. Dineen said no, only her notes from the meetings she had attended. Selectman Drobinski noted that this is a joint permit from EPA and DEP, and EPA has been more aggressive in levying fines rather than working with towns for what seem to be minor infractions, and opined that in his experience there was some differences between the two agencies in recent times. He also noted that this has been confusing for some of his clients, that the current requirements of a permit continue even if the permit has expired and there is talk of new and different requirements being imposed under the new permit. Ms. Dineen noted that the EPA staff person she has been working with has given her information on how to apply to have the fine reduced or waived, and she will be following that process. Ms. Valente noted that the payment of the fine will come from the Conservation Office budget.

The Selectmen also asked that our State and Federal senators and representatives be made aware of the EPA action to fine for a late report rather than simply making a demand for the report, given the Town is otherwise in full compliance on all substantive actions that the permit requires.

Chairman O'Brien wrapped up the meeting with recommending that the Board approve signing the settlement letter, Ms. Dineen should pursue the request process to have the fine reduced, and that staff put in place extra measures to insure this deadline is never missed in the future.

Selectman Drobinski moved that the Board authorize the signing of the settlement letter and payment of the fine by the Town. Vice Chairman Haarde seconded the motion, and it was unanimously

VOTED: To authorize the signing of the EPA settlement letter by the Chairman of the Board and further to authorize payment of the \$6,000 fine.

There being no further business, the meeting adjourned at 9:00 a.m.

Attest: _____
Maureen G. Valente
Town Manager – Clerk