

The Westborough Treatment Plant Board (WTPB) was established in 1979 via town meeting action in both the Towns of Westborough and Shrewsbury, State Legislation, and the ensuing Inter-municipal Agreement (IMA) dated September 11, 1979 as amended. The WTPB is comprised of 3 members from the Town of Shrewsbury and 3 members from the Town of Westborough. The WTPB's function is to control and oversee the operation of the plant. Per the IMA the Town of Westborough is to front the monies for the operations and for capital improvements. The Town of Shrewsbury is to reimburse the Town of Westborough semi-annually based upon flow percentages.

The two towns undertook Facility Plans (comparable to the CWMP of the early 2000's referenced below). The Town of Westborough included in its Facility Plan a supplement for the treatment plant. The flows recommended by the two Facility Plans was 7.68 million gallons per day (mgd).

The Town of Hopkinton expressed a desire to send wastewater to the plant. Neither town wanted to allow this, but the EPA and DEP had 90% funding available, and informed the two towns that if they wanted the 90% funding, they would need to allow the Town of Hopkinton to send up to 0.4 mgd to the plant. The Board agreed, but asked for the flow to be increased by 0.4 mgd to 8.28, but was denied by the EPA and DEP.

That is where the 7.68 mgd flow restriction originated.

The flow that the plant can discharge is governed by the National Pollutant Discharge Elimination System (NPDES) permit. The current permit was effective May 1, 2022 and is scheduled to expire 5 years after the effective date. The previous permit was effective in May 2005 and lasted 15 years.

The two towns and the WTPB undertook a Comprehensive Wastewater Management Plan at the request of Massachusetts Department of Environmental Protection (DEP). The objective of the CWMP was primarily to determine the expected flows from the two towns and also the optimal method of treating phosphorus to a limit in the neighborhood of 0.1 or 0.2mg/l. The buildout flow from the two towns was determined to be 8.82 mgd (including Hopkinton's 0.4 mgd).

The two towns were notified in the draft NPDES permit issued on July 24, 2004 that the discharge flows would remain at 7.68 mgd. (Please refer to the April 8, 2005 CWMP Wastewater Allocation Study (WAS) for the Town of Westborough). As explained in the WAS this limit of 7.68 mgd would require the construction of groundwater discharge systems if the two towns desired to pursue the buildout flow of 8.82 mgd. Groundwater Discharge sites were analyzed in the CWMP and determined to be financially unfeasible. The two towns agreed to re-evaluate the original flow projections and to develop strategies for limiting the flow to the 7.68 mgd value. In order to achieve this re-evaluation, the two towns undertook their own Flow Allocation Studies, Westborough's was dated April 8, 2005 and Shrewsbury's was dated March 2005.

Each Town had an article that would request State legislation which would allow the two towns to limit their flows to the plant. The Town of Westborough's article was Article 37 of the 2005 ATM.

Representative Karyn Polito sponsored the bill along with Senator Edward Augustus. Refer to Representative Polito's July 28, 2005 letter to Chairwoman Resor and Chairman Smizik. The bill would allow the two towns to amend the IMA to restrict flows. Refer to Chapter 107 of the Acts of 2005. Subsequently, Chapter 51 of the Acts of 2006 was approved March 31, 2006 to allow the Town of

Shrewsbury to restrict flows. And Chapter 278 of the Acts of 2006 was approved August 30, 2006 to allow the Town of Westborough to restrict flows.

Amendment No 5 to the IMA was signed by both Boards of Selectmen and was dated February 14, 2007. Amendment No.5 limited the flows for the Town of Westborough at 2.89 mgd and the Town of Shrewsbury at 4.39 mgd. The values in Amendment No. 5 were a compromise each town made relative to the buildout projection versus the permitted flow limit.

Historically since 2005, Westborough flows have averaged 2.064 mgd and Shrewsbury flows have averaged 3.491 mgd. The 12-month running average, which would be used relative to the flow limits, is 2.406 mgd for the Town of Westborough and 4.13 mgd for the Town of Shrewsbury.

How to increase the permitted flow at the plant?

The simple resolution would be for both towns to agree to increase their flows, and to have EPA, DEP, and the environmental groups agree. EPA and DEP had expressed, during the CWMP, that the only way they would consider this request is if the plant treats the various limited wastewater parameters so the same amount is discharged into the river. This would be based upon the weight, not the concentration. I would expect the two towns would continue to be invoiced for Operation and capital costs based upon flows. But I would also expect they would need to pay for the extra costs associated with the treatment of the Town of Hopkinton's flows. Unless of course the two towns agree that the Town of Hopkinton can increase its flows.

But if one town wants to increase the flow and not the other, I would expect it would need to pay for the extra treatment for the entire flow. I also expect it would also need to pay for any capital improvements relative to the added flow above 7.68 mgd.

The City of Marlborough did request an increase and agreed to lower treatment limits. They received their permit, but the environmental groups appealed and EPA withdrew the permit.

If the legal aspects (between the towns and also relative to EPA and DEP) of the flow increase are agreed upon, then a CWMP would be needed as a start. Then design and construction of any necessary improvements.