

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston – Northeast Regional Office

JANE SWIFT
Governor

BOB DURAN
Secretary

LAUREN A. LI
Commissioner

May 1, 2001

Richard A. Nylen, Jr.
Lynch, DeSimone, & Nylen, LLP
12 Post Office Square
Boston, MA 02109

Re: Administrative Consent Order. In the Matter of the Feoffees of the Grammer School, ACO-NE-99-1017

Dear Mr. Nylen:

On behalf of the Department of Environmental Protection (the "Department" or "DEP"), I am writing to respond to your letter dated April 19, 2001. In that letter, you request that the Department suspend the obligations of the Feoffees of the Grammer School (the "Feoffees") under Administrative Consent Order ACO-NE-1017 (the "Consent Order"). As grounds for this request, you state that the Town of Ipswich (the "Town") has appropriated \$300,000 for environmental review of the issue of whether the sewer system shall be extended to Little Neck. You stated that a consultant will be hired during this fiscal year to conduct the environmental review. You further state that the environmental review will take one year and that you expect that the Town will make a decision on the sewer extension by October 31, 2002.

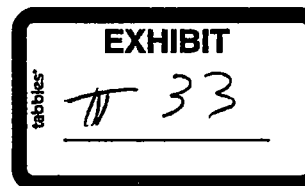
In response to this request, the Department states that it is the present intention of DEP to exercise its enforcement discretion and refrain from taking any action for the Feoffees' failure to perform the work required by Paragraphs 19 through 33 of the Consent Order provided that the Feoffees (a) keep the Department informed of the Town's progress in completing the environmental review including without limitation the name and qualifications of the consultant performing the review and the date that he is hired, the scope of work of the environmental review, the recommendations of the draft report, and the recommendations of the final report, and the Town's decision; (b) proceed with the work required by Paragraphs 19 through 33 on a schedule eighteen months later that the dates provided therein unless the Town has decided on or before October 31, 2002 to extend the municipal sewer system to Little Neck; (c) within 90 days of a decision by the Town, the Feoffees execute an Amended Consent Order that is consistent with that decision, the Consent Order and this letter; (d) all septic systems serving the residences on the property are inspected prior to transfer and (e) interim measures including without limitation frequent pumping and the installation of tight tanks, are promptly implemented to address any imminent threats to the public health and the environment such as break out or backup whether such threats are discovered as a result of inspections or otherwise. If the conditions set forth above are not met, the Department reserves its right to take whatever action it deems appropriate to bring the Feoffees into compliance including the assessment of stipulated penalties.

The Department trusts that this letter adequately responds to your April 19, 2001 letter. Please do not hesitate to contact me, if you have any questions about the matters discussed in this letter. I can be reached at 978-661-7759.

Very truly yours,

Madelyn Morris

Madelyn Morris
Deputy Regional Director
Bureau of Resource Protection



This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

205A Lowell St. Wilmington, MA 01887 • Phone (978) 661-7600 • Fax (978) 661-7615 • TDD# (978) 661-7679



Printed on Recycled Paper