



**PERFORMANCE WORK STATEMENT**  
**Work Assignment No. 2-20**

**I. ADMINISTRATIVE**

**A. Title: Stormwater Utility Feasibility Evaluation**

**B. Contract Officer Representative  
(COR):**

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**Alternate (as applicable)**

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**C. Quality Assurance:**

The tasks in this work assignment do not require environmental measurements. Consistent with the Agency's quality assurance (QA) requirements, the contractor does not need to supplement the programmatic quality assurance project plan (PQAPP).

**D. Background:**

The Charles River is one of the most historically and culturally significant rivers in the United States. The headwaters of the Charles River are in Hopkinton, Massachusetts. From there, the river flows through the municipalities of Milford, Bellingham, Franklin, and then numerous downstream communities. The river eventually flows between Boston and Cambridge before emptying into Boston Harbor. The river and its adjacent parkland are widely used for recreation, including windsurfing, sailing, and rowing. However, the river has a history of severe water quality problems.

Although much has been done to reduce bacterial contamination, the Charles continues to be impaired by discharges of polluted stormwater - in particular, by discharges of phosphorus, which have caused dramatic plant and algae growth in the river, including large blooms of toxic algae.

Sources of phosphorus in the Charles River are numerous and include dust and dirt, decaying organic matter, lawn fertilizers, soils, engine exhaust, and pet waste. Phosphorus tends to collect on impervious surfaces, such as pavement and roofs, and is then carried to the river by stormwater runoff. Land uses with a high percentage of impervious surfaces tend to contribute a proportionally high volume of phosphorus to the river. Those same areas also contribute a high volume of other pollutants, such as pathogens and metals. The control technologies that will reduce phosphorus will also reduce loads of these other pollutants.

The Clean Water Act authorizes EPA to control stormwater pollution by designating certain categories of stormwater discharges as requiring Clean Water Act permits. For example, EPA may require permits for discharges which contribute to violations of water quality standards, or which are needed to implement a "total maximum daily load" (TMDL) for an impaired water. Massachusetts Department of Environmental Protection (MassDEP) and EPA established a TMDL for discharges of phosphorus into the lower Charles River. A TMDL determines how much of a pollutant a body of water can assimilate without exceeding its water quality standard for that pollutant. A portion of this TMDL assigns a load to the Charles River above the Watertown Dam. This load from the watershed upstream of the Dam needs to be reduced by 48% to meet the TMDL

The Regional Administrator of EPA Region I has made a preliminary decision that a more stringent small municipal separate storm sewer system (MS4) general permit with phosphorus reduction requirements, and a residual designation general permit to reduce stormwater discharges from industrial, commercial and large residential properties are necessary to meet the TMDL. For properties subject to the residual designation, permits will be required for facilities which discharge stormwater from two or more acres of impervious surfaces, including roofs and paved areas. The proposed residual designation general permit addresses facilities in the Charles River watershed which are located within the municipalities of Milford, Bellingham, and Franklin, Massachusetts.

The successful control of stormwater discharges within the towns of Milford, Bellingham and Franklin will depend upon the availability of funding, and the coordination and implementation of structural and non-structural stormwater best management practices (BMPs). A stormwater utility can be an effective approach to management and funding of stormwater-related controls generally; for the towns of Franklin, Bellingham and Milford, one or more stormwater utilities may well be essential for reducing the costs of BMP implementation. In fact, the proposed residual designation general permit contains a provision for creation of a Certified Municipal Phosphorus Program (CMPP). A stormwater utility, or similar structure, could serve as a mechanism to optimize a coordinated implementation of the MS4 and Residual Designation permits. The cost of a CMPP could be funded by a stormwater utility. The purpose of this project is to evaluate the feasibility of and provide recommendations and facilitation for establishing one or more stormwater utilities for the Upper Charles River communities of Bellingham, Franklin and Milford, Massachusetts.

The completion of this project will likely facilitate reductions in phosphorous loading to the upper Charles River basin (incl. wetlands, ponds, lakes, tributaries, as well as the main stem of the Charles River) by virtue of a more coordinated implementation of the TMDL. It is also likely to facilitate a reduction of other pollutants, including nitrogen, sediment and bacteria, and provide for recharge of groundwater aquifers for drinking water and other uses. Lastly, this project will likely inform and otherwise be used as a model for the formation of stormwater utilities elsewhere in the region and nation.

For the purposes of this work assignment, "stakeholders" refers to and may include representatives of EPA, MassDEP, the municipalities of Franklin, Bellingham and Milford, Massachusetts, representatives of privately-owned facilities within the municipalities, and other interested parties as appropriate (e.g., elected officials).

More information on the Region 1 Administrator's preliminary decision to issue stormwater permits to municipalities within the upper Charles River watershed is available at: <http://www.epa.gov/region1/npdes/charlesriver/index.html>

## **II. OBJECTIVE:**

The purpose of the Stormwater Utility Feasibility Evaluation project is: within a collaborative framework that will include EPA New England, MassDEP and the Upper Charles River communities of Bellingham, Franklin and Milford, Massachusetts, the contractor shall develop a stormwater utility feasibility report which shall include recommendations on the mechanics of formation and feasibility of establishing one or more stormwater utilities. The Stormwater Utility Feasibility Report shall be structured so that utility recommendations can be transferred to other Charles River watershed municipalities. The end of the period of performance for this WA is May 31, 2011. A new Work Assignment will be initiated if the time for completion of this project is estimated to be greater than the approximate eight (8) month period of performance under this contract and work assignment.

### **III. TASK DETAIL:**

The contractor shall provide technical assistance to EPA Region 1 by developing within a collaborative framework a feasibility evaluation including recommendations for establishing one or more stormwater utilities for the Upper Charles River communities of Bellingham, Franklin and Milford, Massachusetts.

The contractor shall perform the following tasks:

#### **Task 0: Work Plan and Budget Development**

The contractor shall prepare for EPA approval a detailed Stormwater Utility Feasibility Evaluation work plan (hereafter, "Work Plan") and budget for the accomplishment of the indicated tasks in accordance with the clause Work Assignments (EPAAR 1552.211-74). The Work Plan and budget shall include a description of: (a) proposed staff; ((b) the number of hours and labor classifications proposed for each task, to include both prime contractor and subcontractor labor; and (c) a list of deliverables, with due dates and schedule for deliverables. This task also includes telephone conferences (likely every two (2) weeks) between the Contracting Officer Representative(s) (COR) and the Project Manager (PM) (as appropriate), each approximating one (1) hour in duration, to coordinate and confirm task performance. The contractor shall include provisions for submitting monthly progress and financial reports pursuant to Attachment 2 to the contract.

For this purpose of developing a budget, the contractor shall provide for attendance at meetings (assume a minimum of four (4) meetings) with EPA, MassDEP, representatives from the municipalities of Bellingham, Franklin and Milford, Massachusetts, and others. In addition, to facilitate an understanding of and appreciation for stormwater utilities, the contractor shall provide for meetings with each municipality; assume two (2) meetings per municipality. Meetings are characterized generally as "Scoping Meetings" (Task 1) and "Stakeholder Review Meetings" (Tasks 2 and 3). However, because of the anticipated highly collaborative nature of this project, the actual number of meetings that will be required is uncertain and could change depending upon needs and circumstances. The Contractor should therefore include in its budget a per-meeting cost based on time and travel to Franklin, Bellingham and/or Milford, Massachusetts. Assume two (2) to four (4) hours will be required per meeting (not including travel time) and each meeting will be held in person at Bellingham, Franklin or Milford, Massachusetts. Depending on circumstances, some meetings may be held by teleconference. EPA will determine and coordinate the most appropriate time and location (e.g., Bellingham, Franklin or Milford, Massachusetts) for all meetings based on input from all stakeholders.

#### **Task 1: Scoping Meetings**

1.1 The contractor shall attend at least two (2) scoping meetings with stakeholders. The purpose of the scoping meeting(s) will be to discuss the background and logistical requirements for the Stormwater Utility Feasibility Evaluation and subsequent Stormwater Utility Feasibility Report (Task 2).

1.2 The contractor shall memorialize in writing a summary or notes of stakeholder discussion(s) during the scoping meetings, and the outcomes, recommendations and/or conclusions from each scoping meeting (hereafter, "Scoping Meeting Documentation"). The contractor shall provide the Scoping Meeting Documentation to the EPA COR for review and approval.

#### **Task 2: Conduct Stormwater Utility Feasibility Evaluation and Stakeholder Review Meetings**

2.1 The contractor shall conduct a feasibility evaluation for establishing one or more stormwater utilities for the Upper Charles River communities of Bellingham, Franklin and Milford, Massachusetts in accordance with the Work Plan and scoping meetings.

For purposes of conducting the Stormwater Utility Feasibility Evaluation, the contractor shall at a minimum refer to a November 1998 guidance developed by the Massachusetts Pioneer Valley Planning Commission (PVPC) entitled, "How to Create a Stormwater Utility (or Stormwater Management Program)". The PVPC issued this detailed guide to establishing a stormwater utility to operate and maintain a community's or area's stormwater management infrastructure. This guide is available from the Massachusetts Department of Environmental Protection website at <http://www.mass.gov/dep/water/wastewater/stormwat.htm>. A direct link to the guide is: [http://www.pvpc.org/web-content/docs/landuse/storm\\_util.pdf](http://www.pvpc.org/web-content/docs/landuse/storm_util.pdf).

The contractor shall also review and consider:

- provisions in the Residual Designation permit and its fact sheet that relate to the formation and functioning of a Certified Municipal Phosphorous Program. The draft general permit and fact sheet for residually designated discharges in Milford, Bellingham, and Franklin, Massachusetts are available at: <http://www.epa.gov/region1/npdes/charlesriver/index.html>;
- information that may be available from stormwater utilities or similar structures in other New England jurisdictions, such as Newton, MA, Reading, MA, South Burlington, VT, Lewiston, ME and the Long Creek Watershed in Maine. EPA can provide information on these utilities, including contact information. Consideration of utilities in jurisdictions outside of the Region may be relevant or otherwise helpful (e.g., Chesapeake Bay);
- a FY10 Region 1 Wetland Program Development Grant Proposal submitted to EPA Region 1 on May 20, 2010 and on behalf of the towns of Bellingham, Franklin and Milford (hereafter, "grant proposal"). This grant proposal may be based in large part on the above-referenced PVPC guidance. This grant proposal can be made available to the contractor as an Adobe Acrobat (\*.pdf) file for the purposes of Tasks 0 and 1; and
- a May 2005 report published by the New England Environmental Finance Center, entitled "Stormwater Utility Fees: Considerations & Options for Interlocal Stormwater Working Group (ISWG)". A direct link to this report is: <http://efc.muskie.usm.maine.edu/docs/StormwaterUtilityFeeReport.pdf>.

For this project, and because of the Regional Administrator's proposed decision to employ a more stringent permitting approach, it is assumed that a specific integrated public education component or program is not a necessary prerequisite for conducting Task 2.

In assessing the feasibility and providing recommendations for one or more stormwater utilities, the contractor shall provide for inclusion of a mechanism to plan for the development of a stormwater master plan, a Phosphorus Control Plan (PCP), and/or a Certified Municipal Phosphorus Program (CMPP). These plans will provide a framework for the utility to manage watershed activities consistent with proposed permitting requirements to develop geographically-defined wetland protection, restoration, and management plans.

2.2 The contractor shall as necessary solicit - or as requested, respond to - stakeholder input during the conduct of its evaluation, but should at a minimum plan to meet with stakeholders both at an approximate midpoint of its evaluation (1<sup>st</sup> Stakeholder Review Meeting) and prior to producing a written report at the conclusion of its evaluation (2<sup>nd</sup> Stakeholder Review Meeting).

The purpose of meeting at an approximate midpoint of the conduct of the evaluation is to provide an opportunity for discussion of any preliminary findings and make any adjustments as appropriate (e.g., based upon preliminary results of the evaluation, it may be prudent or otherwise appropriate to concentrate the remainder of the evaluation on the feasibility and mechanics of a regional stormwater utility rather than separate and independent utilities). EPA will determine the most appropriate time and location for this meeting based on input from all stakeholders.

The purpose of meeting at the end of the evaluation and prior to development of a written report shall be to present and discuss with stakeholders what are the likely conclusions and recommendations of the feasibility evaluation. The results of this meeting shall be used to inform stakeholders of evaluation progress and for the development of the Stormwater Utility Feasibility Evaluation report (Task 3). EPA will determine the most appropriate time and location for this meeting based on input from all stakeholders.

2.3 The contractor shall memorialize in writing a summary or notes of each Stakeholder Review Meeting, including the outcomes, recommendations and/or conclusions from each meeting (hereafter, "Stakeholder Review Meeting Documentation"). The contractor shall provide the Stakeholder Review Meeting Documentation to the EPA COR for review and approval.

### **Task 3: Develop Stormwater Utility Feasibility Evaluation Report**

Following the 2<sup>nd</sup> (or depending on circumstances, the last) Stakeholder Review Meeting to discuss the likely conclusions and recommendations of the feasibility evaluation, the contractor shall develop a draft written report summarizing the findings, conclusions and recommendations of the stormwater utility feasibility evaluation (Task 2).

The report shall contain specific recommendations on the legislative and administrative mechanics for promulgation by each municipality; and if appropriate, promulgation mechanics for a regional or district utility structure that can be employed by the municipalities and potentially be used as a model for other Charles River municipalities.

The contractor shall use available BMP implementation cost estimates, as refined by both expert professional judgment and any additional relevant information that may become available during conduct of Task 1 or 2, for use in developing recommended stormwater utility rates and rate structures.

The report shall be submitted to EPA within forty-five (45) days of the last Stakeholder Review Meeting to discuss likely conclusions and recommendations. The draft report shall be submitted in both Microsoft Word and Adobe Acrobat formats. The contractor shall incorporate into the report comments (if any) received from EPA on behalf of all stakeholders. Upon the receipt of comments (if any) from the EPA COR, the contractor shall re-submit (if necessary) the final report to the EPA COR.

IV. SCHEDULE OF DELIVERABLES:

TASK No.	DELIVERABLES	DATE DUE TO EPA
<b>Task 0: Work Plan and Budget Development</b>	Work Plan and Budget	Work Plan and Budget within twenty (20) days of receipt of Work Assignment (WA).
	Progress and financial reports	Monthly
<b>Task 1: Scoping Meetings</b>		
<b>1.1 Attend minimum of two Scoping Meetings</b>	Attend Scoping Meeting(s)	Scoping Meeting(s): as needed; assume two (2) within thirty (30) days of EPA approval of the Work Plan and budget.
<b>1.2 Develop Scoping Meeting Documentation</b>	Scoping Meeting Documentation	Within seven (7) days of each Scoping Meeting
<b>Task 2: Conduct Stormwater Utility Feasibility Evaluation, and Stakeholder Review Meetings</b>		
<b>2.1 Conduct Stormwater Utility Feasibility Evaluation</b>	Conduct Feasibility Evaluation	Five (5) months from EPA approval of the Work Plan and budget
<b>2.2 Stakeholder Review Meetings</b>	1 <sup>st</sup> Stakeholder Review Meeting	1 <sup>st</sup> Stakeholder Review Meeting: upon EPA request (approximately three (3) months after EPA approval of the Work Plan and budget
	2 <sup>nd</sup> Stakeholder Review Meeting	2 <sup>nd</sup> Stakeholder Review Meeting: five (5) months after EPA approval of the Work Plan
<b>2.3 Develop Stakeholder Review Meeting Documentation</b>	<b>Stakeholder Review Meeting Documentation</b>	Within seven (7) days of each Stakeholder Review Meeting
<b>Task 3: Stormwater Utility Feasibility Evaluation Report</b>	Draft Stormwater Utility Feasibility Evaluation Report	Draft Feasibility Evaluation Report: fifteen (15) days after 2 <sup>nd</sup> or last Stakeholder Review Meeting and EPA approval of 2 <sup>nd</sup> or last

		Stakeholder Review Meeting.
	Final Feasibility Evaluation Report	Final Feasibility Evaluation Report: one (1) month after receipt of all comments from the EPA COR

## V. Miscellaneous

### Software Application Files and Accessibility

Software Application files, if delivered to the Government, shall conform to the requirements relating to accessibility as detailed to the 1998 amendments to the Rehabilitation Act, particularly, but not limited to, § 1194.21 Software applications and operating systems and § 1194.22 Web-based intranet and internet information and applications. See: <http://www.section508.gov/>

Preferred text format: Microsoft Word, 8.0 or higher (Office 2003 or higher)

Preferred presentation format: Microsoft Power Point, Office 2003 or higher, webinar compatible

Preferred graphics format: Each graphic is an individual GIF file

Preferred portable format: Adobe Acrobat, version 9.0

Preferred GIS Format: ArcInfo Shapefiles or other ArcInfo-compatible format

All models, examples, forms, or materials developed for this project under this contract shall be given to EPA for its own use.

## VI. Quality Assurance Surveillance Plan

All task(s) identified in the performance work statement above are subject to review and approval by the EPA COR based on the general guidelines of the contract quality assurance surveillance plan regarding: Programmatic, cost control, timeliness/deliverables, and document development standards. Additional project specific quality assurance surveillance plan requirements are identified below.

<u>Performance Requirements</u>	<u>Performance Standards</u>	<u>Surveillance Methods</u>
Performance Standards are applicable to all Performance Work Statement (PWS) requirements and will be utilized to determine eligibility for Award Term Options.		
<u><b>Programmatic Requirement:</b></u> The Contractor shall develop products that are based on best available information and resources.	<u><b>Programmatic Standard:</b></u> Outputs are based on best available information and resources; Documentation of sources used, not used, and limitations of available information.	EPA will review all products for conformance with the requirements of the Safe Drinking Water Act Amendments, Clean Water Act and other related mandates, including Small Business Regulatory Enforcement Fairness Act 1996 (SBREFA) and Unfunded Mandates Reform Act of 1995 (UMRA).
<u><b>Cost Control Requirement</b></u> The Contractor shall perform all work in an	<u><b>Cost Control Standard:</b></u> Implementation of cost control system to monitor and track project status, that	The EPA Project Officer will routinely discuss the work progress and contract level and work



efficient and cost effective manner, applying cost control measures where practical.	indicate level of budget utilized and forecast remaining budget needs to complete project. The Contractor shall notify project COR immediately in cases where issues impact project cost are identified.	assignment expenditures with the Project Manager. The COR will maintain regular contact with the Contractor's designated work assignment /project manager to discuss work assignment progress and expenditures and will review and verify expenditures and technical progress before invoice payments are authorized.
<b><u>Schedule Requirement</u></b> The Contractor shall provide services and submit deliverables in accordance with approved work assignment milestone and deliverable schedules.	<b><u>Schedule Standard:</u></b> Services and deliverables shall be in accordance with schedules stated in each task order. Unless amended or modified by an approved EPA action, a deliverable that is received 7-days past the due date, will be considered unsatisfactory performance.	EPA will closely monitor task milestone and deliverable schedules and review the Contractor's Monthly Progress Reports and any special reporting requirements to compare actual delivery dates to those approved in the work assignment.
<b><u>Document Development Requirement:</u></b> The Contractor shall provide documents that are technically and factually accurate, and suited to the intended audience.	<b><u>Document Development Standard:</u></b> Information to be disseminated by EPA will meet the requirements of the Office of Management and Budget's (OMB) "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity for Information Disseminated by Federal Agencies (67 FR 8451)"	The COR will review drafts to assess technical accuracy and editorial quality. The COR will identify all inaccuracies and needed edits and corrections to the Contractor in the initial review of draft documents