

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND OFFICE
1, CONGRESS STREET, SUITE 1100, (CPE)
BOSTON, MASSACHUSETTS 02114-2023

FACT SHEET

DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

NPDES PERMIT NO. : MA0003379

NAME AND ADDRESS OF APPLICANT:

Aerovox, Inc.
740 Belleville Ave.
New Bedford, MA 02745

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Aerovox, Inc.
740 Belleville Ave.
New Bedford, MA 02745

RECEIVING WATER: Acushnet River/New Bedford Harbor

CLASSIFICATION: SB

I. Proposed Action, Type of Facility and Discharge Location.

The above named applicant has applied to the U.S. Environmental Protection Agency for re-issuance of its NPDES permit to discharge into the designated receiving water. The facility is engaged in the manufacture of capacitors. However, due to PCB contamination in the building, the facility will cease operations during the summer of 2000. The discharge consists of stormwater runoff.

II. Description of Discharge.

A quantitative description of the discharge in terms of significant effluent parameters based on testing data will be found in the application.

III. Limitations and Conditions.

The effluent limitations and the monitoring requirements may be found in the draft NPDES permit.

IV. Permit Basis and Explanation of Effluent Limitations

Aerovox's facility at 742 Bellevue Avenue, New Bedford is engaged in the manufacture of capacitors for the electrical and electronics industry. However, due to manufacturing operation over the years, the plant building is heavily contaminated with PCBs. As a result, in September 1999, EPA and Aerovox entered into an Administrative Order on Consent, Docket No. RCRA-1-99-0054. According to this order Aerovox will cease all manufacturing operations, relocate to a new facility, and demolish the building. After the demolition of the building, Aerovox will ensure the proper disposal of PCB wastes and the construction of a protective cap over the site. At that time there will not be any discharge of non-contact cooling water through the existing outfall 001. We have assumed that by the effective date of the reissued permit outfall 001 will be terminated. Therefore, it is excluded from the draft permit. The facility discharges stormwater through outfalls 003, 005, 006, and 007. The outfalls 003, 005, 006 and 007 were not included in the previous permit because stormwater was not regulated when the permit was issued during 1975.

Development of Permit Limitations

EPA is required to consider technology and water quality requirements when developing permit effluent limits. Technology based treatment requirements represent the minimum level of control that must be imposed under Sections 402 and 301(b) of the Act (see 40 CFR 125 Subpart A) to meet Best Practicable Control Technology Currently Available (BPT), Best Conventional Control Technology (BCT) for conventional pollutants and Best Available Technology Economically Achievable (BAT) for toxic pollutants.

EPA regulations require NPDES permits to contain effluent limits more stringent than technology-based limits where more stringent limits are necessary to maintain or achieve federal or state water quality standards.

Under Section 301(b)(1)(C) of the Clean Water Act (CWA), discharges are subject to effluent limitations based on Water Quality Standards. The Massachusetts Surface Water Quality Standards include the requirements for the regulation and control of toxic constituents and also require that EPA criteria established pursuant to Section 304(a) of the CWA shall be used unless site

specific criteria are established. The State will limit or prohibit discharges of pollutants to surface waters to assure that surface water quality standards of the receiving waters are protected and maintained or attained.

In the absence of technology-based guidelines, EPA is authorized to use Best Professional Judgement (BPJ) to establish effluent limitations, in accordance with Section 402 (a)(1) of the CWA.

The permit must limit any pollutant or pollutant parameter (conventional, non-conventional, toxic, and whole effluent toxicity) that is or may be discharged at a level that caused, has reasonable potential to cause, or contributes to an excursion above any water quality criterion. An excursion occurs if the projected or actual instream concentrations exceed the applicable criterion. In determining reasonable potential, EPA considers existing controls on point and non-point sources of pollution, variability of the pollutant in the effluent, sensitivity of the species to toxicity and, where appropriate, the dilution of the effluent in the receiving water.

A permit may not be renewed, reissued, or modified with less stringent limitations or conditions than those contained in the previous permit unless in compliance with the anti-backsliding requirement of the CWA.

EPA's anti-backsliding provisions found in Section 402(o) and 303(d)(4) of the CWA and in 40 CFR 122.44(l) restrict the relaxation of permit limits, standards, and conditions. Anti-backsliding provisions require that limits in the reissued permit must be at least as stringent as those of the previous permit, unless specific conditions are met.

Polychlorinated Biphenyls (PCBs)

PCBs are present in the storm water discharge due to past use at the facility. The existing permit did not cover stormwater discharges. Hence no DMRs are available for PCBs. Recent test data shows that total PCB content in storm water varies between 2.0 to 5.0 ug/l. EPA has not promulgated effluent guidelines for storm water from this type of facility, nor has it developed effluent limitations for PCBs in storm water from this type of facility pursuant to 402(p) of the CWA.

A review of ambient data in New Bedford Harbor collected by EPA for the Superfund clean-up in 1987 shows that water column PCB

concentrations for the site closest to Aerovox's discharge is about 1.02 ug/l. The New Bedford Superfund data may not be an accurate assessment of typical background PCB levels since the data was collected during sediment dredging operations. A true water quality based limit cannot be determined until the sedimentation remediation work is completed and background PCB levels are determined. It is reasonable to assume that remediation of the high concentration of PCBs in the sediments will result in improved background concentrations of PCBs.

The EPA-recommended aquatic chronic criteria for PCBs in salt water is .03 ug/l; the human health criteria for consumption is .00017 ug/l.

Based on the above discussions EPA requires the permittee to monitor and report PCBs as stated in the draft permit. The permittee is required to use EPA proposed method 680, which has a lower detection limit. Following the expiration of the re-issued permit EPA plans to evaluate the PCB concentrations in the receiving water and in the discharge, and if necessary, a water quality based limit will be imposed in the permit. However, if during the term of this re-issued permit additional data on receiving water quality is developed which supports the need for a water quality based limit or if concentrations of PCBs discharged by the permittee increase, EPA and DEP will consider modifying the permit.

Oil and Grease

The numerical limitation for oil and grease is based on state certification requirements under Section 401(a)(1) of the CWA, as described in 40 CFR 124.53 and 124.55. This limitation is also in accordance with the Massachusetts Surface Water Quality Standards.

pH

State water quality standards require the pH shall be in the range of 6.5 - 8.5 standard units and not more than 0.2 units outside the normally occurring range. EPA is requiring this facility to monitor the pH of the stormwater discharge without limit. Monitoring the pH of the stormwater may not provide an indication of the effectiveness of the stormwater pollution prevention plan because of the influences of factors other than the facility's past industrial activities on the pH of the discharge (e.g. acid rain). However, the result of pH monitoring can be helpful in characterizing potential contamination of stormwater discharge.

V. Storm Water Pollution Prevention Plan (SWPPP)

Pursuant to Section 304(e) of the CWA and 40 CFR §125.103(b), Best Management Practices (BMPs) may be expressly incorporated into a permit on a case-by-case bases where necessary to carry out Section 402(a)(1) of the CWA. The Aerovox facility engages in operations which could result in the storm water discharge of pollutants to waters of the United States. These operations include at least one of the following from which there is or could be site runoff: material storage, in-facility transfer, material processing, material handling, or loading and unloading. The permit requires this facility to develop a SWPPP plan as outlined in the attachment A of the draft permit.

The permit requires the permittee to develop the SWPPP within 90 days after the effective date of the permit.

The SWPPP becomes an enforceable element of the permit upon the effective date of the permit. Consequently, the SWPPP is as enforceable as any effluent limits on the discharges.

The effluent monitoring requirements have been established to yield data representative of the discharge under the authority of Section 308(a) of the CWA in accordance with 122.41(j), 122.44(i) and 122.48.

VI. Antidegradation

This draft permit is being reissued with stormwater only. The discharge of non-contact cooling water has been eliminated. The State of Massachusetts has indicated that there will be no lowering of water quality and no loss of existing water uses and that no additional anti-degradation review is warranted.

VII. Essential Fish Habitat Determination (EFH)

Under the 1996 Amendments (PL 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.(1998)), EPA is required to consult with National Marine Fisheries Services (NMFS) if EPA's action or proposed actions that it funds, permits, or undertakes, may adversely impact any essential fish habitat. 16 U.S.C. § 1855(b). The Amendments broadly define essential fish habitat as: waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. 16 U.S.C. § 1802(10). Adversely impact means any impact which reduces the quality and/or quantity of EFH. 50 C.F.R. § 600.910(a).

Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Essential fish habitat is only designated for fish species for which federal Fisheries Management Plans exist. 16 U.S.C. § 1855(b)(1)(A). EFH designations for New England were approved by the U.S. Department of Commerce on March 3, 1999.

Attached is a list of species with designated EFH in New Bedford Harbor (see Attachment A).

This is a re-issuance of the existing permit to include stormwater only with the elimination of non-contact cooling water. The effluent is discharged into the Acushnet River/New Bedford Harbor. Monitoring of total PCBs are established in the permit. Chlorine or any other toxic chemicals are not present in the effluent. The permit also requires that the discharge shall not violate the state water surface quality standards.

Based on the above discussions, EPA has determined that a formal EFH consultation with NMFS is not required because the proposed discharge will not adversely impact EFH. However, if adverse effects to EFH do occur as a result of this permit action, or if new information becomes available that changes the basis for this determination, then NMFS will be notified and consultation will be promptly initiated.

VIII. State Certification Requirements

EPA may not issue a permit unless the Massachusetts Department of Environmental Protection with jurisdiction over the receiving waters certifies that the effluent limitations contained in the permit are stringent enough to assure that the discharge will not cause the receiving water to violate State Water Quality Standards. The staff of the Massachusetts Department of Environmental Protection has reviewed the draft permit. EPA has requested permit certification by the State pursuant to 40 CFR 124.53 and expects that the draft permit will be certified.

IX Public Comment Period, and Procedures for Final Decision

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting materials for the arguments

in full by the close of the public comment period, to the U.S. EPA, MA Office of Ecosystem Protection, 1 Congress Street, Suite 1100 (CPE), Boston, Massachusetts 02114-2023. Any person, prior to such date, may submit a request in writing to EPA and the State Agency for a public hearing to consider the draft permit. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit, the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston Office.

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice.

X. EPA Contact

Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays from:

Suproakash Sarker
MA NPDES Permit Unit
Environmental Protection Agency
1 Congress Street, Suite 1100 (CPE)
Boston, MA 02114-2023
Telephone: (617) 918-1693

Signature on File
Date

Linda M. Murphy, Director
Office of Ecosystem Protection
Environmental Protection Agency

Attachment A - List of Species with Designated EFT not available electronically