

**RESPONSE TO COMMENTS DATED DECEMBER 17, 2002**  
**REISSUANCE OF NPDES PERMIT NO. NH0101044**  
**FRANKLIN PIERCE COLLEGE, RINDGE, NEW HAMPSHIRE**

The U.S. Environmental Protection Agency (EPA-New England) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) solicited public comments from October 31, 2002, through November 29, 2002, on the draft National Pollutant Discharge Elimination System (NPDES) permit to be reissued to Franklin Pierce College in Rindge, New Hampshire. This permit is for the discharge of treated wastewater from a privately owned sanitary wastewater treatment works to an Unnamed Wetland Tributary to Pearly Pond.

EPA-New England received only one (1) set of comments during the public-notice (comment) period. The letter was dated November 28, 2002, from Mr. Paul L. Adams, Director, Technical Assistance for Pollution Prevention, Inc. In addition, NHDES-WD questioned the clarity of a sentence in the Draft Permit's Reopener Clause. The following is a list of responses to those comments and any corrections made to the public-noticed permit as a result of those comments.

These three (3) pages of responses and associated comments are complementary to the Fact Sheet and Draft Permit. For the reader to fully understand them, he or she should be familiar with the draft permit, the associated Fact Sheet, applicable federal National Pollutant Discharge Elimination System (NPDES) permit regulations and the State of New Hampshire's Water Quality Statutes, Administrative Rules and Surface Water Quality Regulations effective December 10, 1999.

The effective date of this permit has been set at March 1, 2003, which is a little over 60 days from the anticipated date of issuance. The Agency's general rule for NPDES Permits with comments is to make them effective 60 days following the permit's effective date and to coincide that date with the first day of a month so that the first monthly Discharge Monitoring Report for the reissued permit reflects sampling results for an entire month.

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**Comments from Technical Assistance for Pollution Prevention, Inc.**

**COMMENT NO. 1. –General Comment**

Franklin Pierce College is the only facility in NH that discharges sewage treatment plant effluent to a wetland. NH RSA 485-A Water Pollution and Waste Disposal definition of surface waters includes wetlands, therefore the criteria of NH's Env-Ws 1700 Surface Water Quality Regulations apply to these discharges.

The historical WET data provided with the draft permit shows that cadmium is not being measured to the required accuracy of Env-Ws 1700. That is the WET measured value for cadmium is <0.001 mg/l while the required Env-Ws 1700 value is .00095 mg/l (acute) and .0008 mg/l chronic. Consequently, the WET monitoring requirement should be stated as <.0005 mg/l.

**RESPONSE NO. 1:**

Comment noted.

Values shown in Env-Ws 1700 are the water-quality criteria for various parameters, and for some, existing technology is not capable of measuring down to those criteria levels on a routine basis. For those, and Cadmium is one, EPA-New England has established a “Minimum Quantification Level” (MQL) of 0.001 mg/l in Attachment B - WET test protocol, page 8. Values reported below that are considered unreliable; therefore, WET monitoring requirement cannot be set at 0.0005 mg/l as requested. When EPA’s Regional Laboratory notifies the NPDES permit unit that a lower MQL is appropriate, the WET protocol will be updated.

Accordingly, the commenter’s request is denied.

**COMMENT NO. 2. –General Comment #2**

The Wetlands Bureau, NH Department of Environmental Services should be given the opportunity to comment on this proposed NPDES renewal. A major impact Wetlands Permit is required “when new wastewater facilities are planned to be sited in, near or adjacent to ponds, rivers, lakes, etc.” (the surface waters definition). Since no mention is made of such a permit (which has a five year life), it must be assumed that such does not exist.

Since the effluent receiving body has a zero mixing value, the possibility of heavy metals accumulation in the marshland should be addressed. For example, the median value given for cadmium (a notorious wildlife food chain accumulator) of .00056 mg/l amounts to about 31 grams/day (using 0.14 MGD) baseline). Since a wetland by definition can be assumed to be soil during dry periods, this value of cadmium could soon exceed the background soil standards (1.9 parts/million) which are “...deemed to be protective of human health and the environment”, or, in other words, exceeding this value is contributing to the development of a brownfield. See NHDES “Contaminated Sites - Risk Characterization and Management Policy”, January 1998 particularly Table I and paragraph 1.5 (4).

**RESPONSE NO. 2:**

Comments noted.

As to Public Noticing, the Agency public noticed this draft permit in the Peterborough Transcript and sent copies to NHDES.

This facility is not a “new wastewater facility” for the College had an NPDES permit for its treated wastewater effluent from this site and outfall location at least as far back as 1986. Therefore, according to NHDES-WD personnel, a major impact wetlands permit is not needed.

As to the build up of the theorized cadmium concentrations in the wetlands soil, neither EPA regulations nor the State's Surface Water Quality Regulations contain sediment criteria that can be used to regulate, through NPDES permits, the build-up of toxic sediments in the streambed or in the wetland soils downstream of an outfall. As you know, the State's Surface Water Quality Regulations contain aquatic-life criteria (acute and chronic) to regulate various toxic pollutants in the water column, but these criteria are not applicable to regulate various pollutants attached to streambed sediments such as those downstream of an outfall.

**COMMENT NO. 3. – General Comment #3**

The NHDES Wetlands Bureau needs to become involved in the NPDES permitting process. The NPDES Phase II process will involve many facilities that abut wetlands. The Franklin Pierce draft NPDES is a good example of what will be involved, i.e. effluent discharge to wetlands. I am providing an FYI copy of these comments to the NHDES Wetlands Bureau.

**RESPONSE NO. 3:**

Comment noted.

As a point of information, Franklin Pierce College in Rindge, New Hampshire is not subject to the Phase II (Storm Water only) Rules for the Town of Rindge is not sufficiently urbanized to qualify. (See Appendix 6 of Preamble–Governmental Entities Located Fully or Partially Within an Urbanized Area [FR, Vol. 64, No. 235, pgs. 68722-68851]). In addition, this draft NPDES permit is for the discharge of treated wastewater effluent not storm water so it will not be affected by Phase II rules.

**Comment from NHDES-WD**

The NHDES-WD pointed out that on page 10 of the public-noticed permit under Section **E. REOPENER CLAUSE** the later portion of the second to last sentence (shown in italics below) was unclear. EPA-New England agrees. Accordingly, the unclear sentence in the draft permit of “Section 301(b)(1)(C) requires that a permit include limits that are necessary to protect Federal and State water quality standards *and the adoption of a new criteria for which the permit was not developed to protect fall under that purview.*” was broken into two sentences and rewritten in the issued permit. The issued permit now reads “Section 301(b)(1)(C) requires that a permit include limits that are necessary to protect Federal and State water quality standards. Therefore, if in the future, the State's Surface Water Quality Regulations are changed to include new criteria, such as nutrient (nitrogen and phosphorus) criteria, this permit may be modified and/or reissued to bring it into compliance with that Section of the CWA.”