

RESPONSE TO PUBLIC COMMENT

From January 27, 2003 to February 28, 2003, the United States Environmental Protection Agency (EPA) solicited Public Comments on a draft NPDES permit, developed pursuant to an application from Brookfield Engineering Laboratories for the discharge to an unnamed tributary that eventually leads to the East Branch of the Neponset River. After a review of the comments received, EPA has made a final decision to issue the permit authorizing the discharge. The following response to comment describes the changes and briefly describes and responds to the comments on the draft permit.

A copy of the final permit may be obtained by writing or calling Betsy Davis, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CMA), Boston, Massachusetts 02114-2023; Telephone (617) 918-1576.

A) Comments submitted by Timothy St. Germain, Fuss and O'Neill, February 28, 2003.

Comment #1: Part I - A.1 and A.2, requires continuous flow recording for the purpose of reporting the maximum and minimum daily rates and total flow for each operating date. Brookfield currently maintains flow metering equipment which includes flow totalizing and instantaneous flow measuring capabilities. The equipment does not have flow recording capability, which would allow the reporting of flows for each operating day. If this is required, an implementation schedule would need to be included in the permit. We anticipate that this system modification could be made within 90 days.

Response: The final permit includes a requirement to install a flow meter so that continuous flow recording can be obtained for outfalls 001 and 002 within 30 days from the effective date of the permit. The effective date of the permit is 60 days from the date of signature. See page 4, footnote #2 of the final permit.

The permit becomes effective sixty days from the date of signature, therefore flow samples taken prior to installation of the new flow meter shall be taken as grab samples and recorded on the DMR as grab samples.

Comment #2: Part I - A.1 and A.2, contain average monthly effluent limits for 1,1-dichloroethene (1,1-DCE) of 0.3 micrograms per liter (ug/l), which is based on human health criteria. The current method reporting limit for EPA Method 624 provided by Brookfield's analytical laboratory, ESS Laboratory in Cranston, Rhode Island (MA certification #M-RI002) is 1 ug/l. Since the average monthly effluent limit proposed (0.3 ug/l) is significantly lower than the laboratory's method reporting limit (1 ug/l), we request that an alternative effluent limit be provided for 1,1-DCE.

Response: Effluent limits in NPDES permit are either technology-based limits or water-quality based limits. The limits for 1,1-DCE in the final permit are water-quality based and will remain unchanged from the limits in the draft.

The minimum detection level (ML) using required EPA Method 624 is 1 ug/l therefore sample results of 1 ug/l or less shall be reported as zero on discharge monitoring reports. For effluent limitations less than 1 ug/l, compliance/non-compliance will be determined based on ML.

B) Comment submitted by Cindy Delpapa, Stream Ecologist, Riverways Programs on February 28, 2003.

Comment #3: Footnote # 4 provides a sound avenue to follow should there be an incident resulting in a disruption of treatment and remediation. The almost immediate availability of the results will allow a relatively quick curtailment of flows that have the potential to cause degradation of the receiving water/wetland. Should the results indicate a problem, it seems judicious to include a provision requiring the notification of EPA and DEP should the results from the testing prove problematic and the flow curtailed until both EPA and DEP can review the sampling results.

Response: Footnote #4 on page 4 of the final permit requires that if effluent limits are exceeded, the system must be shut down immediately and the problem corrected. Upon restarting the system, a sample must be taken and there must be a 24 hour turnaround for the result. If the analysis indicates the problem has been corrected, then the sampling schedule shall resume. If not, the system shall remain shut down until the problem is corrected.

Comment #4: Part I.A.3.g. is a decidedly appropriate requirement for an unstaffed treatment system. The pumps and treatment units need to be checked regularly, preferably on a daily basis and not the monthly schedule assigned to the monitoring and sampling aspects of the permit, to guarantee the systems are still working properly. The permit holder should be asked to maintain a log recording, at a minimum, the date, time and condition of the treatment units. It is unclear from the permit and the Fact Sheet if the flow continuous recorder is a remote instrument or if it has a feed capable of notifying appropriate personnel if there is a disruption in flows and a likely problem with the treatment system(s).

Response: On page 5 of the final permit, language has been added to Part I.A.3 (g), that the permittee keep a log at the site and note the condition of both treatment systems each week. The log shall include the condition of the systems, any changes to the systems, the date and the name of the staff reviewing the treatment systems. The log shall be available to EPA upon request.

Comment #5: The Fact Sheet contains the dilution calculations for Outfall 001 discharging to the unnamed stream. The dilution factor is used to determine the maximum concentrations for the volatile organic compounds for both outfalls. The second outfall (002) does not discharge into a waterway but to a wetland resource area. The flow capacity for outfall 002 is more than twice that of outfall 001 (100 gpm vs. 45 gpm). The dilution for this second outfall was not calculated, probably because the discharge is to a wetland resource area but it can be argued that the wetland deserves a high level of protection and the dilution should be considered 1, diluted only by the effluent flow. This would allow for the protection the wetland resource area needs to maintain its function and to avoid impacts to wetland flora and fauna.

Response: The discharge location listed for Outfall 002 in the fact sheet and draft permit is incorrect. Outfall 002 does not discharge to a wetland as stated in the draft permit and fact sheet. Outfall 002 does in fact discharge to the same unnamed tributary draining to

Town Pond then to the East Branch of the Neponset River, the same as outfall 001. Therefore, the dilution factor needs to be considered for both outfalls, and the limits for outfall 002 shall remain the same as in the draft permit.

A correction to page 3 of the final permit reflects the change in the discharge location for this outfall.

Comment #6: The draft permit, a new permit, does not require toxicity testing for the effluent. Given this is a new permit and the receiving waters/wetland resource are small and afford little if any dilution. Wetlands and small tributary streams are also important repositories of sensitive species with the potential to be harmed by the constituents contained in the effluent. Adding a toxicity requirement, at least for a short period of time, would provide the information to show the quality of the effluent and its potential to cause either chronic or acute toxicity.

Response: A toxicity test requirement was not included in the final permit. Historic monitoring data collected at the site indicates the three most prevalent parameters in the groundwater are 1,1,1 - Trichloroethane, 1,1-Dichloroethene, and Tetrachloroethane. EPA has collected data from this site and many others with similar effluent discharges and data indicates that these constituents are effectively treated with air stripping and carbon treatment systems. Monthly analytical reports from the site submitted from the permittee show the results for these parameters as non-detect in the final effluent.

The New Jersey Department of Environmental Protection conducted several acute toxicity tests on discharges resulting from the clean up of gasoline spills which typically include VOCs. The results of those test showed the discharges did not exhibit acute toxicity. Therefore, EPA has limited justification for adding a toxicity test requirement in this permit given the efficiency of the treatment system, the results of this study and the analytical results are reported below the permit limits or as non-detect.

