

RESPONSE TO PUBLIC COMMENTS

From November 14, 2003 to December 13, 2003, the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MA DEP) solicited Public Comments on a draft NPDES permit, developed pursuant to an application from the Town of Mansfield, MA for the Mansfield Water Pollution Abatement Facility. After a review of the comments received, EPA has made the final decision to issue the permit authorizing the discharge. The following response to public comments 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 Michele Cobban Barden, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CPE), Boston, Massachusetts, 02114-2023; Telephone (617) 918-1539.

- A) Comments submitted by Paul J. Diodati, Director, Commonwealth of Massachusetts, Division of Marine Fisheries, dated November 24, 2003.

Comment #1: *Marine Fisheries* believes the control measures, monitoring requirements, and discharge limitations in the draft permit are adequate for the protection of anadromous fishery resources.

Response: EPA acknowledges *Marine Fisheries* participation in the NPDES process.

Comment #2: *Marine Fisheries* reserves the right to amend this finding should discharge conditions other than those stipulated in the draft permit take place and requests timely notification should this occur.

Response: If EPA receives any new information regarding the facility, EPA will evaluate the information according to 40 CFR 122.62.

- B) Comments submitted by Edward C. Sanderson, P.E., Project Engineer, Camp Dresser and McKee Inc. on behalf of the Town of Mansfield, dated December 12, 2003.

Comment #1: The draft permit proposes a change in the average monthly [total phosphorus] mass limit from 26 lbs/day to 5 lbs/day. In addition, the average monthly concentration limit is proposed to be reduced from 1 mg/l to 0.2 mg/l.

The phosphorus removal report prepared by CDM was only recently submitted to the town on December 5, 2003. Although testing indicates that the proposed phosphorus limit of 0.2 mg/l can be achieved with increased chemical addition, operating staff at the Mansfield Water Pollution Abatement Facility have some concerns. If chemicals alone are not efficient (*sp?*) to meet the new limits, plant improvement may be necessary. As you know, increased levels of chemicals for phosphorus reduction could impact the plant's ability to achieve the current copper limits. We recommend that the phosphorus standard not be enforced until the town has had an adequate opportunity to review and approve the plan. In addition, the town wishes to understand whether the proposed 0.2

mg/l phosphorus standard is based on specific evaluation of the Three Mile River or will be applied to other Massachusetts wastewater treatment plants.

Response: EPA recognizes that the Phosphorus Optimization Plan, mentioned above, was recently submitted. The Plan, however, was a requirement of the permit issued September 29, 2000 and was required to be submitted to EPA and DEP within 27 months of the permit issuance, which was December 29, 2002.

Given that the 0.2 mg/l is a new limit and the Town has just recently completed the Phosphorus Optimization Plan, EPA will postpone the implementation of the lower phosphorus limit of 0.2 mg/l for one season (April 1- October 31) to provide the Town the time needed to review and approve the Plan. The time will also provide the operators with the opportunity to confirm the test results. According to a review of DMRs, the facility can meet the 0.2mg/l limit but there is variability over the season.

The 0.2 mg/l average monthly limit for total phosphorus will go into effect April 1, 2005. The average monthly limit of 1 mg/l total phosphorus from the previous permit will remain in effect April 1, 2004 through October 31, 2004.

The 0.2 mg/l total phosphorus limit, as stated in the fact sheet, represents the highest and best practical treatment for POTWs, as established by MADEP. This is a technology-based limit which has been set for a number of POTWs in Massachusetts. The limit was determined necessary based on documented impairments to the receiving water.

The Massachusetts Surface Water Quality Standards require that “any existing point source discharges containing nutrients in concentrations which encourage eutrophication or the growth of weeds or algae shall be provided with the best practical treatment for POTWs.

The Three Mile River Impoundment located downstream of the Mansfield WPAF is on the 303 (d) list for noxious aquatic plants. Furthermore, DMRs submitted by the permittee report phosphorus levels that exceed both the EPA's Ecoregion XIV Nutrient criteria and the “Gold Book” criteria.

Comment #2: USEPA has proposed a seasonal (April 1 to October 31) total phosphorus limit of 0.2 mg/l. However, p. 3 of the draft renewal permit proposes an average monthly total phosphorus limit of 0.2 mg/l for the seasonal period April 1 to October 31. The town requests that the proposed phosphorus limit be applied on a seasonal average rather than on a monthly basis.

Response: The total phosphorus limit proposed in the draft permit is for a seasonal period not a seasonal average. The limit of 0.2 mg/l is an average monthly limit, which is consistent with MADEP's definition of highest and best practical treatment for POTWs (Please see the previous response).

Comment #3: The town requests that the phosphorus removal season be changed from 7 months to 6 months (i.e. April 1 - October 31 to May 1 - October 31) to coincide with the TSS and BOD₅ removal season.

Response: The April 1 through October 31 period represents the "growing season" when impact from this pollutant is of concern.

Comment #4: Because of the costs related to increased sampling, the town proposes [total phosphorus] sampling once per week rather than twice per week.

Response: During the period of November 1 to March 31, total phosphorus shall be monitored once per week rather than twice per week.

Comment #5: The town does not feel it's necessary to have limits for both mass and concentration limits (for BOD₅ and TSS) and requests that the plant continue to meet its current NPDES average weekly concentration limits.

Response: To provide consistency with other NPDES permits for POTWs in Massachusetts, EPA is including average weekly mass limits for BOD₅ and TSS. These mass limits should have been included in the September 29, 2000 permit when the flow limit was changed to an annual average from a monthly average for reporting.

The flow limit is based on the annual average design flow of the treatment plant, which is 3.14 mgd. For reporting purposes, the flow limit is expressed as an annual average, rather than a monthly average as in the current permit. This change is being made to all POTW permits in MA at the request of MADEP. The purpose of this change was to allow some variation in POTW flows in response to wet weather, and in recognition that the flow rate used as the monthly average is in most cases presented in the treatment plant planning documents as an annual average. As part of this change in how flow limits are written, DEP and EPA agreed that mass limitations for BOD and TSS should be included as permit conditions to ensure that existing controls on mass discharges of BOD and TSS were maintained, in order to prevent degradation of the receiving water.

Comment #6: The draft permit requires development and implementation of an infiltration and inflow (I&I) plan for submittal within 6 months of the permits of the permit's effective date. In addition the draft renewal permit requires submittal of a summary report on the anniversary date of the permit's effective date.

The existing NPDES permit requires submittal of a report summarizing all actions taken to minimize I&I during the previous calendar year be submitted to the USEPA and MADEP by February 28th of the following calendar year. The town's 2002 I&I report, submitted to MADEP on January 31, 2003, indicated a downward trend in I & I to the sewer collection system. Recently, the town has also implemented a house-to-house inspection program to identify and eliminate sump pump connections to the sewer collection system. The town requests the new plan and reporting requirements and the

proposed submittal dates be eliminated and that the town continue with its current I&I plan and submit its scheduled report to the USEPA and MADEP by February 28th of each year.

Response: The I/I Control Plan and Annual Report required as a condition of this permit is a state certification requirement. This requirement has been made of all POTWs in Massachusetts. If the City already has an adequate I/I control program, this permit requirement does not place a significant burden on the Town. The permittee is required to evaluate their existing I/I control program with regard to the minimum requirements outlined in the permit. The plan shall be submitted annually, on the anniversary of the effective date of this permit.

Comment #7: The draft renewal permit proposes that the permittee prepare and submit a written technical evaluation to the USEPA analyzing the need to revise local limits within 90 days of the permit's effective date. In 2000, CDM prepared a document which summarizes the development of new and revised local industrial discharge limitations. These revisions to the Town's existing Industrial Pretreatment Program (IPP) were issued for public notice and thereafter, approved by USEPA. The Town's Board of Selectman then approved the revisions to the IPP and Sewer Use Regulations. Because there have been no changes in the industries since 2000, the town requests that the requirement to submit an evaluation of the need to revise local limits be delayed until the next permit renewal.

Response: On April 30, 2001, EPA approved proposed modifications to the Town's Local Limits. Given that, and after a review of the Town's Industrial Pretreatment Report which revealed that there does not appear to be an increase in significant industrial users, this requirement will be removed and delayed until the next permit renewal

The final permit has been edited removing the second paragraph of Section E.2.

Comment #8: The draft renewal permit proposes that the permittee modify its pretreatment program to conform to all changes in the Federal Regulations that pertain to the implementation and enforcement of the IPP. The proposed changes to the pretreatment program deemed necessary to assure conformity with current Federal Regulations must be provided to the USEPA in writing within 180 days of the permit's effective date. As part of CDM's 2000 update of local limits, conformance with existing and new regulations was conducted and the existing program was found to comply with Federal Regulations. The town requests that paragraph E.7 of the draft permit be deleted and the requirement to meet any changes in Federal Regulations be delayed until the next NPDES permit renewal.

Response: The permit requires the permittee to provide EPA, in writing, within 180 days of this permit's effective date proposed changes, **if applicable**, to the permittee's pretreatment program deemed necessary to assure conformity with current Federal Regulations. This requirement is only applicable if the permittee has not made the necessary changes to conform with current Federal Regulations. Therefore, paragraph E.7 will not be deleted, however, in response, the Town may choose to either reply that it has conformed with all

Federal Regulations or decide that necessary changes are not applicable, therefore, a response is not warranted.