NPDES Permit No. MA0001716
MW Custom Papers - Laurel Mill

RESPONSE TO PUBLIC COMMENTS

On March 1, 2005, the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) released for public notice and comment a draft National Pollutant Discharge Elimination System (NPDES) permit developed pursuant to applications from MW Custom Papers for the reissuance of a permit to discharge industrial wastewater to the designated receiving water, the Housatonic River. The public comment period for this draft permit expired on March 31, 2005. Comments were received from Ms. Patricia C. Bergrowicz, Vice President, of MW Custom Papers in a letter dated March 15, 2005, and Ms. Cindy Delpapa, Steam Ecologist, of the MA Riverways Program in a letter dated March 28, 2005.

After a review of the comments received, EPA has made a final decision to issue the permit authorizing this discharge. The following are the comments and EPA's response to those comments, including changes that have been made to the final permit from the draft as a result of the comments. The comment letters are part of the administrative record and are paraphrased herein. A copy of the final permit may be obtained by writing or by calling Mark Malone, EPA NPDES Permits Program (CMP), 1 Congress Street, Suite 1100, Boston, MA 02114-2023; telephone: (617) 918-1619.

Comments received from MW Custom Papers:

Comment 1

The draft permit includes average monthly and maximum daily flow limits which are not present in the current permit. The limits in the draft permit are based upon recent history which reflects poor market conditions and are, therefore, set unreasonably low. In addition, the mills' water intakes are limited by the combined water withdrawal permit in effect for MW Custom Papers. The draft permit limits are duplicative and are not protective of the environment. The flow limits would result in limits on production and would cause an economic hardship for MW Custom Papers. It is requested that the flow limitations be removed from the permits.

Response 1

We have examined the MW Custom Papers' water withdrawal permit, 9P-1-02-150.01. Under that permit, the authorized total water withdrawal will be increased to 3.82 mgd beginning in June, 2007. In addition, the approved daily volume for withdrawal at the Laurel Mill River Pumphouse shall not exceed 2.88 mgd. This is slightly higher than the maximum daily flow of 2.5 mgd used in the Fact Sheet for the temperature calculations. Temperature is presently the only numerical permit parameter based on flow in the permit. Using the 2.88 mgd (4.5 cfs) in the

calculation for assessing temperature effects is as follows:

$$((4.5 \text{ cfs} * 90^\circ\text{F}) + ((56 \text{ cfs} - 4.5 \text{ cfs}) * 81^\circ\text{F})) \div 56 \text{ cfs} = 81.7^\circ\text{F}$$

This calculation indicates that the instream water quality criteria of 83°F would still be met at that maximum withdrawal flow. If used as an average monthly flow, the maximum withdrawal rate would result in a dilution factor of 12.4 (i.e. 56 cfs ÷ 4.5 cfs). Even at this very conservative dilution factor, an examination of the discharge data indicates no reasonable potential to exceed the criteria for other parameters (e.g. aluminum, 12.4 * .087 mg/l = 1.1 mg/l). In addition, the BOD and TSS limits are based on effluent guidelines and wasteload allocations which do not require flow limits. Consequently, we agree that the inclusion of a flow limit in the permit is not necessary. Therefore, the final permit requires the reporting, only, of the average monthly and maximum daily flows as in the current permit.

<u>*Comment 2*</u>

The acute limit (LC_{50}) for Whole Effluent Toxicity in the draft Laurel Mill permit is 100 and should be listed as "greater than or equal to 100%".

<u>Response 2</u>

The acute limit in the permit has been changed to "≥100".

Comments received from Cindy Delpapa, Stream Ecologist, MA Riverways Program

<u>*Comment 1*</u>

The Waste Load Allocation is almost 25 years old. The watershed has seen significant changes over that time including modifications to wastewater treatment facilities, increased water withdrawals and land use changes. The impaired status of this reach of the river may be indicative of an inadequate waste load allocation.

<u>Response 1</u>

While we recognize the benefits of waste load allocations which reflect current conditions, permit limits are based on the best available information. As discussed in the Fact Sheet, the *Housatonic River Basin 1997/1998 Water Quality Report* and the *2002 Integrated List of Waters* provided the information in the development of the permit limits. Those documents indicated impairment due to PCBs, priority organics, pathogens, turbidity, and thermal modifications; some of which are due to sources other than the permittee. The Fact Sheet also discusses how the relevant limits in the permit are protective of the water quality.

<u>Comment 2</u>

The draft permit contains a pH limit different than the Massachusetts Class B water standards allow. The Fact Sheet does not support the statement that the river has sufficient buffering

capacity for the proposed pH range. Given the State's published standard for this waterway and the ability of the facilities to achieve that standard, pH limits outside of the water quality standard is not justified.

Response 2

The water quality standards are instream standards and not necessarily those of the discharge itself. The Fact Sheet states that there is sufficient buffering capacity in the River to achieve water quality standards. In addition, as in the current permit, the pH of 6.0 - 9.0 s.u. will minimize chemical addition for pH adjustment. There is no information to indicate that the current pH limits are not protective of water quality standards.

Comment 3

The State's 305b assessment report recommends in situ temperature monitoring for this river. The simple calculations used in the Fact Sheet to project the effects of the discharges on the receiving water may not be adequate. An in situ monitoring plan would provide a more accurate picture of the instream temperatures throughout the water column and help determine the thermal effects of the discharges and compliance with the water quality standards.

Response 3

We agree that additional information is necessary to properly assess the instream temperature of the Housatonic River for compliance with the water quality standard and, consequently, the effects of the discharge from the mill. However, this assessment would be better performed for the entire reach of the river at the same time rather than through limited, onsite monitoring plans of permittees. Consequently, no monitoring program is being required in the permit at this time.

Comment 4

The draft permit does not specify when the effluent temperature should be measured, ideally when the effluent temperature is highest during the week.

Response 4

The final permit requires that the sample for temperature be taken between 10:00 am and 2:00 pm.

Comment 5

The Fact Sheet does not mention if the facility operates 24 hours each day. If the flows fluctuate throughout a 24-hour period then a "flow weighted" composite rather than the time weighted composite sampling as specified in the permit would be better.

Response 5

Footnote 3 regarding composite sampling has been changed to "flow weighted" to be consistent with the definition of composite sample in Part II, Section E. Other Conditions, 1. DEFINITIONS FOR INDIVIDUAL NPDES PERMITS INCLUDING STORMWATER REQUIREMENTS, Composite Sample.

Comment 6

The requirement to drop the fathead minnow, P. promelas, from the WET tests for Laurel Mill is not justified. The Laurel Mill had only a 25% survival rate as recently as January, 2004. The minnow appears to be sensitive to the effluent and some consideration should be given to requiring for both species.

Response 6

While the January, 2004, WET test had only a 25% survival rate for the fathead minnow, overall test results are in compliance with the permit limits. In addition, whole effluent toxicity tests have shown some toxicity of the Housatonic River, itself, to the fathead minnow and Laurel Mill takes all of its process water from the Housatonic River. Consequently, until the source of toxicity in the Housatonic River is ascertained, continued testing of the fathead minnow at Laurel Mill provides no additional insights. The permit does require the continued testing of the daphnia, the more sensitive species.