RESPONSE TO PUBLIC COMMENTS

From January 9, 2006 to February 7, 2006, the United States Environmental Protection Agency (EPA) and the New Hampshire Department of Environmental Services (NHDES) solicited Public Comments on a draft NPDES permit, developed pursuant to an application from the Wastewater Treatment Plant in Henniker, NH. After a review of the comments received, EPA has made the final decision to issue the permit authorizing the discharge. The following describes and responds to comments, and describes any subsequent changes to the draft permit. A copy of the final permit may be obtained by writing or calling Jeanne Voorhees, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CPE), Boston, Massachusetts, 02114-2023; Telephone (617) 918-1686.

A. Comments Received Mr. Ken Levesque, Superintendent, Henniker WWTF

Comment A1: It was noted that toxicity test samples collected and completed during September 30 through November 30 is only 60 days and therefore does not represent a calendar quarter.

Response A1: On page 2 of the final permit, Explanation of Superscripts to Part I.A.1, Number 9, the toxicity test dates were changed to accurately reflect a calendar quarter by changing September 30th to September 1st. As follows,

> 9. Toxicity test samples shall be collected and tests completed during the calendar quarter beginning September 1st and ending November 30th each year. Toxicity test results are to be submitted by the 15th day of the month following the end of the quarter sampled."

Comment A2: Henniker WWTF sends its sludge to the Merrimack Composting Facility for treatment and ultimate disposal. It was questioned whether an annual report was required to be as specified in the Sludge Compliance Guidance Document, and if so, what information must the report contain.

Response A2: Although the Henniker WWTF sends its sludge off-site for treatment and final disposal, an annual report is required to be submitted to EPA and NHDES. Sludge Condition Number Five was changed to specify the information that must be submitted in the annual report. As follows, page 5 of the final permit, Sludge Condition Number Five;

> 5. The permittee shall submit an annual report as specified by February 19th. Reports shall be submitted to both addresses (EPA-New England and NHDES-WD) contained in the reporting section of the permit. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge disposal. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such case, the permitee is required to submit an annual report by February 19 containing the following information:

- Name and address of contractor responsible for sludge disposal
- Quantity of sludge in dry metric tons removed from the facility by the sludge contractor

Comment A3: The following statement was noted to be incorrect on page 2 of the Fact Sheet, third paragraph, "The sludge undergoes filter press dewatering and lime addition prior to storage in an aerated tank prior to final disposal." Liquid sludge is held in an aerated tank prior to sludge dewatering. Dewatered sludge is stored in a rolloff container prior to being shipped to the Merrimack Composting Facility. At the request of the compost facility, lime is not added to the sludge.

Response A3: EPA and NHDES have noted this comment as part of the administrative record.

B. Comments Received Mr. Paul Adams, Technical Assistance for Pollution Prevention, Inc.

Comment B1: Request to add total recoverable arsenic and mercury to the required metals listed under Whole Effluent Toxicity in Part 1. A. Effluent Limitations and Monitoring Requirement.

Response B1: EPA-New England recognizes mercury as a contaminant in many New Hampshire surface waters. The predominant source of mercury is known to be atmospheric deposition from coal fired power plants in the midwest and eastern United States. Industries that have used or currently handle mercury, no longer discharge mercury to wastewater, but are required to manage and dispose of mercury waste by other means. The NHDES reviewed a cross section of NPDES permit applications where POTWs were required to submit effluent analyses for mercury (among other metals) and found that none of these facilities' effluent streams contain mercury above the minimum level of detection. The minimum level of detection is below New Hampshire's Water Quality Criteria for Toxic Substances; the chronic freshwater criteria is 0.00077 mg/L and the acute freshwater criteria is 0.0014 mg/L. Accounting for dilution (43.3 factor) at Henniker's WWTF, the mercury water quality criteria would be 0.03 mg/L and 0.06 mg/L respectively. Based on NHDES's survey of larger facilities whose effluent contained, on average, less than 0.0002 mg/L, there appears to be no reason to expect that Henniker's discharge would contain mercury concentrations above minimum levels of detection.

Arsenic is less commonly present in New Hampshire surface waters, but is common in New Hampshire groundwater. NHDES databases suggest that only two brooks are impaired for arsenic, and the cause is directly related to a landfill and an industry discharge. Other arsenic data reviewed showed no concentrations above detection limits. NHDES reviewed a cross section of NPDES permit applications where POTWs were required to submit effluent analyses for arsenic (among other metals) and found that none of these facilities' effluent streams contain arsenic above the

minimum level of detection. The minimum level of detection is below New Hampshire's Water Quality Criteria for Toxic Substances; the chronic freshwater criteria is 0.150 mg/L and the acute freshwater criteria is 0.340 mg/L. Based on NHDES's survey of larger facilities whose effluent contained, on average, less than 0.001 mg/L, there appears to be no reason to expect that Henniker's discharge would contain arsenic concentrations above minimum levels of detection.

As discussed in the Fact Sheet, EPA requires "whole effluent" toxicity testing for the effluent. Whole effluent toxicity (WET) is conducted as a means of assessing impacts upon water quality and designated uses caused by the aggregate toxic effect of the discharge of all the pollutants. As opposed to pollutant specific approaches, WET tests evaluate interactions between all pollutants contained in the effluent. If toxicity is discovered repeatedly, EPA-New England requires more detailed testing to discover the cause of toxicity. EPA-New England established WET testing protocols for acute and chronic testing in fresh and marine waters. The protocols require concurrent testing for a standardized set of nine metals which EPA-New England believes could help diagnose any WET test failures that may occur. Therefore, the request to add arsenic and mercury to the WET test protocol is denied.

Comment B2: Attachment A, Page 7, VI. Chemical Analysis, Total Metals, add Arsenic and Mercury to total metals to be measured.

Response B2: The request to add arsenic and mercury to the WET test protocol is denied. Please see response to Comment B1, regarding the WET test protocol.

Comment B3: Request to add WET values for Cd, Cr, Pb, Cu, Zn, Ni, Al, Mg, Ca, As, Hg to the Fact Sheet, Attachment B.

Response B3: Attachment B to the Fact Sheet is intended to demonstrate the facilities compliance with permit limits and selected monitoring requirements. A review of the WET data indicate a lack of reasonable potential for monitoring or limiting these parameters.