

RESPONSE TO PUBLIC COMMENTS

From August 17, 2006 until September 15, 2006, the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) solicited Public Comments on a draft NPDES permit, developed pursuant to an application from the Dighton-Rehoboth Regional School District for its wastewater treatment plant, located at the Dighton-Rehoboth High School in Dighton, MA. After reviewing 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 to Jeanne Voorhees, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CPE), Boston, Massachusetts, 02114-2023 or by calling (617) 918-1686.

Copies may also be obtained from <http://www.epa.gov/region1/npdes/index.html>.

A. Comments Submitted by Mr. Paul A. Martin, Business Manager, Dighton-Rehoboth Regional School District

Comment A1:

The existing wastewater treatment facility (WWTF) located at the Dighton-Rehoboth Regional High School will not be able to comply with the requirements of the draft permit.

Since the March 9, 2006 meeting held at the regional headquarters of the EPA in Boston where we were notified of the new draft effluent limits and where options were discussed to either meet the new limits or eliminate the current discharge via subsurface disposal, the Dighton-Rehoboth Regional School District has been pro-active in resolving the problem. In April of 2006 the District contracted with Wastewater Alternatives to provide consultant services to explore the various options. Test pits were dug in a field adjacent to the High School that appears to be a suitable area for subsurface disposal. Mr. Paul Carey of Wastewater Alternatives is preparing a preliminary report and has been providing updates to your office as well as the Massachusetts Department of Environmental Protection (DEP).

At this point we are trying to determine the permitting level required to permit a subsurface disposal system to replace the existing subsurface discharge system. Mr. Carey has reviewed our water use data with DEP. DEP's opinion is that we would technically permit under Title 5 but that we would need more extensive water use data, possibly a year's worth. We have instituted a program to capture water use data on a daily basis. Please see Mr. Carey's letter that has been attached.

The Dighton-Rehoboth Regional School District is requesting relief from both the limit and monitoring requirements of the draft permit and requesting that the requirements of the current permit stay in effect until such time as a leach field can be installed.

Our current permit expired October 6, 1992 and we have been operating under the requirements of that permit since that time. Instituting new requirements that we know will not be able to meet for the relative short time that is needed to adopt and implement a solution seems counterproductive. We are not major dischargers and we do treat the effluent from the Dighton-Rehoboth Regional High School. The funds that would be necessary to cover the costs of additional testing can be used more productively in implementing the solution to the discharge problem.

Response A1: EPA and MassDEP recognize that the existing WWTF at the Dighton-Rehoboth Regional High School will not be able to immediately comply with the requirements of the permit. A compliance schedule for achieving the new water quality-based limits has not been included in the permit because a definitive schedule of compliance cannot currently be determined given the ongoing flow data collection requested by the state and the impact of that data on subsurface disposal options.

As we discussed with the permittee on March 9, 2006, we anticipate that following permit issuance an administrative compliance order will be issued by EPA containing a reasonable schedule of compliance and appropriate interim effluent limits. The Dighton-Rehoboth Regional School District (School District) should contact Michael Fedak of EPA's Office of Environmental Stewardship at (617) 918-1766 to discuss the development of an administrative order. The final permit does not become effective until December 1, 2006, which should provide the School District with sufficient time to negotiate the terms of an order.

We believe that the monitoring requirements in the permit are appropriate for your facility and are necessary to ensure the proper operation and maintenance of the facility and to adequately characterize the discharge. However, in consideration of the high cost of whole effluent toxicity testing and the likelihood that the discharge will be eliminated in the near future, we have eliminated the requirement to conduct whole effluent toxicity testing of the effluent from the existing facility and will require such testing only if the treatment plant is upgraded and the discharge to a water of the United States is continued. If, as expected, a subsurface disposal facility is constructed and the discharge to a water of the United States terminated, the NPDES permit will be terminated, along with all monitoring requirements and other conditions

Comments submitted by Cindy Delpapa, Commonwealth of Massachusetts, Riverways Program

Comment B1: The commenter has concern that oil and grease from the high school cafeteria and any home-economics classrooms may be entering the WWTF, and thus, a recommendation is made that testing be conducted to determine if oil and grease could exceed 15 mg/l and impact water quality of the receiving stream.

Response B1: The permittee was not required to sample for oil and grease as part of its application requirements. EPA does not have any other information showing that the facility discharges significant amounts of oil and grease. Currently, oil and grease from

the high school cafeteria is collected in a 7,000 gallon grease trap which, if properly maintained should minimize the discharge of oil and grease to the WWTF.

In recognition of this existing system of control, monitoring of oil and grease has not been included in the final permit. Also, given that the treatment and disposal facilities will be upgraded to either eliminate the discharge via subsurface disposal or to achieve the effluent limitations in the permit, any current discharge of oil and grease would be controlled through these improved facilities.

Comment B2: Several pollutants are report-only in the draft permit including ammonia, copper, and phosphorus. The commenter advocates that appropriate limits for these pollutants be included in the permit because of the potential they pose to cause chronic and/or acute toxicity to aquatic life and contribute to eutrophic conditions in an effluent dominated receiving water and sensitive resources downstream in the Segreganset River. Delaying the implementation of permit limits for additional years, on top of the 25 year wait for this permit to be revised, will further impede implementing protections for the receiving waters. If there is reticence to establish limits because the potential to cause or contribute to water quality exceedences is not known then we strongly recommend the permit be in effect for one year or possibly two instead of five. The data collected during this time should provide enough information to determine if limitations are warranted. This approach would shorten the wait for needed limitations to be added to the permit to protect the receiving water; (should the monitoring data show there is a reasonable potential for impacts that would result in violations of water quality standards).

Response B2: During the five year term of the permit, Part II, Section A.4 of the permit reserves EPA's right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Clean Water Act (CWA) in order to bring all discharges into compliance with the CWA.

The permit may be modified or revoked and reissued in accordance with 40 CFR § 122.62(a) (Causes for modification) or (b) (Causes for modification or revocation and reissuance). One basis for reopening and modifying the permit during its term is the receipt of information that was not available at the time of permit issuance and that would have justified the application of different permit conditions ("New Information"). See 40 CFR §122.62(a)(2). New Information may include, but is not limited to, relevant water quality data. Therefore, as suggested by the commenter, the water quality data that is collected during the first year or two of monitoring for ammonia, copper and phosphorus, can then be used to exam whether permit limits are necessary. If limits are necessary the permit can be reopened and modified to include appropriate limits for these pollutants.

Comment B3: The Whole Effluent Toxicity (WET) testing requirements calls for quarterly testing of the effluent. Given the minimal dilution and important resources in the receiving water system, the quarterly testing of LC50 and C-NOEC using two species is certainly justified though perhaps the testing schedule could be reassessed. Since this is a school, testing the effluent in July or August when school is not in session will not

provide a test representative of typical flows. (Table 1 shows the only tow flows recorded during August. In 2005 the flow was 903 gallons per day and in 2003 flow was NR). A slightly modified schedule with testing in March, June, September and December would capture flows during the school year providing more valuable data since it will reflect operating conditions under average flows. We would also like to encourage a only one year of compliance. Since this is the first permit to require WET testing, there is no existing information on toxicity of and priority pollutants in the effluent. We believe without a long term record of WET testing offering this alternative is premature.

Response B3: Given the likelihood that the discharge will be eliminated, and the need to upgrade the treatment facility if the discharge is not eliminated, the final permit does not require WET testing until such time that the treatment facility is upgraded. (see Response A1).

EPA and MassDEP agree with the commenter that a WET test done in August would not reflect operation of the WWTF during the school year when teachers and students are present. Thus, the August test is not required in the final permit. To remain consistent with the watershed schedule, as proposed by MassDEP, the schedule proposed by the commenter, however, was not incorporated.

EPA and MassDEP believe that the option of reducing the number of WET tests should be retained in the permit. Given the small size of the discharger and the cost of the WET test relative to the total sampling costs for the facility, we believe that the option of reducing WET tests if the discharger consistently maintains compliance with the permit limits should be retained.

Comment B4: The monthly average flow will be calculated using the annual average. Since school is not in full session in the summer, there will be two months when flows at the school will be negligible. In this situation, annual averaging will further skew the monthly average and we feel the calculation method is inappropriate in this instance. If a true monthly average is not an option, then the annual average, then the annual averaging should be done over the 9 or 10 months school is in session to lessen the skew of the average monthly discharge.

Response B4:

Annual average flow limits are typically used for publicly owned treatment works with substantial collection systems. The design of such facilities is based on a long term average flow and the use of an annual average flow limit matches the design basis and also allows seasonal variation of flows caused by inflow and infiltration into the collection system during wet weather. The Dighton Rehoboth treatment plant does not have a significant collection system, so the use of an annual average flow limit was inappropriate.

Therefore, the permit limit has been changed to a monthly average.

Comment B5: The discharge from this facility is small and could be argued the flow is too small. The discharge data compared with the number of student and staff at the school results in a mere 2-3 gallons of water per student/staff per day. Even if one were to discount weekend days the wastewater per individual is still under 5gpd-an average so minute it does not appear reasonable. Even with low flow toilets and no showers in the locker rooms, no food preparation and no use of water in science or other classrooms the gallons per person per day is simply too low. Does the school have other treatment and disposal systems or some other explanation for the low wastewater generation?

Response B5: See Comment A1. Water conservation measures have been implemented (i.e., low flow toilets) at the high school which accounts for some reductions to water usage. Also, noted by the commenter, even if water conservation measures are considered, etc. (see above), the gallons of water used per person per day is low.

The School District is currently examining subsurface disposal options. See Comment A1. As a part of this effort, they are closely examining water usage at the high school. Water use data is being collected and will be examined within the following months to accurately account for water usage at the high school.