

RESPONSE TO PUBLIC COMMENTS

From April 6, 2006 to May 6, 2006, 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 Atlantic-Acton Realty L.P., of Framingham, MA for the Powder Mill Plaza Wastewater Treatment Plant in Acton, MA. Previous draft permits developed for this facility were released for public comments on January 2, 2002 and August 25, 2005, however, in both cases, a final permit was not issued. After a review of the comments received on the current draft permit, EPA has made the decision to issue the final 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 Cindy Delpapa, Stream Ecologist, Massachusetts Riverways Program dated May 4, 2006.

Comment #1: As the Fact Sheet indicates, the receiving water of this discharge is seriously impaired and is dominated by wastewater during low flow conditions. We agree with the increase in monitoring frequency for BOD₅ and TSS, despite the high dilution ratio, because of the compromised condition of the river. This compromised state is also an argument for reducing the allowable concentration and loads for these two pollutants. It is only with a decrease below secondary standards by all the dischargers to this highly impaired waterway will this river, which is so often mostly wastewater effluent, hope to achieve water quality standards.

Response: As noted in the comment, Powder Mill Plaza has a very small discharge volume (design flow=12,000 gpd), and hence, a very large dilution ratio (893:1). Given this information, EPA does not believe a water quality based the effluent limit for either BOD₅ and TSS is necessary to ensure compliance with the Massachusetts Surface Water Quality Standards.

Comment #2: We also support the increase in bacterial monitoring. The Assabet is used for recreation and the chlorination method employed by this facility does afford some room for inconsistency in chlorination. Having additional monitoring will help protect the public welfare.

Response: EPA acknowledges the comment.

Comment #3: We are not supportive of the elimination of the oil and grease (O&G) limitation. While most of the oil and grease samples have been quite low, (Table1) there was an elevated reading just last year of 8.2 mg/l and a February 2006 reading of 6.8 mg/l. These may be anomalies but they could also be an indication of the trend toward increasing O/G issues. These numbers suggest this facility has the potential to exceed a15 mg/l oil and grease concentration and O/G limitation is justifiable.

Response: Given that restaurants and a supermarket are tenants of Powder Mill Plaza and the permittee's limited ability to control the quality of the influent entering the treatment facility, an oil and grease limit of 15 mg/l maximum daily limit with a sampling frequency of two (2) samples permit month has been retained from the previous permit.

Comment # 4: Phosphorus loading is arguably the biggest issue in the Assabet River main stem. As noted in the Fact Sheet and previously stated, this river is often effluent dominated. The recent TMDL has resulted in load allocations requiring the major NPDES permit holders to greatly reduce their existing phosphorus loads. Currently the target concentration is 0.1 mg/l to lower their nutrient loads but the TMDL strongly suggests even this concentration will not be adequate to achieve water quality goals/standards. It is unfortunate the TMDL was completed without factoring in the Powder Mill's, admittedly modest, contribution. Ideally, it would be preferable to ask the Permittee to meet the same phosphorus limit as the other dischargers to the river especially since this load was not even a part of the TMDL modeling. We strongly advocate for a minimum of a 0.1 mg/l limitation for this discharge and support the addition of orthophosphate monitoring.

Response: As stated in the fact sheet, a discharge from the Powder Mill Plaza WWTF with a concentration of 0.2 mg/l total phosphorus would result in an instream concentration of 0.0002 mg/l ((0.02 mg/l)/893), a level which will not cause or contribute to violation of applicable water quality standards. Therefore, the seasonal limit, April 1 through October 31, will remain as 0.2 mg/l in the final permit (Please see Fact Sheet at pp. 7-9).

Both the draft and final permit require orthophosphorus monitoring once per month during the winter period (November 1-March 31).

Comment # 5: The compliance schedule for either tying into the Acton treatment facility or continuing the existing discharge is generous given the past few years of frustration over the fate of this discharge and the two aborted permit renewal attempts in the past few years. We hope the clause allowing for a stepped up schedule will be used and this situation can be resolved in less than 2.5 years.

Response: EPA has worked closely with the permittee and the Town of Acton to determine a reasonable schedule for tying the facility into the Acton Wastewater Treatment Facility. EPA believes that 30 months is a reasonable given that either solution requires the design and construction of facility improvements.

B) Comments submitted by Lee Steppacher, Project Coordinator, Sudbury, Assabet and Concord Wild and Scenic River, US National Park Service dated May 4, 2006.

Comment #1: Great progress is being made to restore water quality to the Assabet River by the inclusion of strict phosphorus limits in the municipal permits upstream on the Assabet.

Although the TMDL does not consider the discharge from Powder Mill Plaza as a major contributor to the water quality problems, all discharges make a cumulative contribution. For this reason, we strongly support the elimination of this discharge by connecting it into the municipal Acton wastewater system. Every effort should be made to ensure that these negotiations are successful.

Response: EPA has been recently updated by the parties regarding the status of the tie-in of the facility to the Acton sewer system. As of May 18, 2006, bidding on the project to tie-in the Powder Mill Plaza discharge to the Acton Wastewater Treatment facility had closed. All submitted bids were higher than the estimated cost. It is EPA's understanding that the permittee, Atlantic-Acton Realty L.P., has sent a letter to the Town of Acton confirming its intention to proceed with construction of the tie-in to the Acton sewer system at the additional cost. The Town is currently awaiting full payment of the construction costs by Atlantic-Acton prior to the start of construction. Regardless, EPA believes the effluent limits in the permit are consistent with the Massachusetts Surface Water Quality Standards if the discharge is not eliminated.

Comment #2: If for any reason the discharge remains, phosphorus limits should be set on a par with the other permits on the river, at 0.1 mg/l. This will begin to meet water quality standards.

Response: Please see the response to commenter A, comment #4, above.