

## RESPONSE TO PUBLIC COMMENTS

From October 24, 2005 to November 22, 2005, 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 South Hadley Wastewater Treatment Plant in Chicopee, MA. 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 Michele Cobban Barden, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CMP), Boston, Massachusetts, 02114-2023; Telephone (617) 918-1539.

**A) Comments submitted on November 7, 2005 by David Desrosier, PE, Highway Superintendent; Bryan F. Hauschild, Chairman, Board of Selectman; Patrick J. Curran, Clerk, Board of Selectman; and Wayne H. Tack, Sr., Member, Board of Selectman, Town of Granby, MA.**

Comment A1: We have reviewed the above reference document (draft NPDES permit #MA0100455). It is our opinion that these new regulations will cause a very significant burden and a large financial hardship for the limited number of sewer users within the Town of Granby.

Response: EPA does not believe that the permit requirements for the Town of Granby, which are limited to operation and maintenance of the collection system, represent new burdens on the Town. Existing state regulations found at (314 CMR 12.00) require that the Town properly operate and maintain its collection system. In March 2004, the state of Massachusetts adopted the document, Operation, Maintenance and Rehabilitation (OM&R) for Sewerage Collection Systems, (NEIWPC, December 2003) as specific operations and maintenance guidance for satellite sewer systems.

Similarly, federal regulations found at 40 CFR Part 122.41(e) require that permittees properly operate and maintain all facilities and systems of treatment and control (and related appurtenances). The collection system is part of the treatment and control system and is therefore subject to the proper operation and maintenance requirements. Because the Town of South Hadley does not own or operate the Granby collection system, EPA has determined that it is necessary to co-permit the Town of Granby to assure that all elements of the treatment and collection system are properly operated and maintained as required by 40 CFR 122.41 (d ) and (e).

EPA also does not believe that these requirements impose a significant financial burden on the Town. As described by the Town in its comments, the sewer system is relatively new and is conveying less than its full capacity. Therefore it does not appear that any capital improvement projects are necessary, and in the immediate future the Town must focus only on operation and maintenance of the collection system.

Comment A2: The new report requirements, inspections, and infiltration and inflow studies may not have much of an impact on a larger community with a full time Wastewater Division; however, our Town does not have any full time Wastewater or Sewer

Department personnel. Our system is maintained by our Highway Department with a very limited staff.

Response: The Town must provide sufficient staffing to operate and maintain its collection system pursuant to the federal and state regulations cited earlier. The Town must decide if this will require a full time wastewater or sewer division.

Comment A3: Our entire sewer system is a fairly new sewer system (less than fifteen years old). Our total daily flow rates are usually less than half the permitted amounts under our Inter Municipal Agreement. In addition, the flows appear to be well below the anticipated design flows per unit connected to the system. Therefore, we do not believe that there is any significant infiltration problem on our system.

Response: With a relatively new collection system, low per capita flows, and total flows well below those allowed by its municipal agreement, it does not appear that the Town has any significant I/I problems. Therefore, it does not appear at this time that the Town's I/I control plan needs to include any significant I/I reduction projects or even a detailed study.

Comment A4: We contend that changing the regulation with little advance warning to communities such as ours is very unreasonable. According to the regulations, we must have an infiltration and inflow program in place within six months. As you must be aware, we could not possibly even appropriate the funding to try to accomplish this within this time period. All of this is being done at a time when municipal finances throughout the State are already being stretched to the breaking point.

Response: EPA acknowledges that the Town of Granby has not previously been named as a co-permittee on the South Hadley WWTF permit; however, these requirements currently exist under state regulations and policy. To further clarify, the permit requires the Town of Granby to submit an Infiltration/Inflow Control Plan within 6 months of the effective date of the permit. The Plan should be a written document describing the permittee's program for preventing I/I related effluent limit violations and all unauthorized discharges of wastewater, including overflows and by passes due to excessive I/I. As noted in the previous response, if the Town currently has minimal amounts of I/I, the control plan may be logically scaled down.

The second requirement is an annual summary report of all actions taken to minimize I/I during the previous calendar year shall be submitted to EPA and MassDEP, annually, by the effective date of the permit. This requirement can be satisfied by a letter to EPA and MassDEP describing the activities which were taken.

It should be noted that the State interim policy on Infiltration and Inflow became effective on September 6, 2001 and that the guidance for Optimizing Operation, Maintenance and Rehabilitation of Sanitary Sewer Collection Systems was adopted on March 24, 2004. The policy and guidance applies to the Town of Granby and other municipalities owning satellite sewer systems.

Comment A5: In conclusion, we would like to see the regulations relaxed for communities such as ours with no known infiltration issues. These regulations also should have been phased in over a multi-year period in order to prepare budgets and appropriate the funding required to implement the programs.

Response: As detailed in the guidance document and permit, the level of work required for developing and implementing an Infiltration/Inflow Control Plan is a function of the current I/I in the system.

**B) Comments submitted on November 21, 2005 by Melissa A. LaBonte, IPP/Stormwater Coordinator, Town of South Hadley, Department of Public Works.**

Comment B1: The Public Notice: incorrectly lists the receiving water as the Nashua River and Watershed. This should be the Connecticut River Watershed.

Response: EPA recognizes the typographical error in the Public Notice.

Comment B2: Item 3 (of the draft permit) states that the effluent samples shall be collected at the point of discharge. Prior permits have specified that samples will be taken prior to chlorination, and this is how the plant has been set up to take effluent composites. The samples are currently taken from the parshall flume following secondary treatment and just prior to chlorination. Sampling the actual discharge point, which is at the bottom of a manmade cascade for dechlorination, is not feasible because the location is inaccessible. It would be possible, with some engineering and construction, to set-up a system at the chlorination tank effluent. This would require changing laboratory procedures to require seasonal dechlorination of BOD samples. The Town feels that the current sampling location is representative of the discharge and that there is no real advantage to be gained in changing the sample location. Therefore, the town requests that the original language regarding the effluent sampling collection point be maintained in the new Permit.

Response: The final permit has been edited to reflect the language in the previous permit with regard to sampling location.

Comment B3: Item 4 incorrectly reads “the effluent discharged through Outfall 001 to the unnamed tributary stream to the West River”. Outfall 001 discharges directly to the Connecticut River.

Response: EPA recognizes the typographical error and has corrected the error in the final permit.

Comment B4: The draft permit states that the IPP Annual Report shall be submitted no later than October 1<sup>st</sup> of each year. Prior permits have required this report to be completed by March 1<sup>st</sup> of every year for the preceding calendar year, as stated on page 9 of the Fact Sheet for the Draft Permit. The Industrial Pretreatment

Program is set up to meet its compliance requirements based on a calendar year; therefore; the Town is requesting that the original language for submittal of the IPP Annual Report be maintained in the new Permit.

Response: EPA has changed the language in the final permit to require the IPP Annual Report to be submitted by March 1<sup>st</sup> of the each year.

Comment B5: The draft permit, page 7, item 1, incorrectly lists the receiving water for the CSO#004 as Buttery Brook. It is the Connecticut River.

Response: EPA has corrected this error in the final permit.

Comment B6: The draft permit, page 7, item 1, will need to include CSO #010, located at the Stonybrook Pump Station, which discharges to Stony Brook.

Response: EPA has included CSO#010 in the final permit. During the public notice period, the Town of South Hadley contacted MassDEP and EPA informing the Agencies that a surcharging event occurred at the Stonybrook Pump Station on October 25, 2005. The Town is moving forward with upgrades for this location and has recently met with its engineering firm to discuss adding centrifugal pump to the upgrades at this location. The addition of a centrifugal pump will increase the station capacity by 150 gallons per minute, and will allow for the permanent elimination of the CSO at this location. The Town has also agreed to eliminate CSO #010 by December 31, 2007.

**C) Comments submitted on November 22, 2005 by Andrea Donlon, M.S., River Steward, Connecticut River Watershed Council, Greenfield, MA.**

Comment C1: Requirements for pH – We are glad that the pH minimum has been changed to 6.5 to reflect Massachusetts Water Quality Standards.

Response: EPA acknowledges the comment.

Comment C2: Fecal Coliform monitoring – We support EPA’s change in fecal coliform testing from once a week to twice a week. This we help to better characterize effluent quality.

Response: EPA acknowledges the comment.

Comment C3: Footnote 4 of Part I.A.1 of the permit says that the effluent at outfall 001 discharges to “an unnamed tributary to the West River.” Please correct this error in the final issuance of the permit. Outfall 001 discharges treated effluent to the Connecticut River.

Response: Please see the response to Comment B3

Comment C4: Footnote 6 to Part I.A.1 of the draft permit – We think flow-proportional 24-hour composite samples would better characterize biological oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), and nutrient levels.

Response: It is EPA's intention that the parameters which are to be sampled as composite samples be flow proportional. The Part II – General Conditions, which are attached to all NPDES permits in Region 1, define composite sample as “a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportional to flow, or a sample continuously collected proportionally to flow over that same time period.”

Comment C5: CRWC is in favor of EPA's approach to have concentration limits and mass loading limits in the permit.

Response: EPA acknowledges the comment.

Comment C6: During the seasonal chlorination period (April 1 to October 31), it may make sense to require BOD<sub>5</sub>, TSS, and fecal coliform sampling during CSO events. When the system is at its maximum capacity, it would be beneficial to know if the chlorination and de-chlorination processes are effective enough to protect water quality.

Response: EPA does not believe the collection of additional data is warranted since the permittee will eliminate all CSOs by December 31, 2007.

Comment C7: Total phosphorus should be monitored with the same frequency as nitrogen: once per month.

Response: EPA believes that quarterly monitoring of total phosphorus will provide the data necessary to determine if there is reasonable potential to require an effluent limit for phosphorus in the future.

Comment C8: Page 5 of the Fact Sheet, under 85% BOD<sub>5</sub> and TSS Removal Requirement – The Fact Sheet states that the draft permit maintains the requirement that the 30-day average percent removal for BOD and TSS be not less than 85%. Other than the permit stating that BOD and TSS sampling is required for influent and effluent, we could not find where in the permit it stated the 85 % reduction requirement.

Response: The 85% BOD<sub>5</sub> and TSS removal requirement can be found in Part 1.A.2.e of the draft and final permit.

Comment C9: Page 6 of the Fact Sheet, under Total Residual Chlorine – The draft permit sets a daily maximum limit of 1 mg/L of total residual chlorine, with a daily monitoring requirement. This limit is consistent with the state's Implementation Policy for the Control of Toxic Pollutants in Surface Waters, February 23, 1990 (see page

11 at [http://www.epa.gov/ost/standards/wqslibrary/ma/ma\\_1\\_wqs.pdf](http://www.epa.gov/ost/standards/wqslibrary/ma/ma_1_wqs.pdf)). The fact sheet appears to have a word processing error in its explanation of the limit; the statement of weekly sampling is confusing.

Response: The fact sheet statement, “One sample per week shall be collected concurrent with the fecal coliform bacteria sample.” should read, “Two samples per week shall be collected concurrent with the bi-weekly fecal coliform bacteria samples.”

Comment C10: Page 6 and 7 of the Fact Sheet, under Total Phosphorus – The Fact Sheet notes that, although there are no numerical criteria for total phosphorus, the 1986 Quality Criteria of Water recommends instream phosphorus concentrations of 0.1 mg/L for any stream not discharging directly to lakes or impounds. Given that the discharge point for the South Hadley WWTP is downstream of the Holyoke Dam, the facility’s discharge would appear to fit into this category. Moreover, the Fact Sheet states that MA Department of Environmental Protection has established that a monthly average total phosphorus limit of 0.2 mg/L represents the highest and best practical treatment for POTWs. EPA cites discharge monitoring reports (DMRs) that show that the permittee has average total phosphorus discharges of 0.47 mg/L. The rationale for not having a phosphorus effluent limit seems to be based on the incorrect assumption that the facility is discharging into a phosphorus-free water body. Although there is little ambient phosphorus data on the Connecticut River in this area, a sample collected by the US Geological Survey’s NAWQA program in September 1997 indicates a concentration of 0.17 mg/L in the Longmeadow area of the Connecticut River. Not only is the discharger not using the “highest and best practicable treatment” for phosphorus, but it may be doing so in an area that is already exceeding the EPA’s own in-stream phosphorus recommendations. We recommend that EPA consider limiting the phosphorus discharging from this facility and others in the Connecticut basin.

Response: As noted in the Fact Sheet, this segment of the Connecticut River is included on the most recent (2002) Massachusetts’ Integrated List of Water as impaired, however, the impairments listed are priority organics (PAHs), pathogens and settleable solids and not nutrients. At this time, EPA does not have any information indicating that this segment of the Connecticut River is experiencing eutrophication.

EPA recognizes that the USGS NAWQA study reported an instream total phosphorus concentration of greater than 0.1 mg/l in the Longmeadow area of the Connecticut River during September of 1997. The MA Surface Water Quality Standards (WQS) (314 CMR 4.04 (5)) require any existing point source containing nutrient concentrations which encourage eutrophication to be provided with the highest and best practicable treatment to remove such nutrients. EPA believes that additional information is necessary to determine if there is reasonable potential to cause a violation of the MA WQS.

Comment C11: The Fact Sheet on page 7 refers to the town of Norton. This facility is not located in Norton.

Response: EPA recognizes the typographical error. The sentence should read “Chicopee is within Ecoregion XIV, Eastern Coastal Plains.”

Comment C12: Section IX of the Fact Sheet, CSOs – CRWC is pleased that the town of South Hadley has eliminated two CSOs on Stony Brook in the past year. Stony Brook discharges into the Connecticut River just upstream of Brunelle’s Marina, a very popular boating facility. It is also located just downstream of the proposed future boat facility for Mount Holyoke College. Reducing bacteria discharges in this area will be extremely beneficial to many recreational users on the river in this area.

Response: As discussed in Comment B6, the permittee has discovered that it has not yet completely eliminated discharges from this CSO. However, the overflow will be permanently eliminated by the end of 2007.

Comment C13: The Fact Sheet on page 2 lists the receiving water of outfall 004 as the Connecticut River. However, page 7 of the permit says that the receiving water for both outfall 004 and 012 are Buttery Brook. Which is the correct receiving water for outfall 004? Part C.1.9.b of the Permit states that the CSO discharges shall not cause or contribute to violations of Federal or State Water Quality Standards. Buttery Brook is not listed anywhere on the Massachusetts Integrated List. The Connecticut River in this section is listed as impaired for pathogens, total suspended solids, and priority organics (<http://www.mass.gov/dep/brp/wm/files/2002-il2.pdf>). Is it not possible that the South Hadley CSO’s are contributing to violations of state water quality standards for pathogens and TSS?

Response: Outfall 004 does discharge to the Connecticut River. The error has been corrected in the final permit.

Comment C14: If CSO discharges shall not cause or contribute to violations of Federal or State Water Quality Standards, but there is no sampling of a river or stream below a CSO during discharge events (only a quantification of volume and duration), how is the determination made as to whether a CSO is causing or contributing to a violation?

Response: EPA assumes that any CSO discharge will cause violations of water quality standards downstream due to the high bacteria counts in CSO discharges. However, we do not believe the collection of additional data is warranted since the permittee will eliminate all CSOs by December 31, 2007.

Comment C15: Infiltration/Inflow – Based on the facility’s average flow in 2004 of 2.81 MGD (Table 1 of Fact Sheet) and a population of 17,725 served by the facility (page 2 of Fact Sheet), it appears that the flow is equivalent to about 158 gallons per person per day. The Fact Sheet on page 2 says that three industrial dischargers to the facility account for less than one percent of the total flow in 2004. The flow

per capita is quite high, indicating a large infiltration and inflow (I/I) problem. It is good that Part E of the draft permit is requiring the permittees (the towns of South Hadley, Granby, and Chicopee) to develop and implement an I/I Control Plan within 6 months of the effective date of the permit

Response: EPA acknowledges the comment.

Comment C16: Fact Sheet on page 12, section about endangered species (mislabeled section IX, but should be XIV and the ones after it should be one higher) – CRWC thinks that EPA should have finished consultation with NMFS and USFWS about the impact of this permit on shortnosed sturgeon **prior** to re-issuing the draft permit, such that the public can have the opportunity to review the findings and comment on them if necessary.

Response: EPA is not required to complete consultation with NMFS and USFWS prior to the public comment period. It is generally preferable to complete the consultation following public comment so that any changes made to the permit to address public comments can be considered by the Services without having to reopen the consultation process.

At the time of public comment EPA believed that the discharge from this facility was not likely to adversely affect any federally listed species or their habitats. The basis for this preliminary decision was that the draft permit is a reissuance of an existing discharge with effluent limitations as stringent as the previous permit, the limitations ensure compliance with State Water Quality Standards, there is a high dilution factor (273) at critical low flow conditions, and whole effluent toxicity test results are in compliance with permit limits.

USFWS and NMFS have since concurred with EPA's preliminary determination through the informal ESA consultation process. In a letter dated March 29, 2006, NMFS concluded that "the proposed reissuance of the NPDES permit for this facility is not likely to adversely affect shortnose sturgeon. Therefore, no further consultation pursuant to Section 7 of the ESA is required." NMFS did however request that copies of all monitoring reports, including WET testing results be submitted to them. EPA has added this requirement to the final permit.

In a letter dated June 1, 2006, USFWS concluded that "no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area. Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required."

Comment C17: In Table 1 of the Fact Sheet, it shows that the two most recent WET testing results indicate some toxicity associated with the effluent, within the permit limits. The previous three readings had shown no toxicity. An eye should be kept on this to see if there is a trend towards increasing toxicity.

Response: EPA acknowledges the comment.