

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET, SUITE 1100 (CMP)
BOSTON, MASSACHUSETTS 02114 - 2023

STATEMENT OF BASIS

MODIFICATION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

NPDES PERMIT NO.: **MA0101923**

NAME AND ADDRESS OF APPLICANT:

**Town of Rockland
Board of Sewer Commissioners**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Rockland Wastewater Treatment Plant
South End of Concord Street
Rockland, MA 02370

RECEIVING WATER: French Stream

CLASSIFICATION: B

I. Proposed Action, Type of Facility, and Discharge Location

This action is a proposed modification of the National Pollutant Discharge Elimination System (“NPDES”) permit issued on January 26, 2006 to the Town of Rockland, Board of Sewer Commissioners for the discharge from the Rockland Wastewater Treatment Plant (“WWTP”). The treatment plant is a 2.5 million gallon per day (“MGD”) advanced secondary treatment plant which discharges through a man-made channel to French Stream.

II. Limitations and Conditions

This proposed permit modification includes changes to the flow limit and compliance schedule. These modifications are shown in the draft permit modification in italic and are described in detail in subsequent sections of the statement of basis. The modifications include:

- changing the flow limit from an annual average to a monthly average (pages two and four of the draft permit modification.)

- changes to the compliance schedule (pages 14, 15, and 16 of the draft permit modification.)
- correction of a typographical error in the compliance schedule (page 14 of the draft permit modification).

Modification Basis

On January 26, 2006, the U.S. Environmental Protection Agency (“EPA”) and the Massachusetts Department of Environmental Protection (“MassDEP”) issued a NPDES permit to the Town of Rockland Board of Sewer Commissioners for the Rockland Wastewater Treatment Plant (“Final Permit”). The Final Permit superseded the prior permit issued on August 4, 1999.

On March 1, 2006, the North and South Rivers Watershed Association (“NSRWA”) filed a petition for review with the EPA Environmental Appeals Board (“EAB”) appealing certain conditions in the Final Permit. The contested portions of the permit were stayed, while the uncontested conditions went into effect on July 1, 2006. The EAB directed EPA to file a response to the NSRWA’s appeal by April 21, 2006. On April 10, 2006, June 27, 2006 and October 24, 2006, the EAB granted stays of proceedings to enable the parties to reach a negotiated settlement. A settlement was reached between EPA and the NSRWA on October 20, 2006 whereby EPA would modify certain conditions of the permit. EPA has communicated with the Town of Rockland regarding the proposed modification, and authorized representatives of the Rockland Board of Sewer Commissioners indicated that the revised compliance schedule proposed in the attached permit modification is achievable. The Rockland Board of Sewer Commissioners indicated its assent to the terms of the settlement by email to EPA on October 30, 2006. The Board of Sewer Commissioners subsequently withdrew its assent to the settlement on December 1, 2006 for reasons related to flow reporting requirements. This issue is discussed in Section II.A. below, under the heading “Flow.”

Therefore, EPA is hereby proposing to withdraw certain contested conditions and re-issue the conditions in modified form, pursuant to 40 C.F.R. §§ 124.19(d) and 124.6. These conditions are presented in the attached permit modification and described below. EPA is also proposing a minor modification, pursuant to 40 C.F.R. § 124.5(c)(3), to correct a typographical error in the compliance schedule of the permit.

A. Detailed Description of Modified Conditions

The following conditions are included in the draft modification.

Flow

The Final Permit included an annual average flow limit of 2.5 MGD and required the WWTP to report its monthly average flow and maximum daily flow. In its appeal, the NSRWA contested the absence of more prescriptive provisions concerning reduction of inflow and infiltration (“I/I”) to the Town’s sanitary sewer system. EPA proposes to withdraw the annual average flow limit and reissue the condition as an average monthly limit of 2.5 MGD in order to more closely track the Town’s efforts to reduce extraneous flows to its collection system.

This change is also consistent with a request made by the Town during settlement negotiations that the rolling annual average limit be replaced with a monthly average limit. These changes are shown on pages two (2) and four (4) of the draft permit modification.

Upon reviewing preliminary drafts of the statement of basis and draft permit modification, the Board of Sewer Commissioners withdrew its assent to the settlement because it had assumed that reporting requirements for annual average flow and maximum daily flow would be removed from the permit through the permit modification. EPA had never intended to remove those reporting requirements, and EPA is declining the Town's request for their removal because they were not contested conditions in the permit appeal and there is no cause for modifying these conditions, which are currently included in all POTW permits issued in Massachusetts. Therefore, the modification retains the requirement that the Town report the annual average flow and maximum daily flow. The permit has been clarified to be clear that there are no limits that apply to either parameter.

Compliance Schedule

The schedule in the Final Permit required compliance with these limits "no later than (5) five years from the effective date of this permit," which would have been July 1, 2011 had the permit limit not been stayed by the appeal. The NSRWA's appeal contested the length of the compliance schedules for the summer phosphorous effluent limit and cold weather ammonia nitrogen effluent limits. In the proposed modification, the overall compliance schedule, shown in Section F of the draft permit modification, has been shortened, requiring compliance with the final summer phosphorus limit and cold weather ammonia nitrogen limits no later than April 1, 2010.

The compliance schedule in the Final Permit was based on the assumption that, if the existing plant was unable to achieve the final summer effluent concentration limits for phosphorus and cold weather effluent concentration limits for ammonia, the Town would evaluate the necessary treatment plant improvements as part of a Comprehensive Wastewater Management Plan (CWMP). A CWMP assesses the overall wastewater needs for a community, including future growth, and therefore takes much longer than a plan targeted specifically at achieving the new permit limits. Also, a comprehensive plan would address the overall age of the treatment facilities and would likely propose replacement of some existing treatment plant equipment unrelated to the limits not being achieved, necessitating a longer design and construction schedule.

In discussions with the Town following the appeal, the Town stated that it intended to postpone preparation of a CWMP and to perform more specific studies targeted at improvements necessary to achieve the new permit limitations. Absent the CWMP process, a shorter compliance schedule is appropriate, and the Town has confirmed that the shortened schedule in the proposed modification is achievable. The original compliance schedule is attached, so that the differences between the schedule proposed in the modification and the one in the Final Permit can be compared.

The changes not discussed previously include: Page 14 - In the third line of Section F the words "(May 1 - September 30)" have been replaced by the words "(April 1 though October 31)". This change has been made to correct a typographical error made in the Final Permit. The effective period for the summer phosphorus limits listed on page 2 of the Final Permit read "April 1 - October 31." The Agency's intent to establish April 1 - October 31 as the effective period was also stated in the Response to Comments on the Final Permit, but the appropriate change was not made to the language in Section F.

Page 14 - In the Phosphorus Removal Optimization section of Section F, notes have been inserted showing the actual date the required optimization plan was submitted to EPA and Mass DEP, and the required completion date of the study. To clarify the schedule, The milestones for implementing the plan were similarly changed to reflect actual dates rather than months following completion of an event.

Page 15 - A specific Ammonia Removal Optimization Requirement has been added to the schedule as Item 2.

If, after optimizing the removal of ammonia during cold weather months of 2006-2007, the Town determines that the limit can be achieved, the limits will become effective on October 1, 2007. If the Town determine that the limits cannot be achieved, the limits will become effective according to the schedule in Item 3.

Page 15 - Item 2, Feasibility Study, has replaced by Item 3, Construction Schedule. The construction schedule includes specific dates for completing planning, design and construction of any facilities necessary to achieve the summer total phosphorus limits and the cold weather ammonia limits.

Page 16 - Item 4, Technology Scaling, has been added to ensure that the design of facility improvements necessary to achieve the phosphorus limits in the Final Permit not preclude the installation of technologies compatible with achieving more stringent phosphorus limits which may be set in the future.

III. State Certification Requirements

EPA may not issue a permit modification unless the State Water Pollution Control Agency with jurisdiction over the receiving waters certifies that the effluent limitations contained in the permit modification are stringent enough to assure that the discharge will not cause the receiving water to violate State Water Quality Standards. The staff of the MADEP has reviewed this modification and advised EPA that the limitations are adequate to protect water quality. EPA has requested certification by the state pursuant to 40 C.F.R. § 124.53 and expects that the draft permit modification will be certified.

IV. Comment Period and Procedures for Final Decision

As part of the modification procedure, EPA and MassDEP will accept comments from the public on the proposed modification, see Page 1 of this document for dates. Pursuant to 40 C.F.R § 122.62, only the conditions specifically proposed in the draft modification are subject to public comment. Comments on any other conditions of the permit will not be accepted.

All persons, including applicants, who believe any condition of the draft permit modification is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period to the EPA and MassDEP contacts listed below. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit modification to EPA and the State Agency. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit modification the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston office.

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit modification decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice.

V. EPA and MassDEP Contacts

Additional information concerning the permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays from:

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December 13 2006

Date

Linda M. Murphy, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency