

## RESPONSE TO PUBLIC COMMENTS

From June 24, 2009 through July 23, 2009, the United States Environmental Protection Agency (“EPA”) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD), solicited public comments on the draft National Pollutant Discharge Elimination System (“NPDES”) permit developed pursuant to an application submitted by the Town of Littleton, New Hampshire, for the reissuance of its permit to discharge treated wastewater from the Littleton Wastewater Treatment Plant to the designated receiving water, the Ammonoosuc River.

Following a review of the comments received, EPA has made a final decision to issue the permit authorizing this discharge. In accordance with the provisions of 40 CFR § 124.17, this document briefly describes and responds to the comments received on the draft permit, and explains any provisions of the final permit which have been changed from the draft as well as the reasoning supporting those changes. Any clarifications that EPA considers necessary are also included in this document. A copy of the final permit may be obtained by calling or writing Meridith Timony, United States Environmental Protection Agency, One Congress Street, Suite 1100 (Mail code: CMP), Boston, Massachusetts 02114-2023; Telephone: (617) 918-1533. Copies of the final permit and the response to comments may also be obtained from the EPA Region I website at <http://www.epa.gov/region1/npdes/index.html>.

### **A. Comments Received from the New Hampshire Division of Historical Resources, dated June 24, 2009.**

#### **Comment 1.**

*As required by the National Historic Preservation Act and Federal Advisory Council on Historic Preservation “Procedures for the Protection of Historic and Cultural Properties” (36 CFR 800), the Division of Historical Resources has reviewed the following NPDES Permit:*

<i>PERMIT NUMBER:</i>	<i>NH0100153</i>
<i>PUBLIC NOTICE NUMBER:</i>	<i>NH-004-09</i>
<i>NAME OF APPLICANT:</i>	<i>Town of Littleton</i>
<i>NAME OF FACILITY:</i>	<i>Littleton Wastewater Treatment Plant</i>
<i>RECEIVING WATER:</i>	<i>River Ammonoosuc River</i>

*Based upon the information available, it has been determined that the proposed action, as limited and controlled by the permit, will have no effect on known or expected resources of architectural, historical, engineering, archeological or cultural significance. This finding concludes the historic preservation review and compliance process.*

**Response 1.**

EPA acknowledges the comment.

**B. Comments Received from Paul E. Stacey, Director, Bureau of Water Protection and Land Reuse, Planning and Standards Division, State of Connecticut Department of Environmental Protection, dated July 23, 2009.**

**Opening Comment:**

*The Connecticut Department of Environmental Protection (CTDEP) appreciates this opportunity to comment on the draft NPDES permit for the Littleton Wastewater Treatment Plant (WWTP). The draft permit authorizes the WWTP to discharge to the Ammonoosuc River located in Vermont. This river subsequently drains to Long Island Sound (LIS) via the Connecticut River. The CTDEP has an interest in discharges to waters that drain to Long Island Sound since hypoxic conditions, which occur annually in the summer, have been documented to result from excessive amounts of nitrogen from anthropogenic activities. In response to this occurrence, Connecticut and New York jointly developed a Total Maximum Daily Load (TMDL) for nitrogen which was approved by the Federal Environmental Protection Agency (EPA) in April, 2001. In addition to a number of nitrogen reduction efforts, the TMDL specifies a 25% reduction in the estimated nitrogen load from states upstream of Connecticut (Massachusetts, Vermont, and New Hampshire).*

*The draft Littleton WWTP discharge permit demonstrates initial efforts aimed at reducing the amount of nitrogen discharged to LIS from upstream states. It includes a Special Condition for the WWTP to maintain a nitrogen load of approximately 74 pounds/day based on a 2004 and 2005 annual average and requires the WWTP permittee to conduct an evaluation of optimization methods designed to maintain this nitrogen load. The draft permit also requires the permittee to submit an annual report that outlines nitrogen removal efficiencies, documents the annual nitrogen load discharged, and tracks trends in the nitrogen load. The CTDEP is pleased that such stipulations targeted at nitrogen loading have been proposed in the draft Littleton WWTP NPDES permit and hopes to see this Special Condition incorporated in the final version.*

**Response to Opening Comment:**

EPA acknowledges the comment.

**Comment 1:**

*Also noted in the draft WWTP permit is a requirement for monthly monitoring of nitrogen species based on a 24-h composite sample. This type of data will serve to refine nitrogen loading estimates to LIS from upstream states and assist the Connecticut River Workgroup (EPA, NEIWPCC, CT, MA, VT, NH) in determining supportable management*

*actions. However, we also recommend concurrent sampling along the process or equipment chain, especially the influent. Those data will help determine treatment efficiency and, should nutrient removal be required at some time in the future for local or Long Island Sound management, they will be helpful in determining appropriate technologies and management options.*

**Response No. 1:**

EPA's current approach to determining nitrogen loadings from New Hampshire POTWs discharging to waters located within the Connecticut River Basin is to require nitrogen monitoring of the effluent. At this time, EPA is of the opinion that this level of monitoring is sufficient for the purposes of establishing the quantity of nitrogen discharged from the Littleton facility, and does not believe that requiring additional monitoring requirements would provide any significant benefit. Therefore, the nitrogen monitoring requirements in the final permit remain unchanged from the draft.

It should be noted that the permittee may conduct additional nitrogen sampling in support of its evaluation of alternative operational procedures that may enhance the nitrogen removal efficiency of the facility.

**Closing Comment:**

*We appreciate the expanding cooperative effort with our neighboring states to resolve the nitrogen-loading problem that Long Island Sound endures and thank you for your attention to these needs.*

**Response to Closing Comment:**

EPA acknowledges the comment.

**B. Editorial comments were submitted by NHDES on the draft permit and fact sheet. The changes made to the final permit following a review of these suggestions are addressed first. Fact sheets are written to support the draft permit, and are not revised as part of the final permit decision. EPA does not believe that any of the editorial suggestions submitted on the fact sheet necessitate any changes to the final permit. However, responses to significant comments are noted below in this response to comments document which becomes part of the administrative record.**

**Changes Made to the Final Permit from the Draft Permit**

**Part I, front page:** The typographical error referencing the Massachusetts Clean Waters Act has been removed.

**Part I.A.1.:** The following statement has been added above the table on pages 2-4:

*Samples taken in compliance with the monitoring requirements specified below shall be taken at the end of all treatment processes and at a location that provides a representative analysis of the effluent.*

**Table in Part I.A.1, pH:** The citation to Part I.H.5. (next to the pH range) has been changed to Part I.I.5.

**Table in Part I.A.1, *Escherichia coli* (*E. coli*):** The citation referencing footnote 3 has been removed from the final permit because the *E. coli* limitations are not state certification requirements.

**Table in Part I.A.1., Lead:** The sampling frequency for lead has been changed from once per week to twice per month to be consistent with the monitoring frequency for metals typically required by NPDES permits issued to wastewater treatment plants in New Hampshire.

**Part I.C.6.e.:** The following statement has been corrected to reflect 80% of the wastewater treatment plant's design flow:

*If treatment plant flow has reach 80% of the 1.5 MGD design flow (1.2 MGD) or there have been capacity related overflows, submit a calculation of the maximum daily, weekly, and monthly infiltration and the maximum daily, weekly, and monthly inflow for the reporting year.*

**Part I.E.2.:** Reference to the New Hampshire Surface Water Quality Regulations has been changed from Env-Ws to Env-Wq.

**Part I.I.4.:** The following definition of "wastewater facility", taken from the New Hampshire Code of Administrative Rules, RSA 485-A:2, XIX, has been added to the State Permit Conditions section of the final permit (Part I.I.4.):

*"Wastewater facilities" means the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge".*

**Part I.I.6.:** Reference to the New Hampshire Surface Water Quality Regulations has been changed from Env-Ws to Env-Wq.

**Part I.I.7.:** References to the New Hampshire Surface Water Quality Regulations have been changed from Env-Ws to Env-Wq.

**Part I.I.8.:** References to the New Hampshire Surface Water Quality Regulations have been changed from Env-Ws to Env-Wq.

### **Clarification of the Fact Sheet**

The New Hampshire Surface Water Quality Regulations are referred to by the prefix “Env-Ws” throughout the fact sheet. As of May 21, 2008, the nomenclature of the New Hampshire Surface Water Quality Regulations became Env-Wq.

**Part V.D.1.:** The average weekly and maximum daily mass limitations for BOD<sub>5</sub> and TSS should have been 563 lbs/day and 626 lbs, respectively.

**Part V.E.3.:** The fact sheet states that the results of lead analyses conducted on samples of the effluent in conjunction with WET testing may be used to satisfy one of the *twice per month* monitoring requirements for lead for the particular week/month in which the WET test analysis was performed. Although this statement should have correctly referenced the *once per week* sampling frequency for lead specified in the draft permit, the monitoring frequency for lead in the final permit has been changed to twice per month (see above explanation of changes made to the final permit from the draft), so this statement is now correct.

**Part V.E.4.** The fact sheet states that the results of copper analyses conducted on samples of the effluent in conjunction with WET testing may be used to satisfy one of the *twice per week* monitoring requirements for the particular week in which the WET test analysis was performed. This statement should have correctly referenced the *twice per month* monitoring frequency for copper in the draft and final permits.

**Part VII:** Typographical error – The statement beginning with “*The permit also requires the permittee to: (1) report to EPA and NNDES....*” Should have read as “*The permit also requires the permittee to: (1) report to EPA and NHDES ...*”

**Part XII:** The reference to the NHDES Surface Water Quality Bureau was incorrect. The correct reference is the NHDES Wastewater Engineering Bureau.

### **Additional Comments on the Fact Sheet:**

**Appendix F:** The following corrections to Appendix F are noted:

The acute dissolved criterion for lead was incorrectly presented as 0.14 µg/l. The correct criterion is 14 µg/l.

The acute total recoverable limit for nickel was incorrectly presented as 871 µg/l. The correct limit is 891 µg/l.

The chronic conversion factor for cadmium was incorrectly presented as 1.002. The correct conversion factor is 0.967.

The chronic total recoverable limit for cadmium was incorrectly presented as 4.9 µg/l. The correct limit is 5.1 µg/l.