



# AMHERST *Massachusetts*

OFFICE OF THE SUPERINTENDENT OF PUBLIC WORKS  
586 SOUTH PLEASANT STREET  
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TEL. 413-259-3050 FAX 413-259-2414

November 16, 2023

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1103M  
Washington, D.C. 20460-0001  
Delivered via: e-Filing system for EAB

Subject: Request for review of permit by EAB  
NPDES Permit No. MA0100218  
Amherst Wastewater Treatment Plant

To whom it may concern,

This letter serves as a request for review by the Environmental Appeals Board (EAB) of the Town of Amherst NPDES Permit No. MA0100218 issued October 19, 2023. This permit authorizes the Town of Amherst Wastewater Treatment Plant (WWTP) to discharge treated wastewater into the Connecticut River. This permit updates the previous NPDES permit issued on June 26, 2012.

We are requesting a review by the EAB based on the permitting authority's failure to provide public notice and an opportunity to comment on a permit provision within the final permit. A change was made in the final permit based on a comment submitted within the comment period. Due to its exclusion within the draft permit, the Town of Amherst did not have an opportunity to comment on the proposed change.

The draft permit for NPDES Permit No. MA0100218 was issued on March 30, 2023. The Town of Amherst submitted written comments on the draft permit on April 28, 2023 to the U.S. Environmental Protection Agency (EPA) – Region 1. A copy of the Town's comment letter is attached.

Within the final permit, Part I.A.1, Effluent Limitations and Monitoring Requirements, requires e. coli monitoring from March 1 through October 31. Footnotes 7 and 8 clarify that the permit requires Amherst WWTP to chlorinate from March through October starting in 2025. The previous permit required chlorination and E. coli monitoring from April 1 through October 31.

According to the EPA's response to comments, this change was made due to the comment letter submitted by the Connecticut River Conservancy.

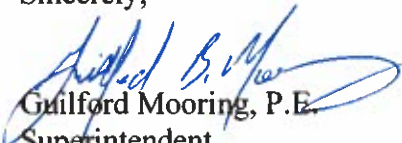
The EPA's rationale for this change is as follows: "Based on this comment, EPA determined that the UMass Amherst rowing team appears to use the river for recreation beginning in the month of March. Therefore, the season has been extended to March 1 through October 31 in the final permit."

The Town of Amherst contends that portions of the Connecticut River are frozen in early March, or have high flows due to the spring snow melt which are not conducive to water recreation. We further question this start date because if discharging unchlorinated treated wastewater effluent in the proximity of potential recreation was of concern then it is unclear why other wastewater treatment facilities have not seen their chlorination season extended. To our knowledge, the Northampton, Montague, Greenfield, Easthampton, South Hadley, Hadley, South Deerfield, Hatfield and Sunderland NPDES permits all require April 1 through October 31 chlorination and E. coli monitoring. These wastewater treatment facilities all discharge within the area that UMass rowing uses during their rowing season.

The Town recognizes and appreciates the time and effort put forth by the regulatory agencies to put together this permit. We feel that this permit was written with appropriate consideration of protecting the Connecticut River water quality while balancing the financial and operational constraints of operating a wastewater treatment facility. We also acknowledge and appreciate that the permit writers reviewed and considered our comments on the draft permit.

Please contact us with any questions or clarification of our concerns and comments.

Sincerely,



Guilford Mooring, P.E.  
Superintendent

Amherst Public Works Department



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November 17, 2023

## **CERTIFICATE OF SERVICE**

I hereby certify, pursuant to the Rules of the Environmental Appeals Board of the U.S. Environmental Protection Agency, that on April 24, 2015, the foregoing was filed electronically with the Clerk of the Environmental Appeals Board using the Central Data Exchange. The foregoing will be served by email on interested parties in this matter, who are listed below.

Guilford B. Mooring II  
Superintendent of Public Works

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