

Attachment 8

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February 10, 2015

Ken Moraff, Director
Office of Ecosystem Protection
US EPA
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-23912

Dave Ferris, Director
Massachusetts Wastewater Management Program
Department of Environmental Protection
Commonwealth of Massachusetts
1 Winter Street
Boston, Massachusetts 02108

**RE: Town of Salisbury, Massachusetts, NPDES Permit No. MA 0102873
Draft Permit Response**

Dear Messrs. Moraff & Ferris:

In accordance with public notice number MA-004-15 and pursuant to the provisions of the January 14, 2015 Draft National Pollutant Discharge Elimination System (NPDES) Permit (the draft permit), please accept this correspondence and recognize it as our official public notice comments. These comments are submitted on behalf of our client, the Town of Salisbury, Massachusetts (the town).

The following paragraphs detail our comments.

1. CBOD₅ and TSS Measurement Frequency

It appears that the draft permit includes mass and concentration limits for CBOD₅ and TSS that remain unchanged from the 2007 permit. However, the draft permit increases the measurement frequency for both parameters to 3/week from 2/week. The rationale for this increase is unclear; the wastewater treatment plant (the plant) has been reporting data for a number of years, the current measurement frequency allows for representative samples and results, and EPA already has a sizable database of information upon which to rely. Conducting another round of 24-hour composite sampling every week therefore presents an additional operational burden to staff without obvious benefit.

Accordingly, the town requests that the final permit include a measurement frequency for CBOD₅ and TSS be modified to 2/week.

2. Effluent Nickel Limit

The draft permit includes a new average monthly numerical limit for Total Nickel based on the results of the reasonable potential analysis in relation to the chronic criterion. This is primarily due to the dilution factor. This is a comparable rationale to that of Total Copper and Total Ammonia as Nitrogen.

These two pollutants have been subject of Administrative Order Docket No. 11-012 (the AO) and have associated interim limits while compliance issues achieve a long-term resolution. These interim limits are also listed in the draft permit Fact Sheet. The goal is to implement a plant modification that approves a tidal discharge, thereby modifying the dilution factor and associated permit limits for these parameters. This approach was addressed in the February 2012 ammonia and January 2013 copper reports, as well as the July 2014 Tidal Discharge Scope of Work report. Total Nickel would fall into this same process and eventual solution.

Therefore, the town requests that the Total Nickel limit be removed from this permit cycle. Barring that, it is requested that an interim limit be inserted into the Fact Sheet for Total Nickel that allows the AO process to advance without permit violations. An interim limit of 40 ug/l is proposed.

3. Total Nitrogen Series Monitoring and Reporting.

The draft permit includes an additional requirement for Total Nitrogen reporting. Given the current permit's focus on the nitrogen series (Total Kjeldahl Nitrogen, Total Nitrate-Nitrogen, and Total Nitrite Nitrogen, the addition of a Total Nitrogen reporting requirement raises concern that EPA will apply effluent limits to these pollutants in future permit cycles. If future permit cycles were to include a numerical limit for Total Nitrogen, an extremely costly and comprehensive plant upgrade would be required.

Recognizing that the town is prepared to study and potentially implement a costly modification to their discharge approach, the subsequent need to fully upgrade the plant is troubling. Such incremental changes to the permit reduce the town's ability to cost-effectively improve plant operations.

Further, the focus on nitrogen remains a concern. The plant discharges to segment MA84A-06 of the Merrimack River. The 303(d) list does not indicate nutrient impairment. Therefore, we request that the Total Nitrogen monitoring be removed from the permit. Further, the town requests that EPA formally express the root intent and goal of the nitrogen series monitoring and reporting for the Merrimack River basin. If the goal is the eventual imposition of a Total Nitrogen numerical limit, the affected communities across the region need to be made aware of this likelihood in a manner that enables all parties to plan in a proactively manner.

4. Total Copper

The rationale for total copper is based on the acute and chronic criteria. However, this is based on the national recommended water quality criteria for copper. In reviewing toxicity test results, there is no clear link between the plant discharge and receiving water toxicity.

Accordingly, the town requests a meeting with EPA prior to issuance of the final permit to discuss the merits of a Water Effect Ratio analysis. Again, this concept was introduced in the July 2014 tidal discharge scope of work report. Such an analysis could very likely determine that the discharged copper loads are in a nontoxic form and permit relief can be achieved.

5. Daily grab definition

The draft permit does not include a definition for daily grab samples, although such sampling is required for a number of constituents. The town requests that daily grab sample be defined as follows:

Daily grab samples are to be collected during regular operating working hours. Regular operating working hours are Monday through Friday, 7:00 am to 3:00 pm.

This definition is requested to be added to footnote 5.

6. AO Implications

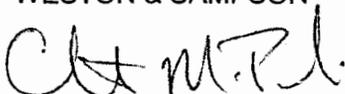
Prior AO reports have evaluated both copper (January 2013) and ammonia (February 2012) sources, plant removal efficacy, and potential plant modifications. Subsequent to these AO deliverables, the town commissioned the preparation of, and submittal to EPA and DEP, the July 2014 Tidal Discharge Scope of Work report. Since submittal of these reports, there have been several discussions with EPA representatives indicating these reports have been approved. However, there has been no formal response to these submittals and therefore no advancement of a proposed study and eventual resolution.

Accordingly, the town requests that EPA confirm that the town has complied with all AO requirements and also approves the reports and recognizes that all timetables associated with these reports are not bound to the AO and AO compliance.

We trust these comments will be given EPA's highest consideration, and we are available to meet with you to discuss these comments in greater detail. If you should have any questions, or would like to schedule a meeting, please do not hesitate to contact Mr. Donald Levesque, DPW Director at (978) 463-0656 or Jeff Ingalls at (978) 465-4058.

Very truly yours,

WESTON & SAMPSON



Christopher M. Perkins, PE
Vice President

cc: Jeff Ingalls, WWTP Chief Operator
Donald Levesque, DPW Director
Neil Harrington, Town Manager