

**From:** [John Hall](#)  
**To:** [Benjamin Kirby](#); [Phil Rosenman](#)  
**Subject:** FW: Taunton NPDES Permit  
**Date:** Wednesday, May 06, 2015 6:52:06 PM  
**Importance:** High

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This email goes into the record

*John*

John C. Hall  
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**From:** Bukhari, Samir [mailto:[Bukhari.Samir@epa.gov](mailto:Bukhari.Samir@epa.gov)]  
**Sent:** Friday, March 06, 2015 10:11 AM  
**To:** John Hall; [ddeabreu@taunton-ma.gov](mailto:ddeabreu@taunton-ma.gov)  
**Cc:** [JFederico@BETA-Inc.com](mailto:JFederico@BETA-Inc.com); Moraff, Kenneth  
**Subject:** RE: Taunton NPDES Permit

John,

First, regarding an "updated" nutrient analysis, an updated explanation by the Region of the basis for total nitrogen effluent limits in this watershed has been included in the recently released fact sheet for the Brockton AWRP draft permit, which can be found at <http://www.epa.gov/region1/npdes/permits/draft/2015/draftma0101010permit.pdf> (see pages 24-49). The Brockton AWRP Fact Sheet includes the weblinks for datasonde and other recent data; these are publicly available information sources. For example the datasonde information collected by the Narragansett Bay Water Quality Network is available on line at [http://www.narrbay.org/d\\_projects/buoy/buoydata.htm](http://www.narrbay.org/d_projects/buoy/buoydata.htm) (daily average data) and <http://www.dem.ri.gov/bart> (continuous data). The Administrative Record also includes the 2013 Annual Report from the Brayton Point Station Hydrographical and Biological Monitoring Program, which is not accessible online; we will mail you a pdf copy on CD. As always, the Administrative Records for both the Taunton and Brockton NPDES Permits are available for review at our offices.

Regarding your second item, the schedule we have proposed allows the City to pursue an adaptive management approach to ensuring attainment of water quality standards. Under Region's interpretation of the nutrient-related narrative criteria for NPDES permitting purposes, attainment

of water quality standards in Massachusetts SB waters would require average mid-ebb tide total nitrogen concentrations of 0.45 mg/l or less, and surface water and bottom water minimum dissolved oxygen levels of 5.0 mg/l or greater; chlorophyll a levels are also an indicator of nutrient impairment and should be in the range of 5 ug/l or less. Adaptive management entails making significant pollutant loading reductions and then measuring the response in the receiving water before making additional reductions. Repeating the SMAST study of 2004 - 2006 for a minimum of two years, supplemented with the deployment of some continuous dissolved oxygen meters at key stations, e.g., station MHB19 and station MHB2, would provide for a comprehensive analysis of progress made towards attaining water quality standards.

Prior to achieving significant pollutant loading reductions, a demonstration that an alternative limit to the 3.0 mg/l total nitrogen limit is consistent with attaining water quality standards would require development of an adequately supported alternative interpretation of the narrative nutrient criteria that accounts for site-specific data and a corresponding alternative nitrogen loading analysis demonstrating that the narrative criteria will be met.

While we hope you find this information helpful as you review EPA's March 3<sup>rd</sup> communications with the City, we would not characterize these two items as "missing" from our proposal. To be clear, we do not expect our long-standing technical disagreements over the basis of the nitrogen limitation to be finally resolved before March 20 or final permit issuance, and do not regard resolution of either of the two items you raise to be prerequisites to moving forward. We have made our proposal in an effort to address the City's concerns while assuming differences will remain. With that in mind, we look forward to the City's response and further communications prior to March 20.

Samir

Samir Bukhari  
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**From:** John Hall [<mailto:jhall@hall-associates.com>]  
**Sent:** Tuesday, March 03, 2015 5:16 PM  
**To:** Bukhari, Samir; [ddeabreu@taunton-ma.gov](mailto:ddeabreu@taunton-ma.gov)  
**Cc:** [JFederico@BETA-Inc.com](mailto:JFederico@BETA-Inc.com)  
**Subject:** RE: Taunton NPDES Permit

Samir

Thank you for the copy of the letter and suggested schedule. The City's engineer, Joe Federico will

look at the schedule. There are two significant items missing from the Regional Administrator's letter based on the discussion at the meeting:

- The updated EPA nutrient impact analyses for the system based on more recent data
- A description of the studies/information required to demonstrate that a 3 mg/l TN limitation is no longer required for this facility

Based on the discussion at the meeting, it was my impression that the latter would be developed from follow-up discussions among the City, EPA and MassDEP. However, given the short deadline contained in the letter – March 20<sup>th</sup> – it would seem that EPA will need to identify the information and analysis needed to make the determination. Please let me know when the City may expect to receive that information and EPA's updated nutrient impact analyses.

Thank you

*John*

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**From:** Bukhari, Samir [<mailto:Bukhari.Samir@epa.gov>]  
**Sent:** Tuesday, March 03, 2015 4:32 PM  
**To:** John Hall; [ddeabreu@taunton-ma.gov](mailto:ddeabreu@taunton-ma.gov)  
**Subject:** Taunton NPDES Permit

John and Daniel,

As a follow up to our February 18 meeting in Taunton, I am attaching a letter from the RA to the Mayor concerning the Taunton permit. Please let me know if you have any questions.

Thank you.

Samir

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