

DATE: January 14, 1998  
FROM: Jane F. Downing  
TO: John DeVillars  
SUBJ: Congress Group Ventures, Wayland, Raytheon NPDES Permit

*George Papadopoulos*  
*FBI*

As requested, this is to provide information on the Congress Group Ventures and their pursuit of an NPDES permit for the former Raytheon facility in Wayland Massachusetts.

Background

- The Congress Group Ventures are pursuing plans to redevelop the former Raytheon facility;
- The Raytheon facility was issued an NPDES permit on 9/90 to discharge treated electroplating wastewater, cooling tower blow-down and sanitary wastewater to the Sudbury River;
- The Raytheon facility went out of business, and on 4/97 was notified that their NPDES permit has been terminated;
- In 10/97, Phil Sudol contacted EPA to discuss the permit status with request to reactivate the Raytheon permit. They were notified that the Raytheon permit was terminated and that the redeveloped facility will be considered a new discharger. [Note: a 9/96 letter from Raytheon to Jane Downing had previously requested cancellation of the Raytheon permit and explained that they have informed any sublessee that the current permit is not transferable];
- According to the Congress Group they have submitted an NPDES permit application and are awaiting a completeness letter from EPA;
- In 11/97, I assigned a permit writer to begin to draft the new permit. In addition, communication highlighted that there are water quality issues relating to excess nutrients in the Sudbury River and potential need for phosphorus control on the point source. Anticipated discharge is 50,000 gpd of sanitary wastewater from tenants within the building.

Requirements for "New Dischargers" and NPDES Permits

- Under the Prohibitions Section, " no permit may be issued to a .. new discharger.. if the discharge will cause or contribute to the violation of water quality standards;  
- NOTE: Sudbury River violates water quality standards due to eutrophication;
- A new discharger must demonstrate that there are sufficient remaining pollutant load allocation to allow for the discharge

(via State wasteload allocation);

- NOTE: There are no plans to update any past waste load allocation for the Sudbury River; Also, Congress Group has asked for expedited permit reissuance;

### Proposed Permitting Strategy

- Any new draft permit would include a "Best Available Treatment" limit of 0.2 mg/l for phosphorus;
- Develop a pollutant trading option for nonpoint source nutrient abatement within the watershed to offset the phosphorus point source loading in order to rationalize a new discharger into a water quality-limited water body;
- Work with watershed group (SUASCO) to pursue ideas for pollutant trading, and/or investigate the feasibility of upgrading failing septic systems. EPA is currently in the middle of such information gathering;
- Reasons why the above approach makes sense:
  1. As you know, this is the approach we are taking for the Town of Acton and therefore would show fairness and consistency within neighboring geographic area;
  2. EPA could rationalize prohibition of the permit not reasonable if the contribution to water quality violations within the receiving water (i.e. phosphorus) was more than offset by nonpoint source nutrient abatement;
  3. If arguably zero or negative net nutrient loading, EPA could argue no new wasteload allocation necessary prior to permit reissuance;
  4. SUSACO Watershed Association had been contacted about the proposed pollutant trade for Acton and despite some reservations has expressed support; Additional marketing is needed for the Wayland permit, but better than trying to rationalize additional phosphorus loading to a currently stressed resource;
  5. Continue the strong state-wide message that nutrient loadings to surface water bodies will be seriously evaluated and imposition of best available technology (sand filters) imposed where necessary.

### Next Steps

- EPA agreed to expedite - permit writer already starting to draft language for permit and fact sheet;
- EPA agreed to brainstorm ways to rationalize the issuance of a new permit (see above for pollutant trading option), and will continue to pursue details of the creative approach with SUASCO and Congress Group;
- As soon as agreement reached on trade, EPA can finalize draft permit and proceed to public notice.

$$0.2 \text{ mg/l} / 8.345 / 0.052 \text{ MGD} = 0.087 \text{ lb/day}$$

influent = 10 mg/l

Trading → 15 to 2 times .087 for NPS reduction (safety uncertainty)