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City of Attleboro, Massachusetts

DEPARTMENT OF WASTEWATER
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Paul A. Kennedy
Superintendent
Department of Wastewater

September 14, 2006

Mr. Roger Janson, Chief
U.S. Environmental Protection Agency
Office of Ecosystem Protection "CMP"
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Dear Mr. Janson:

The City of Attleboro is very proactive in its endeavors to achieve the limits of the NPDES permit for the wastewater treatment plant. We have worked very hard to meet current NPDES imposed treatment limits. At present, the City is working on a Comprehensive Wastewater Management Plan and our $30 million dollar upgrade now under construction.

With regard to metals we feel the Attleboro facility has maximized its ability to remove metals. Any further removal would have to be achieved at the point source industries. Further, we feel that the stringent limits proposed are not warranted. Positive bioassay testing from 2003 to present have had no toxicity failures, which proves that the impacts of metals discharged from the Attleboro facility are consistently not compromising the integrity of the Ten Mile River. (A copy is enclosed as Attachment A of the results of our bioassay testing for the past 3 years).

The City of Attleboro's Industrial Pretreatment Program was established in September 1984. We have a full time Industrial Pretreatment Coordinator overseeing 29 permitted industries. We are required to sample each industry on a semi annual basis along with requiring each industry to submit quarterly sample results to insure compliance. The City also conducts an annual total toxic organics sampling, as well as, inspections of all permitted industries once a year. Further, the City takes additional samples when inconsistencies are detected. The City continues to work with the Industries to provide assistance to improve the quality of their wastewater discharges to the municipal wastewater treatment plant.

Approximately a year and a half ago, the City and our Consultants, CDM, met with the DEP regarding our concern that total nitrogen limit might be implemented in this proposed permit. We were seeking direction from DEP and EPA at that time as the City began the first months of our plant upgrade. The City tried to obtain firm and long-term limits for phosphorus and nitrogen. The official response to the City was to monitor nitrogen until a TMDL is completed on the Ten Mile River and then the discharge limits for the WWTP would be established and permitted. In effect, the City would not see a total nitrogen limit in this new permit, which would allow at least 5 more years of monitoring and careful assessment. This mutually agreed to approach provided direction to the City's wastewater budget, facility planning and the ongoing upgrade construction.

Throughout the years, the City of Attleboro has strived to meet and has complied with its NPDES limitations set by the DEP/EPA for all parameters. Over the past several years the following procedures

have been implemented to our process and operations to achieve compliance. In the early 1980's a primary pH of 9.3 to 9.5 was established and maintained using lime addition at the Headworks to enhance copper removal. In addition, three primary clarifiers, as opposed to two, were put into service to increase detention time and remove the copper into the sludge. Also, our first stage clarifiers were brought into service to serve as back up primaries to further remove copper into the sludge. In addition, a depressed pH due to the effect of the metal salts was neutralized by the addition of lime to our aeration system to keep the pH above a 7.0, which kept the copper from going back into solution, and substantially enhanced our copper removal. We also limited our septage pumping to nighttime hours during lower flow periods at a slower pumping rate over a longer duration of time. Following our Phosphorus Optimization Study, several different chemical combinations were tried as an alternate to alum. Ultimately we chose ferric chloride and poly aluminum chloride. This enabled us to meet the present phosphorus limit of 0.2.

Additionally we note in the permit language that:

- Under Footnote # 10 the boxed area denoting "Chronic Limit C-NOEC" says > 94%. The "Effluent Limitations and Monitoring Requirements" in the draft permit indicates our limit as being > 71%.

- Fact Sheet – page 4 section C mentions sulfur dioxide dechlorination. Our new chemical is sodium bisulfite.

- Cyanide – Fact Sheet page 13, our existing ML is 20 ug/l for cyanide and if below report as zero. Is the new ML of 10 ug/l going to be reported as zero or is the limit that is specified in "Effluent Limitations and Monitoring Requirements" in the draft permit our limit?

With regard to fecal coliform, favorable TRC data was forwarded to Mr. Brian Pitt to support our request to relax our fecal coliform frequency of sampling from 3 times per week back to once per week. We were told that the data submitted warranted a change in frequency but it would take place at the time of the renewal of our permit. We request to see this changed now.

Another step taken toward permit compliance included the design and implementation of a dechlorination system to meet lower chlorine residual requirements. Under the ongoing facility upgrade we replaced liquid chlorine gas with liquid sodium hypochlorite and sulfur dioxide was replaced with sodium bisulfite.

We take exception to several limits as proposed in the current draft permit. We believe that the basis or derivation of the new limits for total nitrogen is not sufficiently substantiated. Further, if imposed, the facility would be subject to yet another structural modification costing millions of dollars and will cause hardship to the taxpayers and ratepayers of the City of Attleboro.

As demonstrated from the above, the Attleboro Wastewater Treatment Facility has successfully met all of the limits imposed in prior NPDES permits and is committed to meeting all reasonable future limits. However, we feel the total nitrogen limit along with the metals proposed in this draft permit are based on inconclusive information due to the fact that a TMDL has not been performed on the Ten Mile Rive (or any other rivers mentioned by EPA) nor is there any evidence based on the results of our bioassay's that our effluent has a negative toxic impact on our receiving waters, the Ten Mile River.

We trust that the proposed permit limits and schedule are negotiable and we request to meet with you to establish mutually acceptable terms. Please contact me to set a meeting date.

Very truly yours,
City of Attleboro

Paul A. Kennedy
Superintendent of Wastewater

Enclosures

Cc: Mayor Kevin J. Dumas
David Pincumbe EPA
Glenn Haas DEP
Paul Hogan DEP
David Burns DEP
Thomas Morgan CDM
James R. Merriam Assistant to the Mayor

Attachment A

September 14, 2006

The following is a list of all quarterly Bioassays conducted at the City of Attleboro's Wastewater Facility dating back to November 2003. All tests were successful except for February 2005. There were two invalid tests because the diluent did not meet the passing criteria using the freshwater species C. Dubia. The EPA was asked and granted permission to use a synthetic, soft reconstituted water to culture freshwater test organisms. All Bioassays since February 2005 have been successful. The City requests permission for continued use of synthetic dilution water.

November 2003 – Passed

February 2004 – Passed

May 2004 – Passed

August 2004 – Passed

November 2004 – Passed

February 2005 – Failed due to dilutent, retested and passed.

May 2005 – Passed

August 2005 – Passed

November 2005 – Passed

February 2006 – Passed

May 2006 – Passed