



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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ENVIR. APPEALS BOARD

June 6, 2006

John Laughlin
Principal Executive Officer
Rockland Sewer Commission
P.O. Box 330
Rockland, MA 02370

RE: Clarification of Effective Date and Effective Conditions of NPDES Permit No. MA0101923

Dear Mr. Laughlin:

This letter clarifies certain conditions regarding the National Discharge Elimination System ("NPDES") Permit for the Rockland Wastewater Treatment Plant ("Plant").

On January 26, 2006, the Plant's NPDES permit was reissued as Permit Number MA0101923 ("2006 Permit"). The North and South Rivers Watershed association filed an appeal of certain conditions of the permit with the EPA Environmental Appeals Board on March 1, 2006. By letter dated May 9, 2006, EPA notified the Permittee that the uncontested and severable conditions ("Uncontested Conditions") of the 2006 Permit would be effective 30 days from the date of notice ("Notice"), or June 9, 2006.

Upon further consideration and after consultation with the Permittee, EPA has determined that July 1, 2006 would be a more appropriate effective date for the Uncontested Conditions in order to synchronize the effective date with the reporting requirements of the 2006 Permit. The Permit requires the submission of Discharge Monitoring Reports based on data collected from the first day of each calendar month. Discharge Monitoring Reports ("DMRs") tailored to the 2006 Permit will be made available prior to July 1, 2006.

In discussions with EPA since receiving the Notice, the Permittee also expressed confusion over which conditions of the 2006 Permit were considered contested and which were uncontested and severable. As a matter of clarification, the contested conditions are listed below in Section A and are stayed pending resolution of the proceedings before the EAB. All remaining conditions of the 2006 Permit will be effective on July 1, 2006. In order dispel any remaining confusion, Section B briefly summarizes the requirements of certain uncontested conditions that may have generated confusion on the part of the Permittee.

A. Contested Conditions (Stayed)

The following conditions of the 2006 Permit are contested and therefore stayed pursuant to 40 CFR § 124.16(a). Stayed conditions are not in effect pending resolution of the appeal

proceedings under 40 CFR § 124.19. EPA will notify Rockland if and when these conditions become effective.

- Total Phosphorus (April 1 - October 31) final limit of 0.2mg/l average monthly; measure lbs/day monthly; report max daily in mg/l, measure 2/week, using 24-hour composite.
- The compliance date for the final summer (April 1 - Oct. 31) effluent limit for total phosphorous.
- Ammonia Nitrogen (October 1 - March 31) final limit of 3.3 mg/l average monthly; 3.3mg/l average weekly; 5.7mg/l maximum daily; measure 2/week using 24-hour composite.
- The compliance date for the final cold weather effluent limit for ammonia nitrogen.
- Section F, Paragraph 4 requires that the Permittee submit an annual report on the anniversary of the effective date of the permit "detailing progress toward compliance with the final cold weather limit for ammonia and the summer total phosphorous limit, including a projection as to whether the final compliance date will be achieved." This requirement is not severable from the final effluent limits for cold weather nitrogen and summer phosphorous, which have been stayed. Therefore, this requirement is also stayed pending resolution of the appeal.

B. Uncontested and Severable Permit Conditions and Limitations (Effective on July 1, 2006)

All remaining conditions of the 2006 Permit were uncontested and therefore will be effective as of July 1. Certain of these uncontested conditions are listed below for purposes of clarification:

- Effluent Limit for Summer Total Phosphorous (April 1 - Oct. 31) - Interim Limit¹ of 1.0 mg/l average monthly (report lbs/day). Maximum daily - report mg/l and lbs/day. Measure 2/week using 24-hour composite.)
- Effluent Limit for Winter Total Phosphorous (Nov. 1 - March 31) - Final limit of 1.0mg/l average monthly (report lbs/day). Maximum daily -report mg/l and lbs/day. Measure 1/week using 24-hour composite.
- Effluent Limit for Cold Weather Ammonia Nitrogen (October 1 - March 31 and April 1 - May 31) - Interim provision - Monitor and Report in accordance with Sections F and A.1. of the Permit.² Measure 2/week using 24-hour composite. Report mg/l average monthly, average weekly, maximum daily.

¹ The interim limit of 1.0mg/l for phosphorous has not been contested and is therefore effective as of July 1, 2006. Only the final limit and the date by which the final limit must be met are stayed.

² The 1999 permit contained no effluent concentration limit. The 2006 permit contained no interim effluent concentration limit. The 2006 final effluent concentration limit is stayed. The 2006 Permit Section F (Compliance Schedule), paragraph 1, requires that "[d]uring the interim

- Compliance Schedule Section F.1 and F.2 - Rockland should proceed with its requirements to conduct phosphorous removal optimization and Feasibility Study. These aspects of the compliance schedule were uncontested and are severable from the other contested portions of the compliance schedule.

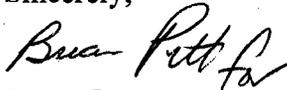
C. Other Miscellaneous Matters

The prior permit required Rockland to conduct WET toxicity testing during the months of March, June, September, and December. Beginning in July, 2006, Rockland will be required to conduct toxicity testing according to the schedule of the 2006 Permit. The 2006 permit requires WET tests during the second week of July, October, January, and April. (See page 6 of NPDES Permit No. MA 0101923.) In order to avoid redundancy during the transition to the new testing schedule, the Plant will not be required to conduct WET testing in June, 2006 but must conduct WET testing in July, 2006.

Please note that NPDES Permit number MA0101923 was concurrently issued by the State of Massachusetts Department of Environmental Protection ("MA DEP") pursuant to the Massachusetts Clean Waters Act. The State permit was not appealed, and this letter does not address the status of the State permit. Please contact DEP with questions about compliance with the State permit.

If you have further questions regarding this letter or the provisions of the 2006 Permit, please contact Brian Pitt at (617) 918-1875. Any questions from legal counsel should be directed to Cynthia Liebman at (617) 918-1148.

Sincerely,



Roger Janson
Chief, Municipal Permits Branch
EPA Office of Ecosystem Protection

cc: Eurika Durr, Clerk, EPA Environmental Appeals Board
Anthony Olivadesa, Aquarion Operating System, Rockland Plant Manager
Samantha Woods, North & South Rivers Watershed Association (NSRWA)
Gary Thomas, Esq., Kethro and Thomas, PC (Counsel for NSRWA)
Glenn Haas, Massachusetts DEP Director of Watershed Management
Paul Hogan, Massachusetts DEP, Southeast Regional Office

period, monitoring and reporting of phosphorous and ammonia as nitrogen shall be performed in accordance with the requirements in Part A.1."

cc by LAN: Brian Pitt, EPA Office of Ecosystem Protection
Doug Corb, EPA Office of Ecosystem Protection
David Pincumbe, EPA Office of Ecosystem Protection
Ann Williams, EPA Office of Regional Counsel
Cynthia Liebman, EPA Office of Regional Counsel
Steven Couto, EPA Office of Environmental Stewardship
Michael Fedak, EPA Office of Environmental Stewardship