

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act, as amended, [33 U.S.C. §§1251 et seq. (the "CWA")], and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

**Town of Adams
Board of Selectmen
8 Park Street
Adams, MA 01220**

is authorized to discharge from a facility located at:

**Adams Wastewater Treatment Plant
273 Columbia Street
Adams, MA 01220**

to receiving water named: **Hoosic River (Hudson Watershed)**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit will become effective on the first day of the calendar month immediately following sixty days after signature.

This permit and the authorization to discharge will expire at midnight, five (5) years from the last day of the month preceding the effective date.

This permit supersedes the permit signed on July 13, 2005, and became effective on September 11, 2005.

This permit consists of 22 pages in Part I including effluent limitations and monitoring requirements, **Attachment A (Discharge Outfall), Attachment B (Freshwater Acute Toxicity Test Procedure and Protocol, February 2011), Attachment C (Freshwater Chronic Toxicity Test Procedure and Protocol, March 2013), Attachment D (Reassessment of Technically Based Industrial Discharge Limits), Attachment E (NPDES Permit Requirement for Industrial Pretreatment Annual Report)** and **Part II** (25 pages including NPDES Part II Standard Conditions).

Signed this 17th day of May, 2017

S/SIGNATURE ON FILE

Arthur V. Johnson, Acting
Director Office of Ecosystem
Protection Environmental
Protection Agency Boston, MA

S/SIGNATURE ON FILE

Douglas E. Fine, Assistant Commissioner
Bureau of Water Resources
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

PART I

A.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge treated effluent from outfall serial number **001** to the Hoosic River. Such discharge shall be limited and monitored by the permittee as specified below.

Effluent Characteristic		Discharge Limitation			Monitoring Requirement ^{*3}	
Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Treated Effluent Flow (November 1 – May 31) ^{*2}	MGD	4.6 ^{*2}	—	Report	Continuous	Recorder
Treated Effluent Flow (June 1 – October 31) ^{*2}	MGD	3.5 ^{*2}	—	Report	Continuous	Recorder
Treated Effluent Flow ^{*2}	MGD	Report	—	—	Continuous	Recorder
BOD ₅ ^{*4} (November 1 – May 31)	mg/l lbs/day	30 1151	45 1726	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
BOD ₅ ^{*4} (June 1 – October 31)	mg/l lbs/day	30 876	45 1314	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
TSS ^{*4} (November 1 – May 31)	mg/l lbs/day	30 1151	45 1726	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
TSS ^{*4} (June 1 – October 31)	mg/l lbs/day	30 876	45 1314	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
pH ^{*1}	Standard Units	6.5 – 8.3 (See Permit Part I.A.1.b.)			1/Day	Grab

Effluent Characteristic	Units	Discharge Limitation			Monitoring Requirement^{*3}	
Parameter		Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Escherichia Coliform Bacteria ^{*1, *6} (April 1 - October 31)	cfu/100 ml	126	—	409	1/Week	Grab
Dissolved Oxygen (April 1 – October 31)	mg/l	≥ 6.0	—	—	1/Day	Grab
Total Residual Chlorine ^{*1, *7} (April 1 – October 31)	ug/l	47	—	81	2/Day	Grab
Total Ammonia Nitrogen as N (June 1 – October 31)	mg/l	2.6	5.1	—	1/Week	24-Hour Composite ^{*5}
	lbs/day	76	149	—	1/Week	24-Hour Composite ^{*5}
Total Ammonia Nitrogen as N (November 1 – May 31)	mg/l	Report	—	Report	1/Month	24-Hour Composite ^{*5}
	lbs/day	Report	—	Report	1/Month	24-Hour Composite ^{*5}
Copper, Total Recoverable ^{*8}	ug/l	46	—	69	1/Month	24-Hour Composite ^{*5}
Aluminum, Total Recoverable ^{*9}	ug/l	198	—	—	1/Month	24-Hour Composite ^{*5}
Total Phosphorus (April 1 - October 31) ^{*10}	lbs/day	Report	—	Report	3/Week	24-Hour Composite ^{*5}
	mg/l	0.4	—	Report	3/Week	24-Hour Composite ^{*5}
Total Phosphorus (November 1 – March 31) ^{*10}	lbs/day	Report	—	Report	1/Month	24-Hour Composite ^{*5}
	mg/l	1.0	—	Report	1/Month	24-Hour Composite ^{*5}

Effluent Characteristic	Units	Discharge Limitation	Monitoring Requirement^{*3}	
Parameter		Maximum Daily	Measurement Frequency	Sample Type
Whole Effluent Toxicity ^{*11, *12, *13, *14}				
LC ₅₀	%	≥ 100%	4/Year	24-Hour Composite ^{*5}
Chronic C-NOEC	%	≥ 23.4%	4/Year	24-Hour Composite ^{*5}
Hardness ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}
Ammonia Nitrogen as N ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}
Total Recoverable Aluminum ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}
Total Recoverable Cadmium ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}
Total Recoverable Copper ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}
Total Recoverable Nickel ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}
Total Recoverable Lead ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}
Total Recoverable Zinc ^{*15}	mg/l	Report	4/Year	24-Hour Composite ^{*5}

Footnotes:

- *1. Required for State Certification.
- *2. The effluent flow limits of 4.6 mgd and 3.5 mgd are to be reported as a monthly average each month. Also report annual average, monthly average, maximum daily, and the total daily flow.
- *3. Effluent sampling shall be representative of the discharge.

A routine sampling program shall be developed in which samples are taken at the same location, same time, and same days of every month. Occasional deviations from the routine sampling program described above are allowed, but the reason for the deviation shall be documented in correspondence appended to the applicable discharge monitoring report.

All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.

All required effluent samples shall be collected at the point specified herein. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP.

PARAMETER:

SAMPLE LOCATION:

FLOW (Influent)

In the pump room prior to treatment

E-COLI

After discharge from the disinfection chamber, prior to discharge into the Hoosic River

FLOW (Treated Effluent), BOD₅,
TSS, pH RANGE, TOTAL
AMMONIA AS N, TOTAL
KJELDAHL NITROGEN, TOTAL
NITRITE, TOTAL NITRATE, and
WHOLE EFFLUENT TOXICITY

At a location that is representative of the discharge

WHOLE EFFLUENT TOXICITY
DILUTION WATER

Hoosic River upstream of treated wastewater
discharge outfall

BOD₅ and TSS (Influent)

In the pump room prior to treatment

- *4. Sampling is required for influent and effluent.
- *5. A 24-hour composite sample will consist of at least twenty-four (24) grab samples taken during one consecutive 24 hour period, either collected at equal intervals and combined proportional to flow or continuously collected proportionally to flow.

- *6. The monthly average limit for *Escherichia coli* (*E. coli*) is expressed as a geometric mean. *E. coli* monitoring shall be conducted concurrently with a total residual chlorine sample.
- *7. Total residual chlorine monitoring is required whenever chlorine is added to the treatment process (i.e. TRC sampling is not required if chlorine is not added for disinfection or other purpose). The limitations are in effect year-round.

The minimum level (ML) for total residual chlorine is defined as 20 ug/l. This value is the minimum level for chlorine using EPA approved methods found in the most currently approved version of Standard Methods for the Examination of Water and Wastewater, Method 4500 CL-E and G. One of these methods must be used to determine total residual chlorine. For effluent limitations less than 20 ug/l, compliance/non-compliance will be determined based on the ML. Sample results less than the detection limit shall be reported as “≤ [detection limit]” on the discharge monitoring report.

Chlorination and dechlorination systems shall include an alarm system for indicating system interruptions or malfunctions. Any interruption or malfunction of the chlorine dosing system that may have resulted in levels of chlorine that were inadequate for achieving effective disinfection, or interruptions or malfunctions of the dechlorination system that may have resulted in excessive levels of chlorine in the final effluent shall be reported with the monthly DMRs. The report shall include the date and time of the interruption or malfunction, the nature of the problem, and the estimated amount of time that the reduced levels of chlorine or dechlorination chemicals occurred.

- *8. The minimum level (ML) for copper is defined as 3 ug/l. This value is the minimum level for copper using the Furnace Atomic Absorption analytical method 220.2. This method or another EPA-approved method with an equivalent or lower ML shall be used for effluent limitations less than 3 ug/l. Compliance/non-compliance will be determined based on the ML. Sampling results less than the detection limit shall be reported as “≤ [detection limit]” on the Discharge Monitoring Report.
- *9. The minimum level (ML) for aluminum is defined as 20 ug/l. An EPA-approved method with an equivalent or lower ML shall be used. Compliance will be determined based on the ML. Sampling results less than the detection limit shall be reported as “≤ [detection limit]” on the Discharge Monitoring Report.

See Part I.B. Special Condition 2 for a schedule of compliance.

- *10. The sampling frequency identified is the minimum sampling frequency. If any additional phosphorus sampling is conducted, including process control samples, the individual phosphorus results, including the day each sample was taken, the type of sample (i.e., 24-hour composite or grab), and the analytical method, must be reported on an attachment to the discharge monitoring report. Additionally, the chemical dosing rate for all chemicals added for the purpose of

phosphorus removal shall be reported for each day of the month. Only 24-hour composite samples analyzed with an EPA-approved method shall be used in determining compliance with the permit limit.

See Part I.B., Special Condition 1 for a schedule of compliance.

- *11. The permittee shall conduct acute and chronic toxicity tests four times per year. The permittee shall test the daphnid, Ceriodaphnia dubia, only. Toxicity test samples shall be collected during the same week each time during the months of February, May, August, and November. The test results shall be submitted by the last day of the month following the completion of the test. The results are due March 31st, June 30th, September 30th, and December 31st, respectively. The tests must be performed in accordance with test procedures and protocols specified in **Attachments B and C** of this permit.

Test Dates during the month of:	Submit Results By:	Test Species	Acute Limit LC ₅₀	Chronic Limit NOEC
February May August November	March 31 June 30 September 30 December 31	<u>Ceriodaphnia dubia</u> (Daphnid) See Attachments B and C	≥ 100%	≥ 23.4%

- *12. The LC₅₀ is the concentration of effluent which causes mortality to 50% of the test organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.
- *13. The chronic-no observed effect concentration (C-NOEC) is defined as the highest tested concentration of toxicant in effluent to which organisms are exposed in a life cycle or partial life cycle test which causes no adverse effect on growth, survival, or reproduction, based on a statistically significant difference from dilution control, at a specific time of observation as determined from hypothesis testing. As described in the EPA WET Method Manual EPA 821-R-02-013, section 10.2.6.2, all test results are to be reviewed and reported in accordance with EPA guidance on the evaluation of the concentration-response relationship. The “23.4% or greater” is defined as a sample which is composed of 23.4% (or greater) effluent, the remainder being dilution water.
- *14. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall follow procedures outlined in **Attachments B and C, Section IV., DILUTION WATER** in order to obtain permission to use an alternate dilution water. In lieu of individual approvals for alternate dilution water required in **Attachments B and C**, EPA-New England has developed a Self-Implementing Alternative Dilution Water Guidance document (called “Guidance Document”) which may be used to obtain automatic approval of an alternate

dilution water, including the appropriate species for use with that water. This guidance can be accessed on the EPA Region I web site at

<https://www3.epa.gov/region1/npdes/permits/generic/Alternatedilutionwaterguidance.pdf>

If this guidance is revoked, the permittee shall revert to obtaining individual approval as outlined in **Attachments B and C**. The permittee may choose to contact EPA-New England directly at any time, using the approach outlined in **Attachments B and C**. If the permittee has already received permission to use an alternative dilution water under the previous permit, the permittee does not need to repeat this approval process. If the permittee uses an alternative dilution water, the ambient water will still need to be tested.

- *15. For each whole effluent toxicity test the permittee shall report on the appropriate discharge monitoring report, (DMR), the concentrations of the hardness, ammonia nitrogen as nitrogen, total recoverable aluminum, cadmium, copper, lead, nickel, and zinc found in the 100 percent effluent sample. All these aforementioned chemical parameters shall be determined to at least the minimum quantification level shown in **Attachments B and C**. Also the permittee should note that all chemical parameter results must still be reported in the appropriate toxicity report.

Part I.A.1. (Continued)

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The pH of the effluent shall not be less than 6.5 nor greater than 8.3 Standard Units (S.U.) at any time.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall not contain a visible oil sheen, foam, or floating solids at any time.
- e. The permittee's treatment facility will maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand. The percent removal will be based on monthly average values.
- f. The permittee shall minimize the use of chlorine while maintaining adequate bacterial control.
- g. The permittee shall submit the results of any additional testing to EPA that is conducted, if it is in accordance with EPA approved methods. If no sampling result can be reported during one or more of the measurement frequencies defined above, the permittee must report the appropriate No Data Indicator Code (e.g., "C" for "No Discharge") on the discharge monitoring form.

- h. If the average annual flow in any calendar year exceeds 80 percent of the facility's design flow [3.68 MGD], the permittee will submit a report to MassDEP by **March 31st** of the following calendar year describing its plans for further flow increases and describing how it will maintain compliance with the effluent flow limit and all other effluent limitations and conditions.
- 2. All POTWs must provide adequate notice to the Director of the following:
 - a. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - c. For purposes of this paragraph, adequate notice will include information on:
 - (1) the quantity and quality of effluent introduced into the POTW; and
 - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- 3. Prohibitions Concerning Interference and Pass Through:
 - a. Pollutants introduced into POTW's by a non-domestic source (user) will not pass through the POTW or interfere with the operation or performance of the works.
- 4. Toxics Control
 - a. The permittee will not discharge any pollutant or combination of pollutants in toxic amounts.
 - b. Any toxic components of the effluent will not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.
- 5. Numerical Effluent Limitations for Toxicants
 - a. EPA or MassDEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.

B. SPECIAL CONDITIONS

1. Total Phosphorus

- a. The permittee shall meet a monthly average total phosphorus interim limit of 1.0 mg/l during the summer period (April 1 – October 31) and report the winter monthly average total phosphorus mass and concentration (November 1 – March 31) until the permittee is in compliance with the monthly average total phosphorus limit of 0.4 mg/l during the summer period and 1.0 mg/l during the winter period.
- b. The permittee shall evaluate the ability of the existing treatment facilities, with small capital improvements, to achieve the summer monthly average total phosphorus limitations of 0.4 mg/l and the winter monthly average total phosphorus limitation of 1.0 mg/l and shall submit a report on or before **24 months from the effective date of the permit** that summarizes the evaluation and includes a determination whether the existing facility is capable of reliably achieving the effluent limitations. The evaluation shall include optimization of chemical dosing, including use of alternate chemicals if necessary. The evaluation shall include the following two milestones: (1) work with the Adams Water District to optimize corrosion control operations in the water supply system, and characterize the existing influent and effluent quality with respect to total phosphorus (accomplishing both tasks on or before **24 months from the effective date of the permit**), and (2) correlate the characterization of total phosphorus with any changes that might be occurring with the water supply system (accomplishing this task on or before **24 months from the effective date of the permit**).
- c. If the permittee concludes that the existing facilities can achieve the 0.4 mg/l and 1.0 mg/l monthly average limits, the limits will become effective **24 months from the effective date of the permit**.
- d. If the permittee concludes that the existing facilities cannot achieve the monthly average limits (and EPA and MassDEP concur), the permittee shall complete necessary design and construction of any facilities necessary to achieve the limits within **60 months from the effective date of the permit**, at which time the effluent limits will become effective.
- e. Until the limits are achieved, the Town shall submit reports to EPA and MassDEP at **12 months, 24 months, 36 months, 48 months, and 60 months from the effective date**, describing progress towards attaining the effluent limitation, including a description of planning, design, and construction of any necessary facilities.

2. Aluminum

- a. The permittee will meet a monthly average aluminum interim limit of 364 ug/l (the 2005 permit limit) until the permittee is in compliance with the monthly average aluminum limit of 198 ug/l.

- b. Within **24 months** of the effective date of the permit, the permittee shall complete and submit to EPA and DEP an evaluation of alternatives, and an implementation schedule, for achieving the monthly average total recoverable aluminum limitation of 198 ug/l. At a minimum, the evaluation shall include the following:
 - i. An evaluation of pre-treatment requirements in order to ensure that all significant sources of aluminum from indirect dischargers are adequately controlled.
 - ii. An evaluation of all other potentially significant sources of aluminum in the sewer system and alternatives for minimizing these sources.
 - iii. An evaluation of alternative modes of operation at the wastewater treatment facility in order to enhance removal of aluminum.
- c. Within **12 months** of the effective date of the permit, the permittee shall submit to EPA and DEP a progress report relative to completing the evaluation of alternatives.
- d. Within **36 months** and **48 months** from the effective date of the permit, the permittee shall submit to EPA and DEP progress reports relative to implementation of the alternatives identified as necessary to ensure attainment of the aluminum limits.
- e. Within **60 months** of the effective date of the permit, the permittee shall comply with the monthly average aluminum permit limit of 198 ug/l.

C. UNAUTHORIZED DISCHARGES

This permit authorizes discharges only from the outfall(s) listed on **Attachment A** and in Part I.A.1. of this permit in accordance with the terms and conditions of this permit. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs) are not authorized by this permit and must be reported to EPA and MassDEP in accordance with Part II. Section D.1.e.(1) of the General Requirements of this permit (Twenty-four hour reporting).

Notification of SSOs to MassDEP will be made on its SSO reporting form (which includes MassDEP regional office telephone numbers). The reporting form and instructions for its completion can be found on-line at: <http://www.mass.gov/eea/agencies/massdep/service/approvals/sanitary-sewer-overflow-bypass-backup-notification.html>.

D. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

Operation and maintenance of the sewer system will be in compliance with the General Requirements of Part II and the following terms and conditions. The permittee is required to complete the following activities for the collection system which it owns:

1. Maintenance Staff

The permittee will provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. Provisions to meet this requirement will be described in the Collection System O & M Plan required pursuant to Section D.5. below.

2. Preventative Maintenance Program

The permittee will maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program will include an inspection program designed to identify all potential and actual unauthorized discharges. Plans and programs to meet this requirement will be described in the Collection System O & M Plan required pursuant to Section D.5. below.

3. Infiltration/Inflow:

The permittee shall control infiltration and inflow (I/I) into the sewer system as necessary to prevent high flow related unauthorized discharges from their collection systems and high flow related violations of the wastewater treatment plant's effluent limitations. Plans and programs to control I/I shall be described in the Collection System O & M Plan required pursuant to Section D.5. below.

4. Collection System Mapping

Within 30 months of the effective date of this permit, the permittee shall prepare a map of each sewer collection system it owns (see page 1 of this permit for the effective date). The map shall be on a street map of the community, with sufficient detail and at a scale to allow easy interpretation. The collection system information shown on the map shall be based on current conditions and shall be kept up to date and available for review by federal, state, or local agencies. Such map(s) shall include, but not be limited to the following:

- a. All sanitary sewer lines and related manholes;
- b. All combined sewer lines, related manholes, and catch basins;
- c. All combined sewer regulators and any known or suspected connections between the sanitary sewer and storm drain systems (e.g. combined manholes);
- d. All outfalls, including the treatment plant outfall(s), CSOs, combined manholes, and any known or suspected SSOs;
- e. All pump stations and force mains;
- f. The wastewater treatment facility(ies);

- g. All surface waters (labeled);
- h. Other major appurtenances such as inverted siphons and air release valves;
- i. A numbering system which uniquely identifies manholes, catch basins, overflow points, regulators and outfalls;
- j. The scale and a north arrow; and
- k. The pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.

5. Collection System Operation and Maintenance Plan

The permittee shall develop and implement a Collection System Operation and Maintenance Plan.

- a. **Within six (6) months of the effective date of the permit**, the permittee shall submit to EPA and MassDEP
 - (1) A description of the collection system management goal, staffing, information management, and legal authorities;
 - (2) A description of the collection system and the overall condition of the collection system including a list of all pump stations and a description of all recent studies and construction activities; and
 - (3) A schedule for the development and implementation of the full Collection System O & M Plan including the elements in paragraphs b.1. through b.8. below.
- b. The full Collection System O & M Plan shall be completed, implemented, and submitted to EPA and MassDEP **within twenty-four (24) months from the effective date of the permit**. The Plan shall include:
 - (1) The required submittal from paragraph 5.a. above, update to reflect current information;
 - (2) A preventative maintenance and monitoring program for the collection system;
 - (3) Description of sufficient staffing necessary to properly operate and maintain the sanitary sewer collection system and how the operation and maintenance program is staffed;
 - (4) Description of funding, the source(s) of funding and provisions for funding sufficient for implementing the plan;

- (5) Identification of known and suspected overflows and back-ups, including manholes. A description of the cause of the identified overflows and back-ups, corrective actions taken, and a plan for addressing the overflows and back-ups consistent with the requirements of this permit;
- (6) A description of the permittee's programs for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include and inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts; and
- (7) An educational public outreach program for all aspects of I/I control, particularly private inflow.
- (8) An Overflow Emergency Response Plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the permit.

6. Annual Reporting Requirement

The permittee shall submit a summary report of activities related to the implementation of its Collection System O & M Plan during the previous calendar year. The report shall be submitted to EPA and MassDEP **annually by March 31st**. The summary report shall, at a minimum, include;

- a. A description of the staffing levels maintained during the year;
- b. A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year;
- c. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- d. A map with areas identified for investigation/action in the coming year;
- e. If treatment plant flow has reached 80% of its design flow [3.68 mgd] based on the annual average flow during the reporting year, or there have been capacity related overflows, submit a calculation of the maximum daily, weekly, and monthly infiltration and the maximum daily, weekly, and monthly inflow for the reporting year; and
- f. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharges section of this permit.

7. Alternate Power Source

In order to maintain compliance with the terms and conditions of this permit, the permittee shall provide an alternative power source(s) sufficient to operate its portion of the publicly owned treatment works¹ it owns and operates.

E. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices, including EPA regulations promulgated at 40 CFR §503, which prescribe “Standards for the Use or Disposal of Sewage Sludge” pursuant to Section 405(d) of the CWA, 33 U.S.C. §1345(d).
2. If both state and federal requirements apply to the permittee’s sludge use and/or disposal practices, the permittee shall comply with the more stringent of the applicable requirements.
3. The requirements and technical standards of 40 CFR §503 apply to the following sludge use or disposal practices.
 - a. Land application - the use of sewage sludge to condition or fertilize the soil
 - b. Surface disposal - the placement of sewage sludge in a sludge only landfill
 - c. Sewage sludge incineration - the placement of sewage sludge in a sludge only incinerator.
4. The requirements of 40 CFR §503 do not apply to facilities which dispose of sludge in a municipal solid waste landfill. 40 CFR §503.4. These requirements also do not apply to facilities which do not use or dispose of sewage sludge during the life of the permit but rather treat the sludge (e.g. lagoons, reed beds), or are otherwise excluded under 40 CFR §503.6.
5. The 40 CFR. Part 503 requirements including the following elements:
 - General requirements
 - Pollutant limitations
 - Operational Standards (pathogen reduction and vector attraction reduction requirements)
 - Management practices
 - Record keeping
 - Monitoring
 - Reporting

Which of the 40 CFR §503 requirements apply to the permittee will depend upon the use or disposal practice followed and upon the quality of material produced by a facility. The EPA Region 1 Guidance document, “EPA Region 1 - NPDES Permit Sludge Compliance Guidance”

¹ As defined at 40 CFR §122.2, which references the definition at 40 CFR §403.3

(November 4, 1999), may be used by the permittee to assist it in determining the applicable requirements.²

6. The sludge shall be monitored for pollutant concentrations (all Part 503 methods), pathogen reduction (land application and surface disposal) at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year.

less than 290	1/ year
290 to less than 1500	1 /quarter
1500 to less than 15000	6 /year
15000 +	1 /month

Sampling of the sewage sludge shall use the procedures detailed in 40 CFR §503.8.

7. Under 40 CFR §503.9(r), the permittee is a “person who prepares sewage sludge” because it “is ... the person who generates sewage sludge during the treatment of domestic sewage in a treatment works” If the permittee contracts with *another* “person who prepares sewage sludge” under 40 CFR §503.9(r) – i.e., with “a person who derives a material from sewage sludge” – for use or disposal of the sludge, then compliance with Part 503 requirements is the responsibility of the contractor engaged for that purpose. If the permittee does not engage a “person who prepares sewage sludge,” as defined in 40 CFR §503.9(r), for use or disposal, then the permittee remains responsible to ensure that the applicable requirements in Part 503 are met. 40 CFR §503.7. If the ultimate use or disposal method is land application, the permittee is responsible for providing the person receiving the sludge with notice and necessary information to comply with the requirements of 40 CFR Part 503 Subpart B.
8. The permittee shall submit an annual report containing the information specified in the 40 CFR Part 503 requirements (§503.18 (land application), §503.28 (surface disposal), or §503.48 (incineration)) by **February 19th** (*see also* “EPA Region 1 - NPDES Permit Sludge Compliance Guidance”). Reports shall be submitted to the address contained in the reporting section of the permit. If the permittee engages a contractor or contractors for sludge preparation and ultimate use or disposal, the annual report need contain only the following information:
- Name and address of contractor(s) responsible for sludge preparation, use or disposal
 - Quantity of sludge (in dry metric tons) from the POTW that is transferred to the sludge contractor(s), and the method(s) by which the contractor will prepare and use or dispose of the sewage sludge.

² This guidance document is available upon request from EPA Region 1 and may also be found at: <http://www.epa.gov/region1/npdes/permits/generic/sludgeguidance.pdf>

F. INDUSTRIAL USERS AND PRETREATMENT PROGRAM

1. The permittee shall develop and enforce specific effluent limits (local limits) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW Treatment Plant's Facilities or operation, are necessary to ensure continued compliance with the POTW's NPDES permit or sludge use or disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond. Within **120 days of the effective date of this permit**, the permittee shall prepare and submit a written technical evaluation to the EPA analyzing the need to revise local limits. As part of this evaluation, the permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In preparing this evaluation, the permittee shall complete and submit the attached form (see **Attachment D – Reassessment of Technically Based Industrial Discharge Limits**) with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data if available and should be included in the report. Should the evaluation reveal the need to revise local limits, the permittee shall complete the revisions within 120 days of notification by EPA and submit the revisions to EPA for approval. The Permittee shall carry out the local limits revisions in accordance with EPA's Local Limit Development Guidance (July 2004).
2. The permittee shall implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, 40 CFR 403. At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):
 - a. Carry out inspection, surveillance, and monitoring procedures which will determine independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users shall be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.
 - b. Issue or renew all necessary industrial user control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.
 - c. Obtain appropriate remedies for noncompliance by any industrial user with any pretreatment standard and/or requirement.
 - d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.

3. The permittee shall provide the EPA and MassDEP with an annual report describing the permittee's pretreatment program activities for the twelve (12) month period ending 60 days prior to the due date in accordance with 403.12(i). The annual report shall be consistent with the format described in **Attachment E** (NPDES Permit Requirement for Industrial Pretreatment Annual Report) of this permit and shall be submitted no later than **March 1st** of each year.
4. The permittee must obtain approval from EPA prior to making any significant changes to the industrial pretreatment program in accordance with 40 CFR 403.18(c).
5. The permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the Federal Regulations at 40 CFR 405 et. seq.
6. The permittee must modify its pretreatment program, if necessary, to conform to all changes in the Federal Regulations that pertain to the implementation and enforcement of the industrial pretreatment program. The permittee must provide EPA, in writing, within 180 days of this permit's effective date proposed changes, if applicable, to the permittee's pretreatment program deemed necessary to assure conformity with current Federal Regulations. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee will implement these proposed changes pending EPA Region I's approval under 40 CFR 403.18. This submission is separate and distinct from any local limits analysis submission described in Part I.E.1.

G. MONITORING AND REPORTING

The monitoring program in the permit specifies sampling and analysis, which will provide continuous information on compliance and the reliability and effectiveness of the installed pollution abatement equipment. The approved analytical procedures found in 40 CFR Part 136 are required unless other procedures are explicitly required in the permit. The Permittee is obligated to monitor and report sampling results to EPA and the MassDEP within the time specified within the permit. When using NetDMR, assistance can be found on the EPA Region 1 website at <https://www3.epa.gov/region1/npdes/netdmr>.

Unless otherwise specified in this permit, the permittee shall submit reports, requests, and information and provide notices in the manner described in this section.

1. Submittal of DMRs Using NetDMR

The permittee shall continue to submit its monthly monitoring data in discharge monitoring reports (DMRs) to EPA and MassDEP no later than the **15th of the month** electronically using NetDMR. When the permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to EPA or MassDEP. NetDMR is accessed from the internet at <http://www.epa.gov/netdmr>.

2. Submittal of Reports as NetDMR Attachments

The permittee shall electronically submit all reports to EPA as NetDMR attachments rather than as hard copies, unless otherwise specified in this permit. Permittees shall continue to send hard copies of reports other than DMRs to MassDEP until further notice from MassDEP. (See Part I.G.7. for more information on state reporting.) Because the due dates for reports described in this permit may not coincide with the due date for submitting DMRs (which is no later than the **15th day of the month**), a report submitted electronically as a NetDMR attachment shall be considered timely if it is electronically submitted to EPA using NetDMR with the next DMR due following the particular report due date specified in this permit.

3. Submittal of Requests and Reports to EPA/OEP

The following requests, reports, and information described in this permit shall be submitted to the EPA/OEP NPDES Applications Coordinator in the EPA Office Ecosystem Protection (OEP).

- A. Transfer of Permit notice
- B. Request for changes in sampling location
- C. Request for reduction in testing frequency
- D. Request for reduction in WET testing requirement
- E. Report on unacceptable WET dilution water / request for alternative dilution water.

These reports, information, and requests shall be submitted to EPA/OEP electronically at R1NPDESNotices.OEP@epa.gov or by hard copy mail to the following address:

**U.S. Environmental Protection Agency
Office of Ecosystem Protection
EPA/OEP NPDES Applications Coordinator
5 Post Office Square – Suite 100 (OEP06-03)
Boston, MA 02109-3912**

4. Submittal of Reports in Hard Copy Form

The following notifications and reports shall be submitted as hard copy with a cover letter describing the submission. These reports shall be signed and dated originals submitted to EPA.

- A. Written notifications required under Part II
- B. Notice of unauthorized discharges, including Sanitary Sewer Overflow (SSO) reporting
- C. Reports and DMRs submitted prior to the use of NetDMR
- D. Reports and DMRs submitted prior to the use of NetDMR
- E. Sludge monitoring reports

This information shall be submitted to EPA/OES at the following address:

**U.S. Environmental Protection Agency
Office of Environmental Stewardship (OES)
Water Technical Unit
5 Post Office Square, Suite 100 (OES-SMR)
Boston, MA 02109-3912**

5. Submittal of Biosolids/Sewage Sludge Reports

By **February 19th** of each year, the permits must electronically report their annual Biosolids/Sewage Sludge Report for the previous calendar year using EPA's NPDES Electronic Reporting Tool ("NeT") found on the internet at <https://www.epa.gov/compliance/npdes-ereporting>.

6. Submittal of Pretreatment Related Reports

Prior to December 21, 2020, all reports and information required of the permittee in the Industrial Users and Pretreatment Program section of this permit shall be submitted to the Office of Ecosystem Protection (OEP). Starting on **December 21, 2020**, these submittals must be submitted electronically as NetDMR attachments and/or using EPA's NPDES Electronic Reporting Tool ("Net") found on the internet at <https://www.epa.gov/compliance/npdes-ereporting>. These requests, reports and notices include:

- A. Annual Pretreatment Reports,
- B. Pretreatment Reports Reassessment of Technically Based Industrial Discharge Limits Form,
- C. Revisions to Industrial Discharge Limits,
- D. Report describing Pretreatment Program activities, and
- E. Proposed changes to a Pretreatment Program

This information shall be submitted to EPA/OEP as a hard copy (prior to reporting electronically) at the following address:

**U.S. Environmental Protection Agency
Office of Ecosystem Protection
Regional Pretreatment Coordinator
5 Post Office Square, Suite 100 (OEP 06-03)
Boston, MA 02109-3912**

7. State Reporting

Unless otherwise specified in this permit or by the State, duplicate signed copies of all reports, information, requests or notifications described in this permit, including the reports, information, requests or notifications described in Parts I.G.3 through I.G.6 also shall be submitted to the State at the following addresses:

**MassDEP – Western Region
Bureau of Water Resources
436 Dwight Street, Suite 402
Springfield, MA 01103**

Copies of toxicity tests, nitrogen and phosphorus optimization reports only shall be submitted to:

**Massachusetts Department of Environmental Protection
Watershed Planning Program
8 New Bond Street
Worcester, MA 01606**

8. Verbal Reports and Verbal Notifications

Any verbal reports or verbal notifications, if required in Parts I and/or II of this permit, shall be made to both EPA and to MassDEP. This includes verbal reports and notifications which require reporting within 24 hours. (As examples, see Part II.B.4.c. (2), Part II.B.5.c. (3), and Part II.D.1.e.) Verbal reports and verbal notifications shall be made to EPA's Office of Environmental Stewardship at: **617-918-1510**

H. STATE PERMIT CONDITIONS

1. This authorization to discharge includes two separate and independent permit authorizations. The two permit authorizations are: (i) a federal National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Clean Water Act, 33 U.S.C. §§1251 et seq.; and (ii) an identical state surface water discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§26-53, and 314 C.M.R. 3.00. All of the requirements contained in this authorization, as well as the standard conditions contained in 314 CMR 3.19, are hereby incorporated by reference into this state surface water discharge permit.
2. This authorization also incorporates the state water quality certification issued by MassDEP under §401(a) of the Federal Clean Water Act, 40 CFR 124.53, M.G.L.c.21, §27 and 314 CMR 3.07. All of the requirements (if any) contained in MassDEP's water quality certification for the permit are hereby incorporated by reference into this state surface water discharge permit as special conditions pursuant to 314 CMR 3.11.

3. Each Agency will have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit will be effective only with respect to the Agency taking such action, and will not affect the validity or status of this permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared, invalid, illegal or otherwise issued in violation of State law such permit will remain in full force and effect under Federal law as an NPDES permit issued by the U.S. Environmental Protection Agency. In the event this permit is declared invalid, illegal or otherwise issued in violation of Federal law, this permit will remain in full force and effect under State law as a permit issued by the Commonwealth of Massachusetts.

Attachment A

Secondary Wastewater Treatment Plant Discharge Outfall
NPDES Permit No. MA0100315
Adams, MA

<u>Outfall:</u>	<u>Description of Discharge:</u>	<u>Outfall Location/Receiving Water:</u>
001	Secondary Wastewater Treatment Plant Effluent	Hoosic River

ATTACHMENT B

USEPA REGION 1 FRESHWATER ACUTE TOXICITY TEST PROCEDURE AND PROTOCOL

I. GENERAL REQUIREMENTS

The permittee shall conduct acceptable acute toxicity tests in accordance with the appropriate test protocols described below:

- **Daphnid (Ceriodaphnia dubia) definitive 48 hour test.**
- **Fathead Minnow (Pimephales promelas) definitive 48 hour test.**

Acute toxicity test data shall be reported as outlined in Section VIII.

II. METHODS

The permittee shall use 40 CFR Part 136 methods. Methods and guidance may be found at:

http://water.epa.gov/scitech/methods/cwa/wet/disk2_index.cfm

The permittee shall also meet the sampling, analysis and reporting requirements included in this protocol. This protocol defines more specific requirements while still being consistent with the Part 136 methods. If, due to modifications of Part 136, there are conflicting requirements between the Part 136 method and this protocol, the permittee shall comply with the requirements of the Part 136 method.

III. SAMPLE COLLECTION

A discharge sample shall be collected. Aliquots shall be split from the sample, containerized and preserved (as per 40 CFR Part 136) for chemical and physical analyses required. The remaining sample shall be measured for total residual chlorine and dechlorinated (if detected) in the laboratory using sodium thiosulfate for subsequent toxicity testing. (Note that EPA approved test methods require that samples collected for metals analyses be preserved immediately after collection.) Grab samples must be used for pH, temperature, and total residual chlorine (as per 40 CFR Part 122.21).

Standard Methods for the Examination of Water and Wastewater describes dechlorination of samples (APHA, 1992). Dechlorination can be achieved using a ratio of 6.7 mg/L anhydrous sodium thiosulfate to reduce 1.0 mg/L chlorine. If dechlorination is necessary, a thiosulfate control (maximum amount of thiosulfate in lab control or receiving water) must also be run in the WET test.

All samples held overnight shall be refrigerated at 1- 6°C.

IV. DILUTION WATER

A grab sample of dilution water used for acute toxicity testing shall be collected from the receiving water at a point immediately upstream of the permitted discharge's zone of influence at a reasonably accessible location. Avoid collection near areas of obvious road or agricultural runoff, storm sewers or other point source discharges and areas where stagnant conditions exist. In the case where an alternate dilution water has been agreed upon an additional receiving water control (0% effluent) must also be tested.

If the receiving water diluent is found to be, or suspected to be toxic or unreliable, an alternate standard dilution water of known quality with a hardness, pH, conductivity, alkalinity, organic carbon, and total suspended solids similar to that of the receiving water may be substituted **AFTER RECEIVING WRITTEN APPROVAL FROM THE PERMIT ISSUING AGENCY(S)**. Written requests for use of an alternate dilution water should be mailed with supporting documentation to the following address:

Director
Office of Ecosystem Protection (CAA)
U.S. Environmental Protection Agency-New England
5 Post Office Sq., Suite 100 (OEP06-5)
Boston, MA 02109-3912

and

Manager
Water Technical Unit (SEW)
U.S. Environmental Protection Agency
5 Post Office Sq., Suite 100 (OES04-4)
Boston, MA 02109-3912

Note: USEPA Region 1 retains the right to modify any part of the alternate dilution water policy stated in this protocol at any time. Any changes to this policy will be documented in the annual DMR posting.

See important details on alternate dilution water substitution requests at <https://www3.epa.gov/region1/npdes/permits/generic/Alternatedilutionwaterguidance.pdf>.

It may prove beneficial to have the proposed dilution water source screened for suitability prior to toxicity testing. EPA strongly urges that screening be done prior to set up of a full definitive toxicity test any time there is question about the dilution water's ability to support acceptable performance as outlined in the 'test acceptability' section of the protocol.

V. TEST CONDITIONS

The following tables summarize the accepted daphnid and fathead minnow toxicity test conditions and test acceptability criteria:

**EPA NEW ENGLAND EFFLUENT TOXICITY TEST CONDITIONS FOR THE
DAPHNID, CERIODAPHNIA DUBIA 48 HOUR ACUTE TESTS¹**

1. Test type	Static, non-renewal
2. Temperature (°C)	20 ± 1°C or 25 ± 1°C
3. Light quality	Ambient laboratory illumination
4. Photoperiod	16 hour light, 8 hour dark
5. Test chamber size	Minimum 30 ml
6. Test solution volume	Minimum 15 ml
7. Age of test organisms	1-24 hours (neonates)
8. No. of daphnids per test chamber	5
9. No. of replicate test chambers per treatment	4
10. Total no. daphnids per test concentration	20
11. Feeding regime	As per manual, lightly feed YCT and <u>Selenastrum</u> to newly released organisms while holding prior to initiating test
12. Aeration	None
13. Dilution water ²	Receiving water, other surface water, synthetic water adjusted to the hardness and alkalinity of the receiving water (prepared using either Millipore Milli-Q ^R or equivalent deionized water and reagent grade chemicals according to EPA acute toxicity test manual) or deionized water combined with mineral water to appropriate hardness.
14. Dilution series	≥ 0.5, must bracket the permitted RWC
15. Number of dilutions	5 plus receiving water and laboratory water control and thiosulfate control, as necessary. An additional dilution at the permitted effluent concentration (% effluent) is required if it is not included in the dilution

	series.
16. Effect measured	Mortality-no movement of body or appendages on gentle prodding
17. Test acceptability	90% or greater survival of test organisms in dilution water control solution
18. Sampling requirements	For on-site tests, samples must be used within 24 hours of the time that they are removed from the sampling device. For off-site tests, samples must first be used within 36 hours of collection.
19. Sample volume required	Minimum 1 liter

Footnotes:

1. Adapted from EPA-821-R-02-012.
2. Standard prepared dilution water must have hardness requirements to generally reflect the characteristics of the receiving water.

**EPA NEW ENGLAND TEST CONDITIONS FOR THE FATHEAD MINNOW
(PIMEPHALES PROMELAS) 48 HOUR ACUTE TEST¹**

1. Test Type	Static, non-renewal
2. Temperature (°C)	20 ± 1 ° C or 25 ± 1 °C
3. Light quality	Ambient laboratory illumination
4. Photoperiod	16 hr light, 8 hr dark
5. Size of test vessels	250 mL minimum
6. Volume of test solution	Minimum 200 mL/replicate
7. Age of fish	1-14 days old and age within 24 hrs of each other
8. No. of fish per chamber	10
9. No. of replicate test vessels per treatment	4
10. Total no. organisms per concentration	40
11. Feeding regime	As per manual, lightly feed test age larvae using concentrated brine shrimp nauplii while holding prior to initiating test
12. Aeration	None, unless dissolved oxygen (D.O.) concentration falls below 4.0 mg/L, at which time gentle single bubble aeration should be started at a rate of less than 100 bubbles/min. (Routine D.O. check is recommended.)
13. dilution water ²	Receiving water, other surface water, synthetic water adjusted to the hardness and alkalinity of the receiving water (prepared using either Millipore Milli-Q ^R or equivalent deionized and reagent grade chemicals according to EPA acute toxicity test manual) or deionized water combined with mineral water to appropriate hardness.
14. Dilution series	≥ 0.5 , must bracket the permitted RWC

- | | |
|----------------------------|--|
| 15. Number of dilutions | 5 plus receiving water and laboratory water control and thiosulfate control, as necessary. An additional dilution at the permitted effluent concentration (% effluent) is required if it is not included in the dilution series. |
| 16. Effect measured | Mortality-no movement on gentle prodding |
| 17. Test acceptability | 90% or greater survival of test organisms in dilution water control solution |
| 18. Sampling requirements | For on-site tests, samples must be used within 24 hours of the time that they are removed from the sampling device. For off-site tests, samples are used within 36 hours of collection. |
| 19. Sample volume required | Minimum 2 liters |

Footnotes:

1. Adapted from EPA-821-R-02-012
2. Standard dilution water must have hardness requirements to generally reflect characteristics of the receiving water.

VI. CHEMICAL ANALYSIS

At the beginning of a static acute toxicity test, pH, conductivity, total residual chlorine, oxygen, hardness, alkalinity and temperature must be measured in the highest effluent concentration and the dilution water. Dissolved oxygen, pH and temperature are also measured at 24 and 48 hour intervals in all dilutions. The following chemical analyses shall be performed on the 100 percent effluent sample and the upstream water sample for each sampling event.

Parameter	Effluent	Receiving Water	ML (mg/l)
Hardness ¹	x	x	0.5
Total Residual Chlorine (TRC) ^{2, 3}	x		0.02
Alkalinity	x	x	2.0
pH	x	x	--
Specific Conductance	x	x	--
Total Solids	x		--
Total Dissolved Solids	x		--
Ammonia	x	x	0.1
Total Organic Carbon	x	x	0.5
Total Metals			
Cd	x	x	0.0005
Pb	x	x	0.0005
Cu	x	x	0.003
Zn	x	x	0.005
Ni	x	x	0.005
Al	x	x	0.02
Other as permit requires			

Notes:

- Hardness may be determined by:
 - APHA Standard Methods for the Examination of Water and Wastewater, 21st Edition
 - Method 2340B (hardness by calculation)
 - Method 2340C (titration)
- Total Residual Chlorine may be performed using any of the following methods provided the required minimum limit (ML) is met.
 - APHA Standard Methods for the Examination of Water and Wastewater, 21st Edition
 - Method 4500-CL E Low Level Amperometric Titration
 - Method 4500-CL G DPD Colorimetric Method
- Required to be performed on the sample used for WET testing prior to its use for toxicity testing.

VII. TOXICITY TEST DATA ANALYSIS

LC50 Median Lethal Concentration (Determined at 48 Hours)

Methods of Estimation:

- Probit Method
- Spearman-Kärber
- Trimmed Spearman-Kärber
- Graphical

See the flow chart in Figure 6 on p. 73 of EPA-821-R-02-012 for appropriate method to use on a given data set.

No Observed Acute Effect Level (NOAEL)

See the flow chart in Figure 13 on p. 87 of EPA-821-R-02-012.

VIII. TOXICITY TEST REPORTING

A report of the results will include the following:

- Description of sample collection procedures, site description
- Names of individuals collecting and transporting samples, times and dates of sample collection and analysis on chain-of-custody
- General description of tests: age of test organisms, origin, dates and results of standard toxicant tests; light and temperature regime; other information on test conditions if different than procedures recommended. Reference toxicant test data should be included.
- All chemical/physical data generated. (Include minimum detection levels and minimum quantification levels.)
- Raw data and bench sheets.
- Provide a description of dechlorination procedures (as applicable).
- Any other observations or test conditions affecting test outcome.

**FRESHWATER CHRONIC
TOXICITY TEST PROCEDURE AND PROTOCOL
USEPA Region 1**

I. GENERAL REQUIREMENTS

The permittee shall be responsible for the conduct of acceptable chronic toxicity tests using three fresh samples collected during each test period. The following tests shall be performed as prescribed in Part 1 of the NPDES discharge permit in accordance with the appropriate test protocols described below. (Note: the permittee and testing laboratory should review the applicable permit to determine whether testing of one or both species is required).

- **Daphnid (Ceriodaphnia dubia) Survival and Reproduction Test.**
- **Fathead Minnow (Pimephales promelas) Larval Growth and Survival Test.**

Chronic toxicity data shall be reported as outlined in Section VIII.

II. METHODS

Methods to follow are those recommended by EPA in: Short Term Methods For Estimating The Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002. United States Environmental Protection Agency. Office of Water, Washington, D.C., EPA 821-R-02-013. The methods are available on-line at <http://www.epa.gov/waterscience/WET/> . Exceptions and clarification are stated herein.

III. SAMPLE COLLECTION AND USE

A total of three fresh samples of effluent and receiving water are required for initiation and subsequent renewals of a freshwater, chronic, toxicity test. The receiving water control sample must be collected immediately upstream of the permitted discharge's zone of influence. Fresh samples are recommended for use on test days 1, 3, and 5. However, provided a total of three samples are used for testing over the test period, an alternate sampling schedule is acceptable. The acceptable holding times until initial use of a sample are 24 and 36 hours for on-site and off-site testing, respectively. A written waiver is required from the regulating authority for any hold time extension. All test samples collected may be used for 24, 48 and 72 hour renewals after initial use. All samples held for use beyond the day of sampling shall be refrigerated and maintained at a temperature range of 0-6° C.

All samples submitted for chemical and physical analyses will be analyzed according to Section VI of this protocol.

Sampling guidance dictates that, where appropriate, aliquots for the analysis required in this protocol shall be split from the samples, containerized and immediately preserved, or analyzed as per 40 CFR Part 136. EPA approved test methods require that samples collected for metals analyses be preserved immediately after collection. Testing for the presence of total residual chlorine (TRC) must be analyzed immediately or as soon as possible, for all effluent samples, prior to WET testing. TRC analysis may be performed on-site or by the toxicity testing laboratory and the samples must be dechlorinated, as necessary, using sodium thiosulfate prior to sample use for toxicity testing.

If any of the renewal samples are of sufficient potency to cause lethality to 50 percent or more of the test organisms in any of the test treatments for either species or, if the test fails to meet its permit limits, then chemical analysis for total metals (originally required for the initial sample only in Section VI) will be required on the renewal sample(s) as well.

IV. DILUTION WATER

Samples of receiving water must be collected from a location in the receiving water body immediately upstream of the permitted discharge's zone of influence at a reasonably accessible location. Avoid collection near areas of obvious road or agricultural runoff, storm sewers or other point source discharges and areas where stagnant conditions exist. EPA strongly urges that screening for toxicity be performed prior to the set up of a full, definitive toxicity test any time there is a question about the test dilution water's ability to achieve test acceptability criteria (TAC) as indicated in Section V of this protocol. The test dilution water control response will be used in the statistical analysis of the toxicity test data. All other control(s) required to be run in the test will be reported as specified in the Discharge Monitoring Report (DMR) Instructions, Attachment F, page 2, Test Results & Permit Limits.

The test dilution water must be used to determine whether the test met the applicable TAC. When receiving water is used for test dilution, an additional control made up of standard laboratory water (0% effluent) is required. This control will be used to verify the health of the test organisms and evaluate to what extent, if any, the receiving water itself is responsible for any toxic response observed.

If dechlorination of a sample by the toxicity testing laboratory is necessary a "sodium thiosulfate" control, representing the concentration of sodium thiosulfate used to adequately dechlorinate the sample prior to toxicity testing, must be included in the test.

If the use of an alternate dilution water (ADW) is authorized, in addition to the ADW test control, the testing laboratory must, for the purpose of monitoring the receiving water, also run a receiving water control.

If the receiving water diluent is found to be, or suspected to be toxic or unreliable an ADW of known quality with hardness similar to that of the receiving water may be substituted. Substitution is species specific meaning that the decision to use ADW is made for each species and is based on the toxic response of that particular species. Substitution to an ADW is authorized in two cases. The first is the case where repeating a test due to toxicity in the site dilution water requires an **immediate decision** for ADW use be made by the permittee and toxicity testing laboratory. The second is in the case where two of the most recent documented incidents of unacceptable site dilution water toxicity requires ADW use in future WET testing.

For the second case, written notification from the permittee requesting ADW use **and** written authorization from the permit issuing agency(s) is required **prior to** switching to a long-term use of ADW for the duration of the permit.

Written requests for use of ADW must be mailed with supporting documentation to the following addresses:

Director
Office of Ecosystem Protection (CAA)
U.S. Environmental Protection Agency, Region 1
Five Post Office Square, Suite 100
Mail Code OEP06-5
Boston, MA 02109-3912

and

Manager
Water Technical Unit (SEW)
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Note: USEPA Region 1 retains the right to modify any part of the alternate dilution water policy stated in this protocol at any time. Any changes to this policy will be documented in the annual DMR posting.

See important details on alternate dilution water substitution requests at <https://www3.epa.gov/region1/npdes/permits/Alternatedilutionwaterguidance.pdf>.

V. TEST CONDITIONS AND TEST ACCEPTABILITY CRITERIA

Method specific test conditions and TAC are to be followed and adhered to as specified in the method guidance document, EPA 821-R-02-013. If a test does not meet TAC the test must be repeated with fresh samples within 30 days of the initial test completion date.

V.1. Use of Reference Toxicity Testing

Reference toxicity test results and applicable control charts must be included in the toxicity testing report.

If reference toxicity test results fall outside the control limits established by the laboratory for a specific test endpoint, a reason or reasons for this excursion must be evaluated, correction made and reference toxicity tests rerun as necessary.

If a test endpoint value exceeds the control limits at a frequency of more than one out of twenty then causes for the reference toxicity test failure must be examined and if problems are identified corrective action taken. The reference toxicity test must be repeated during the same month in which the exceedance occurred.

If two consecutive reference toxicity tests fall outside control limits, the possible cause(s) for the exceedance must be examined, corrective actions taken and a repeat of the reference toxicity test must take place immediately. Actions taken to resolve the problem must be reported.

V.1.a. Use of Concurrent Reference Toxicity Testing

In the case where concurrent reference toxicity testing is required due to a low frequency of testing with a particular method, if the reference toxicity test results fall slightly outside of laboratory established control limits, but the primary test met the TAC, the results of the primary test will be considered acceptable. However, if the results of the concurrent test fall well outside the established **upper** control limits i.e. ≥ 3 standard deviations for IC25 values and \geq two concentration intervals for NOECs, and even though the primary test meets TAC, the primary test will be considered unacceptable and must be repeated.

V.2. For the *C. dubia* test, the determination of TAC and formal statistical analyses must be performed using only the first three broods produced.

V.3. Test treatments must include 5 effluent concentrations and a dilution water control. An additional test treatment, at the permitted effluent concentration (% effluent), is required if it is not included in the dilution series.

VI. CHEMICAL ANALYSIS

As part of each toxicity test's daily renewal procedure, pH, specific conductance, dissolved oxygen (DO) and temperature must be measured at the beginning and end of each 24-hour period in each test treatment and the control(s).

The additional analysis that must be performed under this protocol is as specified and noted in the table below.

<u>Parameter</u>	<u>Effluent</u>	<u>Receiving Water</u>	<u>ML (mg/l)</u>
Hardness ^{1, 4}	x	x	0.5
Total Residual Chlorine (TRC) ^{2, 3, 4}	x		0.02
Alkalinity ⁴	x	x	2.0
pH ⁴	x	x	--
Specific Conductance ⁴	x	x	--
Total Solids ⁶	x		--
Total Dissolved Solids ⁶	x		--
Ammonia ⁴	x	x	0.1
Total Organic Carbon ⁶	x	x	0.5
Total Metals ⁵			
Cd	x	x	0.0005
Pb	x	x	0.0005
Cu	x	x	0.003
Zn	x	x	0.005
Ni	x	x	0.005
Al	x	x	0.02

Other as permit requires

Notes:

1. Hardness may be determined by:

- APHA Standard Methods for the Examination of Water and Wastewater, 21st Edition
 - Method 2340B (hardness by calculation)
 - Method 2340C (titration)
2. Total Residual Chlorine may be performed using any of the following methods provided the required minimum limit (ML) is met.
- APHA Standard Methods for the Examination of Water and Wastewater, 21st Edition
 - Method 4500-CL E Low Level Amperometric Titration
 - Method 4500-CL G DPD Colorimetric Method
 - USEPA 1983. Manual of Methods Analysis of Water and Wastes
 - Method 330.5
3. Required to be performed on the sample used for WET testing prior to its use for toxicity testing
4. Analysis is to be performed on samples and/or receiving water, as designated in the table above, from all three sampling events.
5. Analysis is to be performed on the initial sample(s) only unless the situation arises as stated in Section III, paragraph 4
6. Analysis to be performed on initial samples only

VII. TOXICITY TEST DATA ANALYSIS AND REVIEW

A. Test Review

1. Concentration / Response Relationship

A concentration/response relationship evaluation is required for test endpoint determinations from both Hypothesis Testing and Point Estimate techniques. The test report is to include documentation of this evaluation in support of the endpoint values reported. The dose-response review must be performed as required in Section 10.2.6 of EPA-821-R-02-013. Guidance for this review can be found at <http://water.epa.gov/scitech/methods/cwa/>. In most cases, the review will result in one of the following three conclusions: (1) Results are reliable and reportable; (2) Results are anomalous and require explanation; or (3) Results are inconclusive and a retest with fresh samples is required.

2. Test Variability (Test Sensitivity)

This review step is separate from the determination of whether a test meets or does not meet TAC. Within test variability is to be examined for the purpose of evaluating test sensitivity. This evaluation is to be performed for the sub-lethal hypothesis testing endpoints reproduction and growth as required by the permit. The test report is to include documentation of this evaluation to support that the endpoint values reported resulted from a toxicity test of adequate sensitivity. This evaluation must be performed as required in Section 10.2.8 of EPA-821-R-02-013.

To determine the adequacy of test sensitivity, USEPA requires the calculation of test percent minimum significant difference (PMSD) values. In cases where NOEC determinations are made based on a non-parametric technique, calculation of a test PMSD value, for the sole purpose of assessing test sensitivity, shall be calculated using a comparable parametric statistical analysis technique. The calculated test PMSD is then compared to the upper and lower PMSD bounds shown for freshwater tests in Section 10.2.8.3, p. 52, Table 6 of EPA-821-R-02-013. The comparison will yield one of the following determinations.

- The test PMSD exceeds the PMSD upper bound test variability criterion in Table 6, the test results are considered highly variable and the test may not be sensitive enough to determine the presence of toxicity at the permit limit concentration (PLC). If the test results indicate that the discharge is not toxic at the PLC, then the test is considered insufficiently sensitive and must be repeated within 30 days of the initial test completion using fresh samples. If the test results indicate that the discharge is toxic at the PLC, the test is considered acceptable and does not have to be repeated.
- The test PMSD falls below the PMSD lower bound test variability criterion in Table 6, the test is determined to be very sensitive. In order to determine which treatment(s) are statistically significant and which are not, for the purpose of reporting a NOEC, the relative percent difference (RPD) between the control and each treatment must be calculated and compared to the lower PMSD boundary. See *Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the NPDES Program*, EPA 833-R-00-003, June 2002, Section 6.4.2. The following link: [Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the NPDES Program](#) can be used to locate the USEPA website containing this document. If the RPD for a treatment falls below the PMSD lower bound, the difference is considered statistically insignificant. If the RPD for a treatment is greater than the PMSD lower bound, then the treatment is considered statistically significant.
- The test PMSD falls within the PMSD upper and lower bounds in Table 6, the sub-lethal test endpoint values shall be reported as is.

B. Statistical Analysis

1. General - Recommended Statistical Analysis Method

Refer to general data analysis flowchart, EPA 821-R-02-013, page 43

For discussion on Hypothesis Testing, refer to EPA 821-R-02-013, Section 9.6

For discussion on Point Estimation Techniques, refer to EPA 821-R-02-013, Section 9.7

2. *Pimephales promelas*

Refer to survival hypothesis testing analysis flowchart, EPA 821-R-02-013, page 79

Refer to survival point estimate techniques flowchart, EPA 821-R-02-013, page 80

Refer to growth data statistical analysis flowchart, EPA 821-R-02-013, page 92

3. *Ceriodaphnia dubia*

Refer to survival data testing flowchart, EPA 821-R-02-013, page 168

Refer to reproduction data testing flowchart, EPA 821-R-02-013, page 173

VIII. TOXICITY TEST REPORTING

A report of results must include the following:

- Test summary sheets (2007 DMR Attachment F) which includes:
 - Facility name
 - NPDES permit number
 - Outfall number
 - Sample type
 - Sampling method
 - Effluent TRC concentration
 - Dilution water used
 - Receiving water name and sampling location
 - Test type and species
 - Test start date
 - Effluent concentrations tested (%) and permit limit concentration
 - Applicable reference toxicity test date and whether acceptable or not
 - Age, age range and source of test organisms used for testing
 - Results of TAC review for all applicable controls
 - Test sensitivity evaluation results (test PMSD for growth and reproduction)
 - Permit limit and toxicity test results
 - Summary of test sensitivity and concentration response evaluation

In addition to the summary sheets the report must include:

- A brief description of sample collection procedures
- Chain of custody documentation including names of individuals collecting samples, times and dates of sample collection, sample locations, requested analysis and lab receipt with time and date received, lab receipt personnel and condition of samples upon receipt at the lab(s)
- Reference toxicity test control charts
- All sample chemical/physical data generated, including minimum limits (MLs) and analytical methods used
- All toxicity test raw data including daily ambient test conditions, toxicity test chemistry, sample dechlorination details as necessary, bench sheets and statistical analysis
- A discussion of any deviations from test conditions
- Any further discussion of reported test results, statistical analysis and concentration-response relationship and test sensitivity review per species per endpoint

ATTACHMENT D

EPA - New England

Reassessment of Technically Based Industrial Discharge Limits

Under 40 CFR §122.21(j)(4), all Publicly Owned Treatment Works (POTWs) with approved Industrial Pretreatment Programs (IPPs) shall provide the following information to the Director: a written evaluation of the need to revise local industrial discharge limits under 40 CFR §403.5(c)(1).

Below is a form designed by the U.S. Environmental Protection Agency (EPA - New England) to assist POTWs with approved IPPs in evaluating whether their existing Technically Based Local Limits (TBLLs) need to be recalculated. The form allows the permittee and EPA to evaluate and compare pertinent information used in previous TBLLs calculations against present conditions at the POTW.

Please read direction below before filling out form.

ITEM I.

- * In Column (1), list what your POTW's influent flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present influent flow rate. Your current flow rate should be calculated using the POTW's average daily flow rate from the previous 12 months.
- * In Column (1) list what your POTW's SIU flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present SIU flow rate.
- * In Column (1), list what dilution ratio and/or 7Q10 value was used in your old/expired NPDES permit. In Column (2), list what dilution ratio and/or 7Q10 value is presently being used in your new/reissued NPDES permit.

The 7Q10 value is the lowest seven day average flow rate, in the river, over a ten year period. The 7Q10 value and/or dilution ratio used by EPA in your new NPDES permit can be found in your NPDES permit "Fact Sheet."
- * In Column (1), list the safety factor, if any, that was used when your existing TBLLs were calculated.
- * In Column (1), note how your bio-solids were managed when your existing TBLLs were calculated. In Column (2), note how your POTW is presently disposing of its biosolids and how your POTW will be disposing of its biosolids in the future.

ITEM II.

- * List what your existing TBLLs are - as they appear in your current Sewer Use Ordinance (SUO).

ITEM III.

- * Identify how your existing TBLLs are allocated out to your industrial community. Some pollutants may be allocated differently than others, if so please explain.

ITEM IV.

- * Since your existing TBLLs were calculated, identify the following in detail:
 - (1) if your POTW has experienced any upsets, inhibition, interference or pass-through as a result of an industrial discharge.
 - (2) if your POTW is presently violating any of its current NPDES permit limitations - include toxicity.

ITEM V.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in pounds per day) received in the POTW's influent. Current sampling data is defined as data obtained over the last 24 month period.

All influent data collected and analyzed must be in accordance with 40 CFR §136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace.

- * Based on your existing TBLLs, as presented in Item II., list in Column (2), for each pollutant the Maximum Allowable Headwork Loading (MAHL) values derived from an applicable environmental criteria or standard, e.g. water quality, sludge, NPDES, inhibition, etc. For more information, please see EPA's Local Limit Guidance Document (July 2004).

Item VI.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in micrograms per liter) present your POTW's effluent. Current sampling data is defined as data obtained during the last 24 month period.

(Item VI. continued)

All effluent data collected and analyzed must be in accordance with 40 CFR §136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace.

- * List in Column (2A) what the Water Quality Standards (WQS) were (in micrograms per liter) when your TBLLs were calculated, please note what hardness value was used at that time. Hardness should be expressed in milligram per liter of Calcium Carbonate.

List in Column (2B) the current WQSs or "Chronic Gold Book" values for each pollutant multiplied by the dilution ratio used in your new/reissued NPDES permit. For example, with a dilution ratio of 25:1 at a hardness of 25 mg/l - Calcium Carbonate (copper's chronic WQS equals 6.54 ug/l) the chronic NPDES permit limit for copper would equal 156.25 ug/l.

ITEM VII.

- * In Column (1), list all pollutants (in micrograms per liter) limited in your new/reissued NPDES permit. In Column (2), list all pollutants limited in your old/expired NPDES permit.

ITEM VIII.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants in your POTW's biosolids. Current data is defined as data obtained during the last 24 month period. Results are to be expressed as total dry weight.

All biosolids data collected and analyzed must be in accordance with 40 CFR §136.

In Column (2A), list current State and/or Federal sludge standards that your facility's biosolids must comply with. Also note how your POTW currently manages the disposal of its biosolids. If your POTW is planing on managing its biosolids differently, list in Column (2B) what your new biosolids criteria will be and method of disposal.

In general, please be sure the units reported are correct and all pertinent information is included in your evaluation. If you have any questions, please contact your pretreatment representative at EPA - New England.

POTW Name & Address :

Date EPA approved current TBLLs :

ITEM I.

In Column (1) list the conditions that existed when your current TBLLs were calculated. In Column (2), list current conditions or expected conditions at your POTW.		
	Column (1) EXISTING TBLLs	Column (2) PRESENT CONDITIONS
POTW Flow (MGD)		
Dilution Ratio or 7Q10 (from NPDES Permit)		
SIU Flow (MGD)		
Safety Factor		N/A
Biosolids Disposal Method(s)		

ITEM II.

EXISTING TBLLs			
POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)	POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)

ITEM III.

Note how your existing TBLLs, listed in Item II., are allocated to your Significant Industrial Users (SIUs), i.e. uniform concentration, contributory flow, mass proportioning, other. Please specify by circling.

ITEM IV.

Has your POTW experienced any upsets, inhibition, interference or pass-through from industrial sources since your existing TBLLs were calculated?

If yes, explain.

Has your POTW violated any of its NPDES permit limits and/or toxicity test requirements?

If yes, explain.

ITEM V.

Using current POTW influent sampling data fill in Column (1). In Column (2), list your Maximum Allowable Headwork Loading (MAHL) values used to derive your TBLLs listed in Item II. In addition, please note the Environmental Criteria for which each MAHL value was established, i.e. water quality, sludge, NPDES etc.

Pollutant	Column (1) Influent Data Analyses		Column (2) MAHL Values		Criteria
	Maximum (lb/day)	Average (lb/day)	(lb/day)		
Arsenic					
Cadmium					
Chromium					
Copper					
Cyanide					
Lead					
Mercury					
Nickel					
Silver					
Zinc					
Other (List)					

ITEM VI.

Using current POTW effluent sampling data, fill in Column (1). In Column (2A) list what the Water Quality Standards (Gold Book Criteria) were at the time your existing TBLLs were developed. List in Column (2B) current Gold Book values multiplied by the dilution ratio used in your new/reissued NPDES permit.

Pollutant	Column (1)		Columns (2A) (2B)	
	Effluent Data Analyses Maximum (ug/l)	Average (ug/l)	Water Quality Criteria (Gold Book) From TBLLs Today (ug/l) (ug/l)	
Arsenic				
*Cadmium				
*Chromium				
*Copper				
Cyanide				
*Lead				
Mercury				
*Nickel				
Silver				
*Zinc				
Other (List)				

*Hardness Dependent (mg/l - CaCO3)

ITEM VII.

In Column (1), identify all pollutants limited in your new/reissued NPDES permit. In Column (2), identify all pollutants that were limited in your old/expired NPDES permit.

[illegible]

ITEM VIII.

Using current POTW biosolids data, fill in Column (1). In Column (2A), list the biosolids criteria that was used at the time your existing TBLLs were calculated. If your POTW is planing on managing its biosolids differently, list in Column (2B) what your new biosolids criteria would be and method of disposal.

Pollutant	Column (1)	Biosolids	Columns	
	Data Analyses		(2A)	(2B)
	Average		Biosolids Criteria	
	(mg/kg)		From TBLLs	New
Arsenic				
Cadmium				
Chromium				
Copper				
Cyanide				
Lead				
Mercury				
Nickel				
Silver				
Zinc				
Molybdenum				
Selenium				
Other (List)				

ATTACHMENT E

NPDES PERMIT REQUIREMENT FOR INDUSTRIAL PRETREATMENT ANNUAL REPORT

The information described below shall be included in the pretreatment program annual reports:

1. An updated list of all industrial users by category, as set forth in 40 C.F.R. 403.8(f)(2)(i), indicating compliance or noncompliance with the following:
 - baseline monitoring reporting requirements for newly promulgated industries
 - compliance status reporting requirements for newly promulgated industries
 - periodic (semi-annual) monitoring reporting requirements,
 - categorical standards, and
 - local limits;
2. A summary of compliance and enforcement activities during the preceding year, including the number of:
 - significant industrial users inspected by POTW (include inspection dates for each industrial user),
 - significant industrial users sampled by POTW (include sampling dates for each industrial user),
 - compliance schedules issued (include list of subject users),
 - written notices of violations issued (include list of subject users),
 - administrative orders issued (include list of subject users),
 - criminal or civil suits filed (include list of subject users) and,
 - penalties obtained (include list of subject users and penalty amounts);
3. A list of significantly violating industries required to be published in a local newspaper in accordance with 40 C.F.R. 403.8(f)(2)(vii);
4. A narrative description of program effectiveness including present and proposed changes to the program, such as funding, staffing, ordinances, regulations, rules and/or statutory authority;
5. A summary of all pollutant analytical results for influent, effluent, sludge and any toxicity or bioassay data from the wastewater treatment facility. The summary shall include a comparison of influent sampling results versus threshold inhibitory concentrations for the Wastewater Treatment System and effluent sampling results versus water quality standards. Such a comparison shall be based on the sampling program described in the paragraph below or any similar sampling program described in this Permit.

At a minimum, annual sampling and analysis of the influent and effluent of the Wastewater Treatment Plant shall be conducted for the following pollutants:

- | | |
|--------------------|-------------------|
| a.) Total Cadmium | f.) Total Nickel |
| b.) Total Chromium | g.) Total Silver |
| c.) Total Copper | h.) Total Zinc |
| d.) Total Lead | i.) Total Cyanide |
| e.) Total Mercury | j.) Total Arsenic |

The sampling program shall consist of one 24-hour flow-proportioned composite and at least one grab sample that is representative of the flows received by the POTW. The composite shall consist of hourly flow-proportioned grab samples taken over a 24-hour period if the sample is collected manually or shall consist of a minimum of 48 samples collected at 30 minute intervals if an automated sampler is used. Cyanide shall be taken as a grab sample during the same period as the composite sample. Sampling and preservation shall be consistent with 40 CFR Part 136.

6. A detailed description of all interference and pass-through that occurred during the past year;
7. A thorough description of all investigations into interference and pass-through during the past year;
8. A description of monitoring, sewer inspections and evaluations which were done during the past year to detect interference and pass-through, specifying parameters and frequencies;
9. A description of actions being taken to reduce the incidence of significant violations by significant industrial users; and,
10. The date of the latest adoption of local limits and an indication as to whether or not the permittee is under a State or Federal compliance schedule that includes steps to be taken to revise local limits.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

TABLE OF CONTENTS

A. GENERAL CONDITIONS	Page
1. <u>Duty to Comply</u>	2
2. <u>Permit Actions</u>	2
3. <u>Duty to Provide Information</u>	2
4. <u>Reopener Clause</u>	3
5. <u>Oil and Hazardous Substance Liability</u>	3
6. <u>Property Rights</u>	3
7. <u>Confidentiality of Information</u>	3
8. <u>Duty to Reapply</u>	4
9. <u>State Authorities</u>	4
10. <u>Other laws</u>	4
B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS	
1. <u>Proper Operation and Maintenance</u>	4
2. <u>Need to Halt or Reduce Not a Defense</u>	4
3. <u>Duty to Mitigate</u>	4
4. <u>Bypass</u>	4
5. <u>Upset</u>	5
C. MONITORING AND RECORDS	
1. <u>Monitoring and Records</u>	6
2. <u>Inspection and Entry</u>	7
D. REPORTING REQUIREMENTS	
1. <u>Reporting Requirements</u>	7
a. Planned changes	7
b. Anticipated noncompliance	7
c. Transfers	7
d. Monitoring reports	8
e. Twenty-four hour reporting	8
f. Compliance schedules	9
g. Other noncompliance	9
h. Other information	9
2. <u>Signatory Requirement</u>	9
3. <u>Availability of Reports</u>	9
E. DEFINITIONS AND ABBREVIATIONS	
1. <u>Definitions for Individual NPDES Permits including Storm Water Requirements</u>	9
2. <u>Definitions for NPDES Permit Sludge Use and Disposal Requirements</u>	17
3. <u>Commonly Used Abbreviations</u>	23

NPDES PART II STANDARD CONDITIONS
(January, 2007)

PART II. A. GENERAL REQUIREMENTS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- b. The CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any of such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402 (a)(3) or 402 (b)(8) of the CWA is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates such requirements is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Any person who knowingly violates such requirements is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
- c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

Note: See 40 CFR §122.41(a)(2) for complete “Duty to Comply” regulations.

2. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notifications of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

4. Reopener Clause

The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Regional Administrator or Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under Section 405 (d) of the CWA. The Regional Administrator or Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or contains a pollutant or practice not limited in the permit.

Federal regulations pertaining to permit modification, revocation and reissuance, and termination are found at 40 CFR §122.62, 122.63, 122.64, and 124.5.

5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the CWA, or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges.

7. Confidentiality of Information

- a. In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).
- b. Claims of confidentiality for the following information will be denied:
 - (1) The name and address of any permit applicant or permittee;
 - (2) Permit applications, permits, and effluent data as defined in 40 CFR §2.302(a)(2).
- c. Information required by NPDES application forms provided by the Regional Administrator under 40 CFR §122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

8. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

9. State Authorities

Nothing in Part 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

10. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local laws and regulations.

PART II. B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Bypass

a. Definitions

- (1) *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs B.4.c. and 4.d. of this section.

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D.1.e. of this part (Twenty-four hour reporting).

d. Prohibition of bypass

Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3) i) The permittee submitted notices as required under Paragraph 4.c. of this section.
ii) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph 4.d. of this section.

5. Upset

- a. Definition. *Upset* means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph B.5.c. of this section are met. No determination made during

NPDES PART II STANDARD CONDITIONS

(January, 2007)

administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in paragraphs D.1.a. and 1.e. (Twenty-four hour notice); and
 - (4) The permittee complied with any remedial measures required under B.3. above.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

PART II. C. MONITORING REQUIREMENTS

1. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records for monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application except for the information concerning storm water discharges which must be retained for a total of 6 years. This retention period may be extended by request of the Regional Administrator at any time.
- c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- d. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by

NPDES PART II STANDARD CONDITIONS

(January, 2007)

imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

2. Inspection and Entry

The permittee shall allow the Regional Administrator or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

PART II. D. REPORTING REQUIREMENTS

1. Reporting Requirements

- a. **Planned Changes.** The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR§122.29(b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantities of the pollutants discharged. This notification applies to pollutants which are subject neither to the effluent limitations in the permit, nor to the notification requirements at 40 CFR§122.42(a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. **Anticipated noncompliance.** The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. **Transfers.** This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and

NPDES PART II STANDARD CONDITIONS

(January, 2007)

incorporate such other requirements as may be necessary under the CWA. (See 40 CFR Part 122.61; in some cases, modification or revocation and reissuance is mandatory.)

- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - (3) Calculations for all limitations which require averaging or measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Twenty-four hour reporting.
 - (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
 - (b) Any upset which exceeds any effluent limitation in the permit.
 - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
 - (3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph D.1.e. if the oral report has been received within 24 hours.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

- f. Compliance Schedules. Reports of compliance or noncompliance with, any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under Paragraphs D.1.d., D.1.e., and D.1.f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D.1.e. of this section.
- h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.

2. Signatory Requirement

- a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See 40 CFR §122.22)
- b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

3. Availability of Reports.

Except for data determined to be confidential under Paragraph A.8. above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

PART II. E. DEFINITIONS AND ABBREVIATIONS

1. Definitions for Individual NPDES Permits including Storm Water Requirements

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Applicable standards and limitations means all, State, interstate, and Federal standards and limitations to which a “discharge”, a “sewage sludge use or disposal practice”, or a related activity is subject to, including “effluent limitations”, water quality standards, standards of performance, toxic effluent standards or prohibitions, “best management practices”, pretreatment standards, and “standards for sewage sludge use and disposal” under Sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the CWA.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

Application means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in “approved States”, including any approved modifications or revisions.

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms and Escherichia coli, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of “daily discharges” over a calendar month calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Average weekly discharge limitation means the highest allowable average of “daily discharges” measured during the calendar week divided by the number of “daily discharges” measured during the week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Best Professional Judgment (BPJ) means a case-by-case determination of Best Practicable Treatment (BPT), Best Available Treatment (BAT), or other appropriate technology-based standard based on an evaluation of the available technology to achieve a particular pollutant reduction and other factors set forth in 40 CFR §125.3 (d).

Coal Pile Runoff means the rainfall runoff from or through any coal storage pile.

Composite Sample means a sample consisting of a minimum of eight grab samples of equal volume collected at equal intervals during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportional to flow, or a sample consisting of the same number of grab samples, or greater, collected proportionally to flow over that same time period.

Construction Activities - The following definitions apply to construction activities:

- (a) Commencement of Construction is the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- (b) Dedicated portable asphalt plant is a portable asphalt plant located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term dedicated portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR Part 443.
- (c) Dedicated portable concrete plant is a portable concrete plant located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

- (d) Final Stabilization means that all soil disturbing activities at the site have been complete, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (e) Runoff coefficient means the fraction of total rainfall that will appear at the conveyance as runoff.

Contiguous zone means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Continuous discharge means a “discharge” which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or similar activities.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117; 33 USC §§1251 et seq.

Daily Discharge means the discharge of a pollutant measured during the calendar day or any other 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

Director normally means the person authorized to sign NPDES permits by EPA or the State or an authorized representative. Conversely, it also could mean the Regional Administrator or the State Director as the context requires.

Discharge Monitoring Report Form (DMR) means the EPA standard national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by “approved States” as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA’s.

Discharge of a pollutant means:

- (a) Any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source”, or
- (b) Any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation (See “Point Source” definition).

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead

NPDES PART II STANDARD CONDITIONS

(January, 2007)

to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works.

This term does not include an addition of pollutants by any “indirect discharger.”

Effluent limitation means any restriction imposed by the Regional Administrator on quantities, discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States”, the waters of the “contiguous zone”, or the ocean.

Effluent limitation guidelines means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise “effluent limitations”.

EPA means the United States “Environmental Protection Agency”.

Flow-weighted composite sample means a composite sample consisting of a mixture of aliquots where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab Sample – An individual sample collected in a period of less than 15 minutes.

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the CWA.

Indirect Discharger means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (CWA), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resources Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SDWA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

Land application unit means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

Large and Medium municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and 40 CFR Part 122); or (ii) located in the counties with unincorporated urbanized

NPDES PART II STANDARD CONDITIONS

(January, 2007)

populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships, or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or (iii) owned or operated by a municipality other than those described in Paragraph (i) or (ii) and that are designated by the Regional Administrator as part of the large or medium municipal separate storm sewer system.

Maximum daily discharge limitation means the highest allowable “daily discharge” concentration that occurs only during a normal day (24-hour duration).

Maximum daily discharge limitation (as defined for the Steam Electric Power Plants only) when applied to Total Residual Chlorine (TRC) or Total Residual Oxidant (TRO) is defined as “maximum concentration” or “Instantaneous Maximum Concentration” during the two hours of a chlorination cycle (or fraction thereof) prescribed in the Steam Electric Guidelines, 40 CFR Part 423. These three synonymous terms all mean “a value that shall not be exceeded” during the two-hour chlorination cycle. This interpretation differs from the specified NPDES Permit requirement, 40 CFR § 122.2, where the two terms of “Maximum Daily Discharge” and “Average Daily Discharge” concentrations are specifically limited to the daily (24-hour duration) values.

Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under Section 208 of the CWA.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA. The term includes an “approved program”.

New Discharger means any building, structure, facility, or installation:

- (a) From which there is or may be a “discharge of pollutants”;
- (b) That did not commence the “discharge of pollutants” at a particular “site” prior to August 13, 1979;
- (c) Which is not a “new source”; and
- (d) Which has never received a finally effective NPDES permit for discharges at that “site”.

This definition includes an “indirect discharger” which commences discharging into “waters of the United States” after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a “site” for which it does not have a permit; and any offshore rig or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a “site” under EPA’s permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be in an area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 CFR §§125.122 (a) (1) through (10).

NPDES PART II STANDARD CONDITIONS (January, 2007)

An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a “new discharger” only for the duration of its discharge in an area of biological concern.

New source means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants”, the construction of which commenced:

- (a) After promulgation of standards of performance under Section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

NPDES means “National Pollutant Discharge Elimination System”.

Owner or operator means the owner or operator of any “facility or activity” subject to regulation under the NPDES programs.

Pass through means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an “approved” State.

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (see 40 CFR §122.2).

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

- (a) Sewage from vessels; or
- (b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by the authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Primary industry category means any industry category listed in the NRDC settlement agreement (Natural Resources Defense Council et al. v. Train, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D. D.C. 1979)); also listed in Appendix A of 40 CFR Part 122.

Privately owned treatment works means any device or system which is (a) used to treat wastes from any facility whose operation is not the operator of the treatment works or (b) not a “POTW”.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly Owned Treatment Works (POTW) means any facility or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a “State” or “municipality”.

This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Regional Administrator means the Regional Administrator, EPA, Region I, Boston, Massachusetts.

Secondary Industry Category means any industry which is not a “primary industry category”.

Section 313 water priority chemical means a chemical or chemical category which:

- (1) is listed at 40 CFR §372.65 pursuant to Section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986);
- (2) is present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and
- (3) satisfies at least one of the following criteria:
 - (i) are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols), or Table V (certain toxic pollutants and hazardous substances);
 - (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR §116.4; or
 - (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

Septage means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

Sewage Sludge means any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, Type III Marine Sanitation Device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Sewage sludge use or disposal practice means the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

Significant materials includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets, raw materials used in food processing or production, hazardous substance designated under section 101(14) of CERCLA, any chemical the facility is required to report pursuant to EPCRA Section 313, fertilizers, pesticides, and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Significant spills includes, but is not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR §110.10 and §117.21) or Section 102 of CERCLA (see 40 CFR § 302.4).

Sludge-only facility means any “treatment works treating domestic sewage” whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to Section 405(d) of the CWA, and is required to obtain a permit under 40 CFR §122.1(b)(3).

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands.

Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. (See 40 CFR §122.26 (b)(14) for specifics of this definition.

Time-weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

Toxic pollutants means any pollutant listed as toxic under Section 307 (a)(1) or, in the case of “sludge use or disposal practices” any pollutant identified in regulations implementing Section 405(d) of the CWA.

Treatment works treating domestic sewage means a POTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices.

For purposes of this definition, “domestic sewage” includes waste and wastewater from humans or household operations that are discharged to or otherwise enter a treatment works. In States where there is no approved State sludge management program under Section 405(f) of the CWA, the Regional Administrator may designate any person subject to the standards for sewage sludge use and disposal in 40 CFR Part 503 as a “treatment works treating domestic sewage”, where he or she finds that there is a potential for adverse effects on public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR Part 503.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

Waste Pile means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

Waters of the United States means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of tide;
- (b) All interstate waters, including interstate “wetlands”;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands”, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purpose;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in Paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in Paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole Effluent Toxicity (WET) means the aggregate toxic effect of an effluent measured directly by a toxicity test. (See Abbreviations Section, following, for additional information.)

2. Definitions for NPDES Permit Sludge Use and Disposal Requirements.

Active sewage sludge unit is a sewage sludge unit that has not closed.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

Aerobic Digestion is the biochemical decomposition of organic matter in sewage sludge into carbon dioxide and water by microorganisms in the presence of air.

Agricultural Land is land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

Agronomic rate is the whole sludge application rate (dry weight basis) designed:

- (1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and
- (2) To minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water.

Air pollution control device is one or more processes used to treat the exit gas from a sewage sludge incinerator stack.

Anaerobic digestion is the biochemical decomposition of organic matter in sewage sludge into methane gas and carbon dioxide by microorganisms in the absence of air.

Annual pollutant loading rate is the maximum amount of a pollutant that can be applied to a unit area of land during a 365 day period.

Annual whole sludge application rate is the maximum amount of sewage sludge (dry weight basis) that can be applied to a unit area of land during a 365 day period.

Apply sewage sludge or sewage sludge applied to the land means land application of sewage sludge.

Aquifer is a geologic formation, group of geologic formations, or a portion of a geologic formation capable of yielding ground water to wells or springs.

Auxiliary fuel is fuel used to augment the fuel value of sewage sludge. This includes, but is not limited to, natural gas, fuel oil, coal, gas generated during anaerobic digestion of sewage sludge, and municipal solid waste (not to exceed 30 percent of the dry weight of the sewage sludge and auxiliary fuel together). Hazardous wastes are not auxiliary fuel.

Base flood is a flood that has a one percent chance of occurring in any given year (i.e. a flood with a magnitude equaled once in 100 years).

Bulk sewage sludge is sewage sludge that is not sold or given away in a bag or other container for application to the land.

Contaminate an aquifer means to introduce a substance that causes the maximum contaminant level for nitrate in 40 CFR §141.11 to be exceeded in ground water or that causes the existing concentration of nitrate in the ground water to increase when the existing concentration of nitrate in the ground water exceeds the maximum contaminant level for nitrate in 40 CFR §141.11.

Class I sludge management facility is any publicly owned treatment works (POTW), as defined in 40 CFR §501.2, required to have an approved pretreatment program under 40 CFR §403.8 (a) (including any POTW located in a state that has elected to assume local program responsibilities pursuant to 40 CFR §403.10 (e) and any treatment works treating domestic sewage, as defined in 40 CFR § 122.2,

NPDES PART II STANDARD CONDITIONS

(January, 2007)

classified as a Class I sludge management facility by the EPA Regional Administrator, or, in the case of approved state programs, the Regional Administrator in conjunction with the State Director, because of the potential for sewage sludge use or disposal practice to affect public health and the environment adversely.

Control efficiency is the mass of a pollutant in the sewage sludge fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the sewage sludge fed to the incinerator.

Cover is soil or other material used to cover sewage sludge placed on an active sewage sludge unit.

Cover crop is a small grain crop, such as oats, wheat, or barley, not grown for harvest.

Cumulative pollutant loading rate is the maximum amount of inorganic pollutant that can be applied to an area of land.

Density of microorganisms is the number of microorganisms per unit mass of total solids (dry weight) in the sewage sludge.

Dispersion factor is the ratio of the increase in the ground level ambient air concentration for a pollutant at or beyond the property line of the site where the sewage sludge incinerator is located to the mass emission rate for the pollutant from the incinerator stack.

Displacement is the relative movement of any two sides of a fault measured in any direction.

Domestic septage is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

Domestic sewage is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

Dry weight basis means calculated on the basis of having been dried at 105 degrees Celsius (°C) until reaching a constant mass (i.e. essentially 100 percent solids content).

Fault is a fracture or zone of fractures in any materials along which strata on one side are displaced with respect to the strata on the other side.

Feed crops are crops produced primarily for consumption by animals.

Fiber crops are crops such as flax and cotton.

Final cover is the last layer of soil or other material placed on a sewage sludge unit at closure.

Fluidized bed incinerator is an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

Food crops are crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Forest is a tract of land thick with trees and underbrush.

Ground water is water below the land surface in the saturated zone.

Holocene time is the most recent epoch of the Quaternary period, extending from the end of the Pleistocene epoch to the present.

Hourly average is the arithmetic mean of all the measurements taken during an hour. At least two measurements must be taken during the hour.

Incineration is the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

Industrial wastewater is wastewater generated in a commercial or industrial process.

Land application is the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

Land with a high potential for public exposure is land that the public uses frequently. This includes, but is not limited to, a public contact site and reclamation site located in a populated area (e.g., a construction site located in a city).

Land with low potential for public exposure is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

Leachate collection system is a system or device installed immediately above a liner that is designed, constructed, maintained, and operated to collect and remove leachate from a sewage sludge unit.

Liner is soil or synthetic material that has a hydraulic conductivity of 1×10^{-7} centimeters per second or less.

Lower explosive limit for methane gas is the lowest percentage of methane gas in air, by volume, that propagates a flame at 25 degrees Celsius and atmospheric pressure.

Monthly average (Incineration) is the arithmetic mean of the hourly averages for the hours a sewage sludge incinerator operates during the month.

Monthly average (Land Application) is the arithmetic mean of all measurements taken during the month.

Municipality means a city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities) created by or under State law; an Indian tribe or an authorized Indian tribal organization having jurisdiction over sewage sludge management; or a designated and approved management agency under section 208 of the CWA, as amended. The definition includes a special district created under state law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201 (e) of the CWA, as amended, that has as one of its principal responsibilities the treatment, transport, use or disposal of sewage sludge.

NPDES PART II STANDARD CONDITIONS (January, 2007)

Other container is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

Pasture is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

Pathogenic organisms are disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

Permitting authority is either EPA or a State with an EPA-approved sludge management program.

Person is an individual, association, partnership, corporation, municipality, State or Federal Agency, or an agent or employee thereof.

Person who prepares sewage sludge is either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge.

pH means the logarithm of the reciprocal of the hydrogen ion concentration; a measure of the acidity or alkalinity of a liquid or solid material.

Place sewage sludge or sewage sludge placed means disposal of sewage sludge on a surface disposal site.

Pollutant (as defined in sludge disposal requirements) is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction) or physical deformations in either organisms or offspring of the organisms.

Pollutant limit (for sludge disposal requirements) is a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilogram of total solids); the amount of pollutant that can be applied to a unit of land (e.g., kilograms per hectare); or the volume of the material that can be applied to the land (e.g., gallons per acre).

Public contact site is a land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

Qualified ground water scientist is an individual with a baccalaureate or post-graduate degree in the natural sciences or engineering who has sufficient training and experience in ground water hydrology and related fields, as may be demonstrated by State registration, professional certification, or completion of accredited university programs, to make sound professional judgments regarding ground water monitoring, pollutant fate and transport, and corrective action.

Range land is open land with indigenous vegetation.

Reclamation site is drastically disturbed land that is reclaimed using sewage sludge. This includes, but is not limited to, strip mines and construction sites.

NPDES PART II STANDARD CONDITIONS (January, 2007)

Risk specific concentration is the allowable increase in the average daily ground level ambient air concentration for a pollutant from the incineration of sewage sludge at or beyond the property line of a site where the sewage sludge incinerator is located.

Runoff is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off the land surface.

Seismic impact zone is an area that has 10 percent or greater probability that the horizontal ground level acceleration to the rock in the area exceeds 0.10 gravity once in 250 years.

Sewage sludge is a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to: domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in treatment works.

Sewage sludge feed rate is either the average daily amount of sewage sludge fired in all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located for the number of days in a 365 day period that each sewage sludge incinerator operates, or the average daily design capacity for all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located.

Sewage sludge incinerator is an enclosed device in which only sewage sludge and auxiliary fuel are fired.

Sewage sludge unit is land on which only sewage sludge is placed for final disposal. This does not include land on which sewage sludge is either stored or treated. Land does not include waters of the United States, as defined in 40 CFR §122.2.

Sewage sludge unit boundary is the outermost perimeter of an active sewage sludge unit.

Specific oxygen uptake rate (SOUR) is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in sewage sludge.

Stack height is the difference between the elevation of the top of a sewage sludge incinerator stack and the elevation of the ground at the base of the stack when the difference is equal to or less than 65 meters. When the difference is greater than 65 meters, stack height is the creditable stack height determined in accordance with 40 CFR §51.100 (ii).

State is one of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and an Indian tribe eligible for treatment as a State pursuant to regulations promulgated under the authority of section 518(e) of the CWA.

Store or storage of sewage sludge is the placement of sewage sludge on land on which the sewage sludge remains for two years or less. This does not include the placement of sewage sludge on land for treatment.

Surface disposal site is an area of land that contains one or more active sewage sludge units.

NPDES PART II STANDARD CONDITIONS (January, 2007)

Total hydrocarbons means the organic compounds in the exit gas from a sewage sludge incinerator stack measured using a flame ionization detection instrument referenced to propane.

Total solids are the materials in sewage sludge that remain as residue when the sewage sludge is dried at 103 to 105 degrees Celsius.

Treat or treatment of sewage sludge is the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. This does not include storage of sewage sludge.

Treatment works is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

Unstable area is land subject to natural or human-induced forces that may damage the structural components of an active sewage sludge unit. This includes, but is not limited to, land on which the soils are subject to mass movement.

Unstabilized solids are organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Vector attraction is the characteristic of sewage sludge that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

Volatile solids is the amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550 degrees Celsius in the presence of excess air.

Wet electrostatic precipitator is an air pollution control device that uses both electrical forces and water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

Wet scrubber is an air pollution control device that uses water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

3. Commonly Used Abbreviations

BOD	Five-day biochemical oxygen demand unless otherwise specified
CBOD	Carbonaceous BOD
CFS	Cubic feet per second
COD	Chemical oxygen demand
Chlorine	
Cl ₂	Total residual chlorine
TRC	Total residual chlorine which is a combination of free available chlorine (FAC, see below) and combined chlorine (chloramines, etc.)

NPDES PART II STANDARD CONDITIONS
(January, 2007)

TRO	Total residual chlorine in marine waters where halogen compounds are present
FAC	Free available chlorine (aqueous molecular chlorine, hypochlorous acid, and hypochlorite ion)
Coliform	
Coliform, Fecal	Total fecal coliform bacteria
Coliform, Total	Total coliform bacteria
Cont. (Continuous)	Continuous recording of the parameter being monitored, i.e. flow, temperature, pH, etc.
Cu. M/day or M ³ /day	Cubic meters per day
DO	Dissolved oxygen
kg/day	Kilograms per day
lbs/day	Pounds per day
mg/l	Milligram(s) per liter
ml/l	Milliliters per liter
MGD	Million gallons per day
Nitrogen	
Total N	Total nitrogen
NH ₃ -N	Ammonia nitrogen as nitrogen
NO ₃ -N	Nitrate as nitrogen
NO ₂ -N	Nitrite as nitrogen
NO ₃ -NO ₂	Combined nitrate and nitrite nitrogen as nitrogen
TKN	Total Kjeldahl nitrogen as nitrogen
Oil & Grease	Freon extractable material
PCB	Polychlorinated biphenyl
pH	A measure of the hydrogen ion concentration. A measure of the acidity or alkalinity of a liquid or material
Surfactant	Surface-active agent

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Temp. °C	Temperature in degrees Centigrade
Temp. °F	Temperature in degrees Fahrenheit
TOC	Total organic carbon
Total P	Total phosphorus
TSS or NFR	Total suspended solids or total nonfilterable residue
Turb. or Turbidity	Turbidity measured by the Nephelometric Method (NTU)
ug/l	Microgram(s) per liter
WET	“Whole effluent toxicity” is the total effect of an effluent measured directly with a toxicity test.
C-NOEC	“Chronic (Long-term Exposure Test) – No Observed Effect Concentration”. The highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specified time of observation.
A-NOEC	“Acute (Short-term Exposure Test) – No Observed Effect Concentration” (see C-NOEC definition).
LC ₅₀	LC ₅₀ is the concentration of a sample that causes mortality of 50% of the test population at a specific time of observation. The LC ₅₀ = 100% is defined as a sample of undiluted effluent.
ZID	Zone of Initial Dilution means the region of initial mixing surrounding or adjacent to the end of the outfall pipe or diffuser ports.

Response to Public Comments

In accordance with the provisions of 40 C.F.R. §124.17, this document presents EPA's responses to comments received on the draft National Pollutant Discharge Elimination System ("NPDES") Permit MA0100315. The response to comments explains and supports EPA's determinations that form the basis of the final permit. From November 2, 2016 to December 1, 2016, the United States Environmental Protection Agency ("EPA") and the Massachusetts Department of Environmental Protection ("MassDEP") (together, the "Agencies") solicited public comments on a draft NPDES permit (MA0100315) developed pursuant to a permit application from the Town of Adams, MA, for the reissuance of a NPDES permit to discharge secondary wastewater treatment plant effluent from outfall number 001 to the Hoosic River in Adams, Massachusetts (the "permittee").

EPA Region I and MassDEP received written comments from the Hoosic River Watershed Association dated November 23, 2016. EPA's decision-making process has benefitted from the public comments and additional information submitted. After a review of the comments received, EPA and MassDEP have made a final decision to issue this permit authorizing the discharge. Below are the comments received and EPA's responses to those comments with a description of any changes made to the public noticed permit as a result of those comments.

A copy of the final permit may be obtained by writing or calling Janet Deshais, U. S. EPA, 5 Post Office Square, Suite 100 (Mail Code: OEP06-1), Boston, MA 02109-3912; Telephone: (617) 918-1667. A copy may also be obtained from the EPA Region 1 website at http://www.epa.gov/region1/npdes/permits_listing_ma.html.

Changes from the Draft Permit to the Final Permit:

1. Language has been modified in Part I.A.1. to clarify that toxicity testing results must be reported as maximum daily results.
2. Language has been modified in Part I.A.1.g. to clarify that the permittee must report the No Data Indicator Code (e.g., "C") whenever a sampling result cannot be reported.
3. Language has been modified in Part I.A.1. footnote 14 to reflect a revised website for alternative dilution water instructions.
4. Language has been modified in Part I.G to reflect that the permittee began reporting its monthly monitoring data using NetDMR after EPA's public comment period ended.
5. Language has been modified in Part I.G to reflect that the EPA Region 1 NetDMR website is available for assistance.
6. Language has been modified in Attachments B and C of the Final Permit to reflect the discontinuation of discharge monitoring report instructional websites.

Comments submitted by the Hoosic River Watershed Association**Comment 1:**

The Hoosic River Watershed Association (HooRWA), an organization that for 30 years has been dedicated to the enjoyment, protection and use of the Hoosic River and its watershed, would like to comment upon the draft permit issued for the Adams, MA wastewater treatment plant. HooRWA believes that the health of the watershed is important to not only people but also to the wildlife of the region. Our goal is to make the Hoosic a "swimmable, fishable river". We wish to point out that the Massachusetts Division of Fisheries and Wildlife (MassWildlife) lists the Hoosic River as a Cold Water Fishery Resource (<http://www.mass.gov/eea/agencies/dfg/dfw/wildlife-habitat-conservation/coldwater-fish-resources-list.html>) and there is definitely a native, breeding population of brook trout. This higher quality fishery category strongly suggests more consideration should be made in the permit limits, particularly in relation to temperature, dissolved oxygen and total suspended solids. We further believe the Hoosic River, as a main-stem river with a native population of brook trout is a rarity in Massachusetts, deserving of additional considerations & protection.

Response to Comment 1:

The permitting agencies appreciate your interest and concur with your comment that, because the Massachusetts Division of Fisheries and Wildlife lists the Hoosic River as a Cold Water Fishery Resource, great care should be afforded this higher quality fishery category in the Adams WWTP permit.

In accordance with the regulations found at 40 CFR Section 131.12, the Massachusetts Department of Environmental Protection (MassDEP) has developed and adopted a statewide anti-degradation policy to maintain and protect existing instream water quality. The Massachusetts Anti-Degradation Provisions are found at 314 CWR 4.04 and in an associated document entitled "Implementation Procedure for the Antidegradation Provisions of the State Water Quality Standards", October 21, 2009. No lowering of water quality is allowed, except in accordance with the anti-degradation policy. All existing uses of the Hoosic River must be protected. The final permit is being reissued with allowable discharge limits as, or more, stringent than those in the current permit and with the same parameter coverage.

Temperature - Discharges may not cause a violation of the Massachusetts State Water Quality Standards (MA WQS) at 314 CMR 4.00, Section 4.06, for instream temperature. As discussed in the fact sheet, MA-WQS classify the reach (or segment) of the Hoosic River downstream of the discharge from the Adams WWTP as a Class B warm water fishery. However, a warm water stream may be considered a cold water fishery resource due to the presence of cold water species. The MA WQS provide that:

Certain waters not designated as cold water in 314 CMR 4.00 may contain habitat that supports a cold water fish population and, in such cases, the cold water fish population and habitat shall be protected and maintained as existing uses. The Massachusetts Division of Fisheries and Wildlife is responsible for identifying cold water fish populations that meet their protocol regardless of whether or not the water meets the cold water criteria in 314 CMR 4.00. Where a cold water fish population has been identified by the Division of Fisheries and Wildlife as meeting their protocol, but the water has not been documented to meet the cold water criteria in 314 CMR 4.00, the Department will protect the existing cold water fish populations and its habitat as an existing use.

As the commenter points out, The Massachusetts Division of Fisheries and Wildlife has identified the entire Hoosic River as a cold water fish resource¹ (See: 314 CMR 4.06(1)(d)(7)). As such, the final permit must protect the existing cold water fish population and its habitat as an existing use. The antidegradation provisions in the MA WQS at 314 CMR 4.04(1) state “in all cases existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.” In addition, the state’s narrative temperature criteria for Class B waters state that:

[w]here a reproducing cold water aquatic community exists at a naturally occurring higher temperature, the temperature necessary to protect the community shall not be exceeded and the natural daily and seasonal temperatures fluctuation necessary to protect the community shall be maintained.

Thus, the requirements in the final permit must comply with the water quality criteria for a warm water fishery, and must also be protective of “the existing cold water fish population and its habitat as an existing use” in 314 CMR 4.05(b)(2)(a). The MA WQS at 314 CMR 4.05(b)(2)(b) also provides protection of fish for Class B waters, stating that: “the natural and seasonal and daily variations that are necessary to protect existing and designated uses shall be maintained. There shall be no changes from natural background conditions that would impair any use assigned to this Class, including those conditions necessary to protect normal species diversity, successful migration, reproductive functions or growth of aquatic organisms.”

The MA WQS at 314 CMR 4.05(b)(2) set a numeric criterion for the instream temperature of warm water fisheries at 83 °F (28.3 °C) and a maximum rise in temperature (delta T) of 5 °F (2.8 °C) due to a discharge. In addition, the MA WQS Class B, standard for cold water fisheries states that instream temperatures shall not exceed 68 °F (20 °C) based on the mean of the daily maximum temperature over a seven day period, unless naturally occurring. The standard also prohibits a discharge from causing the receiving water temperature to rise (3 °F) 1.7 °C in a cold water fishery (based on the minimum receiving water flow for the month).

The wastewater treatment plant does not use cooling related equipment or facilitate an industrial process that would directly add waste heat to the effluent flow. After a review of Hoosic River instream temperature data submitted by the Hoosic River Watershed Association, along with known facility operation effects, EPA has determined there is no reasonable potential for the discharge to cause an exceedance of this water quality standard (See: Table 1 on page 5 and discussion below).

A review of Hoosic River instream temperature sampling data collected on July 23, 2015, and on September 15, 2016, provided by the commenter and presented in Table 1, indicates a negligible temperature increase of 0.38 °C on September 15, 2016, and a negligible temperature decrease of 0.39 °C on July 23, 2015. The increase in temperature to the Hoosic River on September 15, 2016, is well below the 1.7 °C delta T allowed by the Class B standard for cold water fisheries.

Because there is the presence of cold water fish downstream of the discharge, this would suggest the absence of significant temperature impacts associated with the Adams WWTP discharge. The permitting agencies are also not aware of any downstream temperature impacts associated with the discharge. Future summer discharge temperatures are expected to meet the thermal water quality requirements for a warm water fishery. It is also expected that instream temperatures will be maintained that are protective of the cold water fishery resource in

¹ See MassWildlife Coldwater Fish Resources List at <http://www.mass.gov/eea/agencies/dfg/dfw/wildlife-habitat-conservation/coldwater-fish-resources-list.html>.

compliance with antidegradation provisions. Since summertime records are representative of expected worst-case conditions, the cold water fishery resource and antidegradation provisions are judged to be maintained during the winter period as well.

Based on the available delta temperature values and the expected mixing provided by the Hoosic River, and given the presence of cold water fish downstream of the wastewater treatment facility, the discharge from the Adams WWTP is not expected to exceed MA WQS for warm water fisheries and is expected to maintain existing conditions protective of the cold water fishery resource. Because this data indicates there is no reasonable potential to exceed the instream temperature water quality standard for cold water or warm water fisheries, and given that the facility's wastewater discharge does not contain added waste heat from an industrial process, the final permit has not been changed in this regard.

Dissolved Oxygen – Discharges may not cause or contribute to a violation of the Massachusetts State Water Quality Standards (MA WQS) at 314 CMR 4.00, Section 4.06, for instream dissolved oxygen. As discussed in the fact sheet and in the Temperature section above, MA WQS classify the reach (or segment) of the Hoosic River downstream of the discharge from the Adams WWTP as a Class B warm water fishery. However, a warm water stream may be considered a Cold Water Fishery Resource due to the presence of cold water species.

The Adams WWTP discharge limitations must be stringent enough to meet the MA WQS dissolved oxygen criterion of “not less than 5.0 mg/l” for a Class B warm water fishery in accordance with 314 CMR 4.00, Section 4.06 and stringent enough to meet the cold water fisheries dissolved oxygen limit of “not less than 6.0 mg/l”. A seasonal (April 1 to October 30) dissolved oxygen effluent limit of 6.0 mg/l was proposed for the draft permit. Further, the draft permit proposed year-round mass-based and concentration-based effluent limitations for 5-day Biochemical Oxygen Demand (BOD-5), with the most stringent mass-based limits effective in the summer. EPA is satisfied that these limits ensure that MA water quality standards for dissolved oxygen will be attained and that these limits are protective of the aquatic species found in this section of the Hoosic River. Indeed, the in-stream samples taken on July 23, 2015 and September 1, 2016 (presented in Table 1) revealed an instream dissolved oxygen range of 8.5 mg/l to 8.8 mg/l, with dissolved oxygen slightly increasing downstream of the Adams WWTP outfall. These dissolved oxygen levels are all in attainment of the applicable Massachusetts WQS for a Class B warm water fishery and for a Class B cold water fishery.

Since the permitting agencies have concluded that the 6.0 mg/l dissolved oxygen limitation in the draft permit will meet all current state and federal regulations and will be protective of all existing aquatic life uses of the Hoosic River, including the cold water fishery, this limit has not been changed in the final permit.

Total Suspended Solids - The Hoosic River Watershed Association's comment above also suggested that more consideration should be given to the draft permit's total suspended solid (TSS) limit. The Association's rationale is not provided. However, it may be due to concerns regarding the potential for synergistic effects among pollutants. The draft permit includes an 85 percent TSS removal limitation, based on the secondary treatment requirements set forth at 40 CFR 133.102(a)(3). Further, the draft permit includes year-round mass-based and concentration-based effluent limitations for TSS. These limitations are the same as in the current permit. Consistent with anti-backsliding regulations and the need to attain water quality and technology-based standards, these limits are appropriate. EPA is satisfied that these limits meet MA water quality standards and are protective of the aquatic species found in this section of the Hoosic River

Since the permitting agencies have concluded that the draft permit TSS limits will meet all current state and federal regulations and will be protective of all existing aquatic life uses of the Hoosic River, including the cold water fishery, the TSS requirements have not been changed in the final permit.

Additional permit controls on potential synergistic effects of combined pollutants in the effluent are provided by whole effluent toxicity (WET) limitations. Acute and chronic WET limitations were proposed in the draft permit and have been retained in the final permit.

Comment 2:

Beginning in 2006, and earlier by other State agencies, HooRWA has annually funded biological river monitoring, specifically Benthic macroinvertebrate studies. River sampling, at stations along the main stem of the Hoosic River, has helped provide information on the health of the river along its course to its connection with the Hudson River near Stillwater, NY. In one of our most recent (2015) water monitoring reports, sampling data, which measures the diversity and number of water insects, pH, substrate type, water temperature and dissolved oxygen, indicated the water quality down-gradient the subject wastewater plant was "slightly impacted". This was based on the Massachusetts' water quality standards and compared to data collected in 2012 and 2014. At this time, HooRWA is concerned that the diminished quality of the river water may be due to the impact of outflow from the Adams wastewater treatment plant effluent (e.g., excess discharge chlorine?) or, possibly other agricultural/stormwater runoff or non-pipe connected industrial waters. We know that the Town of Adams has made efforts to remediate broken sewer and street drainage lines when aware and when possible worked with the farming community to lessen the impacts of agricultural runoff. The decline in water quality, from 2014 to 2015, at the sampling station below the Adams treatment plant outflow pipe, while still within the "slightly impacted" range, again raises concerns that the treatment plant, last upgraded in 2005, may be a contributing factor. Perhaps some third-party testing would be beneficial near the plant. Included is our 2015 Watershed Report Card as prepared by Watershed Assessment Associates, Schenectady, New York. In the report are highlighted areas in both text and charts identifying the station points in Adams, MA.

Response to Comment 2:

The permitting agencies appreciate the information you have provided and share your interest in protecting the downstream receiving water. Review of the commenter's submitted physical chemistry data, collected by the Hoosic River Watershed Association on July 23, 2015 and September 15, 2016, show no clear pattern when the temperature, pH, and dissolved oxygen upstream sampling results are compared with the downstream results. Similarly, the data show no water quality standard exceedances and no clear pattern when the 2015 sampling results were compared with the 2016 results (See: Table 1). Because this data set is limited, shows no clear pattern, indicates no obvious water quality standard exceedances, and was not collected at or near 7Q10 conditions, it would be very difficult to conclude there is an adverse impact from the Adams WWTP based only on these data. The source of a slightly milky appearance in the Hoosic River, observed on September 15, 2016, could not have been the Adams WWTP because it occurred upstream of the Adams WWTP discharge.

The Town has consistently met their current permit limitations (i.e., including compliance with their current permit total residual chlorine limitations). After a review of the instream water quality data from 2012 through August 2016 at the sampling station below the Adams treatment plant outflow pipe, and given that the final permit includes water quality based total residual chlorine limitations and new aluminum and total phosphorus permit limitations, the agencies foresee that the reissued permit will contribute to improved water quality and achieving designated and existing uses in the Hoosic River.

Table 1: Hoosic River Temperature, Dissolved Oxygen, and Flow Data

Date of Sampling	Station	T (°C)	Delta T (02-01)	pH, S.U.	DO, mg/l	Observation of the Hoosic River	Instream Flow (cfs)
7/23/15	01	19.26		7.9	8.5	---	48.1
7/23/15	02	18.87	-0.39	8	8.7	---	48.1
9/15/16	01	15.7		7.4	8.5	slightly milky color	143
9/15/16	02	16.08	0.38	7.3	8.8	---	143

Note:

Station 01 = Hoosic River, upstream of the Adams WWTP discharge.

Station 02 = Hoosic River, downstream of the Adams WWTP discharge.

Comment 3:

We would hope that in your review of the proposed wastewater treatment plant permit, consideration would be given to monitor waters immediately up gradient and down gradient of the plant discharge pipe entering the river. In this way, a more accurate assessment of river health may be determined. The Hoosic River Watershed Association thanks you for this opportunity to comment.

Response to Comment 3:

The permitting agencies agree that surface water quality monitoring immediately up gradient and down gradient of the Adams WWTP discharge location may be helpful in the future in assessing the impact of the discharge and the health of river. Ambient water quality sampling is largely the purview of the state as the basis for fulfilling water quality assessment, listing, and reporting responsibilities under Sections 303(d) and 305(b) of the Clean Water Act. Massachusetts water quality monitoring program is in part supported by annual federal Clean Water Act Section 106 grant funding and with EPA sampling and analysis assistance. That being said, selective upstream ambient monitoring requirements have been included in this permit as part of the whole effluent toxicity (WET) monitoring requirements. Quarterly samples are required for aluminum, cadmium, copper, nickel, lead, zinc, ammonia, and hardness.

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**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act, as amended, [33 U.S.C. §§1251 et seq. (the "CWA")], and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

**Town of Adams
Board of Selectmen
8 Park Street
Adams, MA 01220**

is authorized to discharge from a facility located at:

**Adams Wastewater Treatment Plant
273 Columbia Street
Adams, MA 01220**

to receiving water named: **Hoosic River (Hudson Watershed)**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit will become effective on the first day of the calendar month immediately following sixty days after signature.*

This permit and the authorization to discharge will expire at midnight, five (5) years from the last day of the month preceding the effective date.

This permit supersedes the permit signed on July 13, 2005, and became effective on September 11, 2005.

This permit consists of 22 pages in Part I including effluent limitations and monitoring requirements, **Attachment A (Discharge Outfall), Attachment B (Freshwater Acute Toxicity Test Procedure and Protocol, February 2011), Attachment C (Freshwater Chronic Toxicity Test Procedure and Protocol, March 2013), Attachment D (Reassessment of Technically Based Industrial Discharge Limits), Attachment E (NPDES Permit Requirement for Industrial Pretreatment Annual Report),** and **Part II** (25 pages including NPDES Part II Standard Conditions).

Signed this day of

Ken Moraff, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

David R. Ferris, Director
Massachusetts Wastewater Management Program
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

* Pursuant to 40 CFR 124.15(b)(3), if no comments requesting a change to the draft permit are received, the permit will become effective upon the date of signature.

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PART I

A.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge treated effluent from outfall serial number **001** to the Hoosic River. Such discharge shall be limited and monitored by the permittee as specified below.

Effluent Characteristic		Discharge Limitation			Monitoring Requirement ^{*3}	
Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Treated Effluent Flow (November 1 – May 31) ^{*2}	MGD	4.6 ^{*2}	—	Report	Continuous	Recorder
Treated Effluent Flow (June 1 – October 31) ^{*2}	MGD	3.5 ^{*2}	—	Report	Continuous	Recorder
Treated Effluent Flow ^{*2}	MGD	Report	—	—	Continuous	Recorder
BOD ₅ ^{*4} (November 1 – May 31)	mg/l lbs/day	30 1151	45 1726	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
BOD ₅ ^{*4} (June 1 – October 31)	mg/l lbs/day	30 876	45 1314	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
TSS ^{*4} (November 1 – May 31)	mg/l lbs/day	30 1151	45 1726	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
TSS ^{*4} (June 1 – October 31)	mg/l lbs/day	30 876	45 1314	Report Report	1/Week 1/Week	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
pH ^{*1}	Standard Units	6.5 – 8.3 (See Permit Part I.A.1.b.)			1/Day	Grab

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Effluent Characteristic	Units	Discharge Limitation			Monitoring Requirement^{*3}	
Parameter		Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Escherichia Coliform Bacteria ^{*1, *6} (April 1 - October 31)	cfu/100 ml	126	—	409	1/Week	Grab
Dissolved Oxygen (April 1 – October 31)	mg/l	≥ 6.0	—	—	1/Day	Grab
Total Residual Chlorine ^{*1, *7} (April 1 – October 31)	ug/l	47	—	81	2/Day	Grab
Total Ammonia Nitrogen as N (June 1 – October 31)	mg/l	2.6	5.1	—	1/Week	24-Hour Composite ^{*5}
	lbs/day	76	149	—	1/Week	24-Hour Composite ^{*5}
Total Ammonia Nitrogen as N (November 1 – May 31)	mg/l	Report	—	Report	1/Month	24-Hour Composite ^{*5}
	lbs/day	Report	—	Report	1/Month	24-Hour Composite ^{*5}
Copper, Total Recoverable ^{*8}	ug/l	46	—	69	1/Month	24-Hour Composite ^{*5}
Aluminum, Total Recoverable ^{*9}	ug/l	198	—	—	1/Month	24-Hour Composite ^{*5}
Total Phosphorus (April 1 - October 31) ^{*10}	lbs/day	Report	—	Report	3/Week	24-Hour Composite ^{*5}
	mg/l	0.4	—	Report	3/Week	24-Hour Composite ^{*5}
Total Phosphorus (November 1 – March 31) ^{*10}	lbs/day	Report	—	Report	1/Month	24-Hour Composite ^{*5}
	mg/l	1.0	—	Report	1/Month	24-Hour Composite ^{*5}

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Effluent Characteristic	Units	Discharge Limitation			Monitoring Requirement^{*3}	
Parameter		Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Whole Effluent Toxicity ^{*11, *12, *13, *14}	% %	Acute Chronic	LC ₅₀ NOEC	≥ 100% ≥ 23.4%	4/Year 4/Year	24-Hour Composite ^{*5} 24-Hour Composite ^{*5}
Hardness ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}
Ammonia Nitrogen as N ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}
Total Recoverable Aluminum ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}
Total Recoverable Cadmium ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}
Total Recoverable Copper ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}
Total Recoverable Nickel ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}
Total Recoverable Lead ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}
Total Recoverable Zinc ^{*15}	mg/l	Report			4/Year	24-Hour Composite ^{*5}

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Footnotes:

- *1. Required for State Certification.
- *2. The effluent flow limits of 4.6 mgd and 3.5 mgd are to be reported as a monthly average each month. Also report annual average, monthly average, maximum daily, and the total daily flow.
- *3. Effluent sampling shall be representative of the discharge.

A routine sampling program shall be developed in which samples are taken at the same location, same time, and same days of every month. Occasional deviations from the routine sampling program described above are allowed, but the reason for the deviation shall be documented in correspondence appended to the applicable discharge monitoring report.

All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.

All required effluent samples shall be collected at the point specified herein. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP.

PARAMETER:SAMPLE LOCATION:

FLOW (Influent)

In the pump room prior to treatment

E-COLI

After discharge from the disinfection chamber, prior to discharge into the Hoosic River

FLOW (Treated Effluent), BOD₅,
TSS, pH RANGE, TOTAL
AMMONIA AS N, TOTAL
KJELDAHL NITROGEN, TOTAL
NITRITE, TOTAL NITRATE, and
WHOLE EFFLUENT TOXICITY

At a location that is representative of the discharge

WHOLE EFFLUENT TOXICITY
DILUTION WATER

Hoosic River upstream of treated wastewater
discharge outfall

BOD₅ and TSS (Influent)

In the pump room prior to treatment

- *4. Sampling is required for influent and effluent.
- *5. A 24-hour composite sample will consist of at least twenty-four (24) grab samples taken during one consecutive 24 hour period, either collected at equal intervals and combined proportional to flow or continuously collected proportionally to flow.

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- *6. The monthly average limit for *Escherichia coli* (*E. coli*) is expressed as a geometric mean. *E. coli* monitoring shall be conducted concurrently with a total residual chlorine sample.
- *7. Total residual chlorine monitoring is required whenever chlorine is added to the treatment process (i.e. TRC sampling is not required if chlorine is not added for disinfection or other purpose). The limitations are in effect year-round.

The minimum level (ML) for total residual chlorine is defined as 20 ug/l. This value is the minimum level for chlorine using EPA approved methods found in the most currently approved version of Standard Methods for the Examination of Water and Wastewater, Method 4500 CL-E and G. One of these methods must be used to determine total residual chlorine. For effluent limitations less than 20 ug/l, compliance/non-compliance will be determined based on the ML. Sample results less than the detection limit shall be reported as “≤ [detection limit]” on the discharge monitoring report.

Chlorination and dechlorination systems shall include an alarm system for indicating system interruptions or malfunctions. Any interruption or malfunction of the chlorine dosing system that may have resulted in levels of chlorine that were inadequate for achieving effective disinfection, or interruptions or malfunctions of the dechlorination system that may have resulted in excessive levels of chlorine in the final effluent shall be reported with the monthly DMRs. The report shall include the date and time of the interruption or malfunction, the nature of the problem, and the estimated amount of time that the reduced levels of chlorine or dechlorination chemicals occurred.

- *8. The minimum level (ML) for copper is defined as 3 ug/l. This value is the minimum level for copper using the Furnace Atomic Absorption analytical method 220.2. This method or another EPA-approved method with an equivalent or lower ML shall be used for effluent limitations less than 3 ug/l. Compliance/non-compliance will be determined based on the ML. Sampling results less than the detection limit shall be reported as “≤ [detection limit]” on the Discharge Monitoring Report.
- *9. The minimum level (ML) for aluminum is defined as 20 ug/l. An EPA-approved method with an equivalent or lower ML shall be used. Compliance will be determined based on the ML. Sampling results less than the detection limit shall be reported as “≤ [detection limit]” on the Discharge Monitoring Report.

See Part I.B. Special Condition 2 for a schedule of compliance.

- *10. The sampling frequency identified is the minimum sampling frequency. If any additional phosphorus sampling is conducted, including process control samples, the individual phosphorus results, including the day each sample was taken, the type of sample (i.e., 24-hour composite or grab), and the analytical method, must be reported on an attachment to the discharge monitoring report. Additionally, the chemical dosing rate for all chemicals added for the purpose of

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phosphorus removal shall be reported for each day of the month. Only 24-hour composite samples analyzed with an EPA-approved method shall be used in determining compliance with the permit limit.

See Part I.B., Special Condition 1 for a schedule of compliance.

- *11. The permittee shall conduct acute and chronic toxicity tests four times per year. The permittee shall test the daphnid, Ceriodaphnia dubia, only. Toxicity test samples shall be collected during the same week each time during the months of February, May, August, and November. The test results shall be submitted by the last day of the month following the completion of the test. The results are due March 31st, June 30th, September 30th, and December 31st, respectively. The tests must be performed in accordance with test procedures and protocols specified in **Attachments B and C** of this permit.

Test Dates during the month of:	Submit Results By:	Test Species	Acute Limit LC ₅₀	Chronic Limit NOEC
February May August November	March 31 June 30 September 30 December 31	<u>Ceriodaphnia dubia</u> (Daphnid) See Attachments B and C	≥ 100%	≥ 23.4%

- *12. The LC₅₀ is the concentration of effluent which causes mortality to 50% of the test organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.
- *13. The chronic-no observed effect concentration (C-NOEC) is defined as the highest tested concentration of toxicant in effluent to which organisms are exposed in a life cycle or partial life cycle test which causes no adverse effect on growth, survival, or reproduction, based on a statistically significant difference from dilution control, at a specific time of observation as determined from hypothesis testing. As described in the EPA WET Method Manual EPA 821-R-02-013, section 10.2.6.2, all test results are to be reviewed and reported in accordance with EPA guidance on the evaluation of the concentration-response relationship. The “23.4% or greater” is defined as a sample which is composed of 23.4% (or greater) effluent, the remainder being dilution water.
- *14. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall follow procedures outlined in **Attachments B and C, Section IV., DILUTION WATER** in order to obtain permission to use an alternate dilution water. In lieu of individual approvals for alternate dilution water required in **Attachments B and C**, EPA-New England has developed a Self-Implementing Alternative Dilution Water Guidance document (called “Guidance Document”) which may be used to obtain automatic approval of an alternate

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dilution water, including the appropriate species for use with that water. This guidance is found in Attachment G of the NPDES Program Instructions for the Discharge Monitoring Report Forms (DMRs) which is sent to all permittees with their annual set of DMRs and may also be found on the EPA, Region I web site at <http://www.epa.gov/region01/enforcementandassistance/dmr.html>. If this guidance is revoked, the permittee shall revert to obtaining individual approval as outlined in **Attachments B and C**. Any modification or revocation to this guidance shall be transmitted to the permittees as part of the annual DMR instruction package. However, at any time, the permittee may choose to contact EPA-New England directly using the approach outlined in **Attachments B and C**. If the permittee has already received permission to use an alternative dilution water under the previous permit, the permittee does not need to repeat this approval process. If the permittee uses an alternative dilution water, the ambient water will still need to be tested.

- *15. For each whole effluent toxicity test the permittee shall report on the appropriate discharge monitoring report, (DMR), the concentrations of the hardness, ammonia nitrogen as nitrogen, total recoverable aluminum, cadmium, copper, lead, nickel, and zinc found in the 100 percent effluent sample. All these aforementioned chemical parameters shall be determined to at least the minimum quantification level shown in **Attachments B and C**. Also the permittee should note that all chemical parameter results must still be reported in the appropriate toxicity report.

Part I.A.1. (Continued)

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The pH of the effluent shall not be less than 6.5 nor greater than 8.3 Standard Units (S.U.) at any time.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall not contain a visible oil sheen, foam, or floating solids at any time.
- e. The permittee's treatment facility will maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand. The percent removal will be based on monthly average values.
- f. The permittee shall minimize the use of chlorine while maintaining adequate bacterial control.
- g. The results of sampling for any parameter analyzed in accordance with EPA approved methods above its required frequency must also be reported.

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- h. If the average annual flow in any calendar year exceeds 80 percent of the facility's design flow [3.68 MGD], the permittee will submit a report to MassDEP by **March 31st** of the following calendar year describing its plans for further flow increases and describing how it will maintain compliance with the effluent flow limit and all other effluent limitations and conditions.
- 2. All POTWs must provide adequate notice to the Director of the following:
 - a. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - c. For purposes of this paragraph, adequate notice will include information on:
 - (1) the quantity and quality of effluent introduced into the POTW; and
 - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- 3. Prohibitions Concerning Interference and Pass Through:
 - a. Pollutants introduced into POTW's by a non-domestic source (user) will not pass through the POTW or interfere with the operation or performance of the works.
- 4. Toxics Control
 - a. The permittee will not discharge any pollutant or combination of pollutants in toxic amounts.
 - b. Any toxic components of the effluent will not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.
- 5. Numerical Effluent Limitations for Toxicants
 - a. EPA or MassDEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.

Draft**B. SPECIAL CONDITIONS****1. Total Phosphorus**

- a. The permittee shall meet a monthly average total phosphorus interim limit of 1.0 mg/l during the summer period (April 1 – October 31) and report the winter monthly average total phosphorus mass and concentration (November 1 – March 31) until the permittee is in compliance with the monthly average total phosphorus limit of 0.4 mg/l during the summer period and 1.0 mg/l during the winter period.
- b. The permittee shall evaluate the ability of the existing treatment facilities, with small capital improvements, to achieve the summer monthly average total phosphorus limitations of 0.4 mg/l and the winter monthly average total phosphorus limitation of 1.0 mg/l and shall submit a report on or before **24 months from the effective date of the permit** that summarizes the evaluation and includes a determination whether the existing facility is capable of reliably achieving the effluent limitations. The evaluation shall include optimization of chemical dosing, including use of alternate chemicals if necessary. The evaluation shall include the following two milestones: (1) work with the Adams Water District to optimize corrosion control operations in the water supply system, and characterize the existing influent and effluent quality with respect to total phosphorus (accomplishing both tasks on or before **24 months from the effective date of the permit**), and (2) correlate the characterization of total phosphorus with any changes that might be occurring with the water supply system (accomplishing this task on or before **24 months from the effective date of the permit**).
- c. If the permittee concludes that the existing facilities can achieve the 0.4 mg/l and 1.0 mg/l monthly average limits, the limits will become effective **24 months from the effective date of the permit**.
- d. If the permittee concludes that the existing facilities cannot achieve the monthly average limits (and EPA and MassDEP concur), the permittee shall complete necessary design and construction of any facilities necessary to achieve the limits within **60 months from the effective date of the permit**, at which time the effluent limits will become effective.
- e. Until the limits are achieved, the Town shall submit reports to EPA and MassDEP at **12 months, 24 months, 36 months, 48 months, and 60 months from the effective date**, describing progress towards attaining the effluent limitation, including a description of planning, design, and construction of any necessary facilities.

2. Aluminum

- a. The permittee will meet a monthly average aluminum interim limit of 364 ug/l (the 2005 permit limit) until the permittee is in compliance with the monthly average aluminum limit of 198 ug/l.

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- b. Within **24 months** of the effective date of the permit, the permittee shall complete and submit to EPA and DEP an evaluation of alternatives, and an implementation schedule, for achieving the monthly average total recoverable aluminum limitation of 198 ug/l. At a minimum, the evaluation shall include the following:
 - i. An evaluation of pre-treatment requirements in order to ensure that all significant sources of aluminum from indirect dischargers are adequately controlled.
 - ii. An evaluation of all other potentially significant sources of aluminum in the sewer system and alternatives for minimizing these sources.
 - iii. An evaluation of alternative modes of operation at the wastewater treatment facility in order to enhance removal of aluminum.
- c. Within **12 months** of the effective date of the permit, the permittee shall submit to EPA and DEP a progress report relative to completing the evaluation of alternatives.
- d. Within **36 months** and **48 months** from the effective date of the permit, the permittee shall submit to EPA and DEP progress reports relative to implementation of the alternatives identified as necessary to ensure attainment of the aluminum limits.
- e. Within **60 months** of the effective date of the permit, the permittee shall comply with the monthly average aluminum permit limit of 198 ug/l.

C. UNAUTHORIZED DISCHARGES

This permit authorizes discharges only from the outfall(s) listed on **Attachment A** and in Part I.A.1. of this permit in accordance with the terms and conditions of this permit. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs) are not authorized by this permit and must be reported to EPA and MassDEP in accordance with Part II. Section D.1.e.(1) of the General Requirements of this permit (Twenty-four hour reporting).

Notification of SSOs to MassDEP will be made on its SSO reporting form (which includes MassDEP regional office telephone numbers). The reporting form and instructions for its completion can be found on-line at: <http://www.mass.gov/eea/agencies/massdep/service/approvals/sanitary-sewer-overflow-bypass-backup-notification.html>.

D. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

Operation and maintenance of the sewer system will be in compliance with the General Requirements of Part II and the following terms and conditions. The permittee is required to complete the following activities for the collection system which it owns:

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1. Maintenance Staff

The permittee will provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. Provisions to meet this requirement will be described in the Collection System O & M Plan required pursuant to Section D.5. below.

2. Preventative Maintenance Program

The permittee will maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program will include an inspection program designed to identify all potential and actual unauthorized discharges. Plans and programs to meet this requirement will be described in the Collection System O & M Plan required pursuant to Section D.5. below.

3. Infiltration/Inflow:

The permittee shall control infiltration and inflow (I/I) into the sewer system as necessary to prevent high flow related unauthorized discharges from their collection systems and high flow related violations of the wastewater treatment plant's effluent limitations. Plans and programs to control I/I shall be described in the Collection System O & M Plan required pursuant to Section D.5. below.

4. Collection System Mapping

Within 30 months of the effective date of this permit, the permittee shall prepare a map of each sewer collection system it owns (see page 1 of this permit for the effective date). The map shall be on a street map of the community, with sufficient detail and at a scale to allow easy interpretation. The collection system information shown on the map shall be based on current conditions and shall be kept up to date and available for review by federal, state, or local agencies. Such map(s) shall include, but not be limited to the following:

- a. All sanitary sewer lines and related manholes;
- b. All combined sewer lines, related manholes, and catch basins;
- c. All combined sewer regulators and any known or suspected connections between the sanitary sewer and storm drain systems (e.g. combined manholes);
- d. All outfalls, including the treatment plant outfall(s), CSOs, combined manholes, and any known or suspected SSOs;
- e. All pump stations and force mains;
- f. The wastewater treatment facility(ies);

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- g. All surface waters (labeled);
- h. Other major appurtenances such as inverted siphons and air release valves;
- i. A numbering system which uniquely identifies manholes, catch basins, overflow points, regulators and outfalls;
- j. The scale and a north arrow; and
- k. The pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.

5. Collection System Operation and Maintenance Plan

The permittee shall develop and implement a Collection System Operation and Maintenance Plan.

- a. **Within six (6) months of the effective date of the permit**, the permittee shall submit to EPA and MassDEP
 - (1) A description of the collection system management goal, staffing, information management, and legal authorities;
 - (2) A description of the collection system and the overall condition of the collection system including a list of all pump stations and a description of all recent studies and construction activities; and
 - (3) A schedule for the development and implementation of the full Collection System O & M Plan including the elements in paragraphs b.1. through b.8. below.
- b. The full Collection System O & M Plan shall be completed, implemented, and submitted to EPA and MassDEP **within twenty-four (24) months from the effective date of the permit**. The Plan shall include:
 - (1) The required submittal from paragraph 5.a. above, update to reflect current information;
 - (2) A preventative maintenance and monitoring program for the collection system;
 - (3) Description of sufficient staffing necessary to properly operate and maintain the sanitary sewer collection system and how the operation and maintenance program is staffed;
 - (4) Description of funding, the source(s) of funding and provisions for funding sufficient for implementing the plan;

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- (5) Identification of known and suspected overflows and back-ups, including manholes. A description of the cause of the identified overflows and back-ups, corrective actions taken, and a plan for addressing the overflows and back-ups consistent with the requirements of this permit;
- (6) A description of the permittee's programs for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include and inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts; and
- (7) An educational public outreach program for all aspects of I/I control, particularly private inflow.
- (8) An Overflow Emergency Response Plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the permit.

6. Annual Reporting Requirement

The permittee shall submit a summary report of activities related to the implementation of its Collection System O & M Plan during the previous calendar year. The report shall be submitted to EPA and MassDEP **annually by March 31st**. The summary report shall, at a minimum, include;

- a. A description of the staffing levels maintained during the year;
- b. A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year;
- c. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- d. A map with areas identified for investigation/action in the coming year;
- e. If treatment plant flow has reached 80% of its design flow [3.68 mgd] based on the annual average flow during the reporting year, or there have been capacity related overflows, submit a calculation of the maximum daily, weekly, and monthly infiltration and the maximum daily, weekly, and monthly inflow for the reporting year; and
- f. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharges section of this permit.

Draft**7. Alternate Power Source**

In order to maintain compliance with the terms and conditions of this permit, the permittee shall provide an alternative power source(s) sufficient to operate its portion of the publicly owned treatment works¹ it owns and operates.

E. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices, including EPA regulations promulgated at 40 CFR §503, which prescribe “Standards for the Use or Disposal of Sewage Sludge” pursuant to Section 405(d) of the CWA, 33 U.S.C. §1345(d).
2. If both state and federal requirements apply to the permittee’s sludge use and/or disposal practices, the permittee shall comply with the more stringent of the applicable requirements.
3. The requirements and technical standards of 40 CFR §503 apply to the following sludge use or disposal practices.
 - a. Land application - the use of sewage sludge to condition or fertilize the soil
 - b. Surface disposal - the placement of sewage sludge in a sludge only landfill
 - c. Sewage sludge incineration - the placement of sewage sludge in a sludge only incinerator.
4. The requirements of 40 CFR §503 do not apply to facilities which dispose of sludge in a municipal solid waste landfill. 40 CFR §503.4. These requirements also do not apply to facilities which do not use or dispose of sewage sludge during the life of the permit but rather treat the sludge (e.g. lagoons, reed beds), or are otherwise excluded under 40 CFR §503.6.
5. The 40 CFR. Part 503 requirements including the following elements:
 - General requirements
 - Pollutant limitations
 - Operational Standards (pathogen reduction and vector attraction reduction requirements)
 - Management practices
 - Record keeping
 - Monitoring
 - Reporting

Which of the 40 CFR §503 requirements apply to the permittee will depend upon the use or disposal practice followed and upon the quality of material produced by a facility. The EPA Region 1 Guidance document, “EPA Region 1 - NPDES Permit Sludge Compliance Guidance”

¹ As defined at 40 CFR §122.2, which references the definition at 40 CFR §403.3

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(November 4, 1999), may be used by the permittee to assist it in determining the applicable requirements.²

6. The sludge shall be monitored for pollutant concentrations (all Part 503 methods), pathogen reduction (land application and surface disposal) at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year.

less than 290	1/ year
290 to less than 1500	1 /quarter
1500 to less than 15000	6 /year
15000 +	1 /month

Sampling of the sewage sludge shall use the procedures detailed in 40 CFR §503.8.

7. Under 40 CFR §503.9(r), the permittee is a “person who prepares sewage sludge” because it “is ... the person who generates sewage sludge during the treatment of domestic sewage in a treatment works” If the permittee contracts with *another* “person who prepares sewage sludge” under 40 CFR §503.9(r) – i.e., with “a person who derives a material from sewage sludge” – for use or disposal of the sludge, then compliance with Part 503 requirements is the responsibility of the contractor engaged for that purpose. If the permittee does not engage a “person who prepares sewage sludge,” as defined in 40 CFR §503.9(r), for use or disposal, then the permittee remains responsible to ensure that the applicable requirements in Part 503 are met. 40 CFR §503.7. If the ultimate use or disposal method is land application, the permittee is responsible for providing the person receiving the sludge with notice and necessary information to comply with the requirements of 40 CFR Part 503 Subpart B.
8. The permittee shall submit an annual report containing the information specified in the 40 CFR Part 503 requirements (§503.18 (land application), §503.28 (surface disposal), or §503.48 (incineration)) by **February 19th** (*see also* “EPA Region 1 - NPDES Permit Sludge Compliance Guidance”). Reports shall be submitted to the address contained in the reporting section of the permit. If the permittee engages a contractor or contractors for sludge preparation and ultimate use or disposal, the annual report need contain only the following information:
- Name and address of contractor(s) responsible for sludge preparation, use or disposal
 - Quantity of sludge (in dry metric tons) from the POTW that is transferred to the sludge contractor(s), and the method(s) by which the contractor will prepare and use or dispose of the sewage sludge.

² This guidance document is available upon request from EPA Region 1 and may also be found at: <http://www.epa.gov/region1/npdes/permits/generic/sludgeguidance.pdf>

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1. The permittee shall develop and enforce specific effluent limits (local limits) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW Treatment Plant's Facilities or operation, are necessary to ensure continued compliance with the POTW's NPDES permit or sludge use or disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond. Within 120 days of the effective date of this permit, the permittee shall prepare and submit a written technical evaluation to the EPA analyzing the need to revise local limits. As part of this evaluation, the permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In preparing this evaluation, the permittee shall complete and submit the attached form (see **Attachment D – Reassessment of Technically Based Industrial Discharge Limits**) with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data if available and should be included in the report. Should the evaluation reveal the need to revise local limits, the permittee shall complete the revisions within 120 days of notification by EPA and submit the revisions to EPA for approval. The Permittee shall carry out the local limits revisions in accordance with EPA's Local Limit Development Guidance (July 2004).
2. The permittee shall implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, 40 CFR 403. At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):
 - a. Carry out inspection, surveillance, and monitoring procedures which will determine independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users shall be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.
 - b. Issue or renew all necessary industrial user control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.
 - c. Obtain appropriate remedies for noncompliance by any industrial user with any pretreatment standard and/or requirement.
 - d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.

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3. The permittee shall provide the EPA and MassDEP with an annual report describing the permittee's pretreatment program activities for the twelve (12) month period ending 60 days prior to the due date in accordance with 403.12(i). The annual report shall be consistent with the format described in **Attachment E** (NPDES Permit Requirement for Industrial Pretreatment Annual Report) of this permit and shall be submitted no later than **March 1st** of each year.
4. The permittee must obtain approval from EPA prior to making any significant changes to the industrial pretreatment program in accordance with 40 CFR 403.18(c).
5. The permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the Federal Regulations at 40 CFR 405 et. seq.
6. The permittee must modify its pretreatment program, if necessary, to conform to all changes in the Federal Regulations that pertain to the implementation and enforcement of the industrial pretreatment program. The permittee must provide EPA, in writing, within 180 days of this permit's effective date proposed changes, if applicable, to the permittee's pretreatment program deemed necessary to assure conformity with current Federal Regulations. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee will implement these proposed changes pending EPA Region I's approval under 40 CFR 403.18. This submission is separate and distinct from any local limits analysis submission described in Part I.E.1.

G. MONITORING AND REPORTING

The monitoring program in the permit specifies sampling and analysis, which will provide continuous information on compliance and the reliability and effectiveness of the installed pollution abatement equipment. The approved analytical procedures found in 40 CFR Part 136 are required unless other procedures are explicitly required in the permit. The Permittee is obligated to monitor and report sampling results to EPA and the MassDEP within the time specified within the permit.

Unless otherwise specified in this permit, the permittee shall submit reports, requests, and information and provide notices in the manner described in this section.

1. Submittal of DMRs and the Use of NetDMR

Beginning the effective date of the permit the permittee must submit its monthly monitoring data in discharge monitoring reports (DMRs) to EPA and MassDEP no later than the 15th day of the month following the completed reporting period. On or before **December 21, 2016**, the permittee shall begin reporting monthly monitoring data using NetDMR, unless, in accordance with Part I.F.6, the facility is able to demonstrate a reasonable basis, such as a technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs. The permittee must continue to use the NetDMR after the permittee begins to do so. When a permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of

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DMRs to EPA or MassDEP. NetDMR is a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection. NetDMR is accessed from: <http://www.epa.gov/netdmr>. NetDMR online training can be accessed at: www.epa.gov/netdmr/about/training.html.

2. Submittal of Reports as NetDMR Attachments

After the permittee begins submitting DMR reports to EPA electronically using NetDMR, the permittee shall electronically submit all reports to EPA as NetDMR attachments rather than as hard copies, unless otherwise specified in this permit. Permittees shall continue to send hard copies of reports other than DMRs to MassDEP until further notice from MassDEP. (See Part I.F.5. for more information on state reporting.) Because the due dates for reports described in this permit may not coincide with the due date for submitting DMRs (which is no later than the 15th day of the month), a report submitted electronically as a NetDMR attachment shall be considered timely if it is electronically submitted to EPA using NetDMR with the next DMR due following the particular report due date specified in this permit.

3. Submittal of Requests and Reports to EPA/OEP

The following requests, reports, and information described in this permit shall be submitted to the EPA/OEP NPDES Applications Coordinator in the EPA Office Ecosystem Protection (OEP).

- A. Transfer of Permit notice
- B. Request for changes in sampling location
- C. Request for reduction in testing frequency
- D. Request for reduction in WET testing requirement
- E. Report on unacceptable WET dilution water / request for alternative dilution water.

These reports, information, and requests shall be submitted to EPA/OEP electronically at R1NPDESNotices.OEP@epa.gov or by hard copy mail to the following address:

**U.S. Environmental Protection Agency
Office of Ecosystem Protection
EPA/OEP NPDES Applications Coordinator
5 Post Office Square – Suite 100 (OEP06-03)
Boston, MA 02109-3912**

4. Submittal of Reports in Hard Copy Form

The following notifications and reports shall be submitted as hard copy with a cover letter describing the submission. These reports shall be signed and dated originals submitted to EPA.

- A. Written notifications required under Part II
- B. Notice of unauthorized discharges, including Sanitary Sewer Overflow (SSO) reporting
- C. Reports and DMRs submitted prior to the use of NetDMR

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- D. Reports and DMRs submitted prior to the use of NetDMR
- E. Sludge monitoring reports

This information shall be submitted to EPA/OES at the following address:

**U.S. Environmental Protection Agency
Office of Environmental Stewardship (OES)
Water Technical Unit
5 Post Office Square, Suite 100 (OES-SMR)
Boston, MA 02109-3912**

All sludge monitoring reports required herein shall be submitted only to:

**U.S. Environmental Protection Agency, Region 7
Biosolids Center
Water Enforcement Branch
11201 Renner Boulevard
Lenexa, Kansas 66219**

All Industrial Pretreatment Program reports required herein shall be submitted only to:

**U.S. Environmental Protection Agency, Region 1
Pretreatment Coordinator
5 Post Office Square, Suite 100 (OEP 06-03)
Boston, MA 02109**

5. State Reporting

Unless otherwise specified in this permit, duplicate signed copies of all reports, information, requests or notifications described in this permit, including the reports, information, requests or notifications described in Parts I.F.3 and I.F.4 also shall be submitted to the State at the following addresses:

**MassDEP – Western Region
Bureau of Water Resources
436 Dwight Street, Suite 402
Springfield, MA 01103**

Copies of toxicity tests, nitrogen and phosphorus optimization reports only shall be submitted to:

**Massachusetts Department of Environmental Protection
Watershed Planning Program
8 New Bond Street
Worcester, MA 01606**

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6. Submittal of NetDMR Opt Out Requests

NetDMR opt-out requests must be submitted in writing to EPA for written approval at least sixty (60) days prior to the date a facility would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of EPA approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to EPA unless the permittee submits a renewed opt-out request and such request is approved by EPA. All opt-out requests should be sent to the following addresses:

Attn: NetDMR Coordinator
U.S. Environmental Protection Agency
Water Technical Unit
5 Post Office Square, Suite 100 (OES04-4)
Boston, MA 02109-3912

And

Massachusetts Department of Environmental Protection
Surface Water Discharge Permit Program
1 Winter Street, 5th Floor
Boston, MA 02108

7. Verbal Reports and Verbal Notifications

Any verbal reports or verbal notifications, if required in Parts I and/or II of this permit, shall be made to both EPA and to MassDEP. This includes verbal reports and notifications which require reporting within 24 hours. (As examples, see Part II.B.4.c. (2), Part II.B.5.c. (3), and Part II.D.1.e.) Verbal reports and verbal notifications shall be made to EPA's Office of Environmental Stewardship at:

U.S. Environmental Protection Agency
Office of Environmental Stewardship
5 Post Office Square, Suite 100 (OES04-4)
Boston, MA 02109-3912
617-918-1510

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H. STATE PERMIT CONDITIONS

1. This authorization to discharge includes two separate and independent permit authorizations. The two permit authorizations are: (i) a federal National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Clean Water Act, 33 U.S.C. §§1251 et seq.; and (ii) an identical state surface water discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§26-53, and 314 C.M.R. 3.00. All of the requirements contained in this authorization, as well as the standard conditions contained in 314 CMR 3.19, are hereby incorporated by reference into this state surface water discharge permit.
2. This authorization also incorporates the state water quality certification issued by MassDEP under §401(a) of the Federal Clean Water Act, 40 CFR 124.53, M.G.L.c.21, §27 and 314 CMR 3.07. All of the requirements (if any) contained in MassDEP's water quality certification for the permit are hereby incorporated by reference into this state surface water discharge permit as special conditions pursuant to 314 CMR 3.11.
3. Each Agency will have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit will be effective only with respect to the Agency taking such action, and will not affect the validity or status of this permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared, invalid, illegal or otherwise issued in violation of State law such permit will remain in full force and effect under Federal law as an NPDES permit issued by the U.S. Environmental Protection Agency. In the event this permit is declared invalid, illegal or otherwise issued in violation of Federal law, this permit will remain in full force and effect under State law as a permit issued by the Commonwealth of Massachusetts.

Attachment A

Secondary Wastewater Treatment Plant Discharge Outfall
NPDES Permit No. MA0100315
Adams, MA

Outfall:
001

Description of Discharge:
Secondary Wastewater Treatment Plant Effluent

Outfall Location/Receiving Water:
Hoosic River

ATTACHMENT B

USEPA REGION 1 FRESHWATER ACUTE TOXICITY TEST PROCEDURE AND PROTOCOL

I. GENERAL REQUIREMENTS

The permittee shall conduct acceptable acute toxicity tests in accordance with the appropriate test protocols described below:

- **Daphnid (Ceriodaphnia dubia) definitive 48 hour test.**
- **Fathead Minnow (Pimephales promelas) definitive 48 hour test.**

Acute toxicity test data shall be reported as outlined in Section VIII.

II. METHODS

The permittee shall use 40 CFR Part 136 methods. Methods and guidance may be found at:

http://water.epa.gov/scitech/methods/cwa/wet/disk2_index.cfm

The permittee shall also meet the sampling, analysis and reporting requirements included in this protocol. This protocol defines more specific requirements while still being consistent with the Part 136 methods. If, due to modifications of Part 136, there are conflicting requirements between the Part 136 method and this protocol, the permittee shall comply with the requirements of the Part 136 method.

III. SAMPLE COLLECTION

A discharge sample shall be collected. Aliquots shall be split from the sample, containerized and preserved (as per 40 CFR Part 136) for chemical and physical analyses required. The remaining sample shall be measured for total residual chlorine and dechlorinated (if detected) in the laboratory using sodium thiosulfate for subsequent toxicity testing. (Note that EPA approved test methods require that samples collected for metals analyses be preserved immediately after collection.) Grab samples must be used for pH, temperature, and total residual chlorine (as per 40 CFR Part 122.21).

Standard Methods for the Examination of Water and Wastewater describes dechlorination of samples (APHA, 1992). Dechlorination can be achieved using a ratio of 6.7 mg/L anhydrous sodium thiosulfate to reduce 1.0 mg/L chlorine. If dechlorination is necessary, a thiosulfate control (maximum amount of thiosulfate in lab control or receiving water) must also be run in the WET test.

All samples held overnight shall be refrigerated at 1- 6°C.

IV. DILUTION WATER

A grab sample of dilution water used for acute toxicity testing shall be collected from the receiving water at a point immediately upstream of the permitted discharge's zone of influence at a reasonably accessible location. Avoid collection near areas of obvious road or agricultural runoff, storm sewers or other point source discharges and areas where stagnant conditions exist. In the case where an alternate dilution water has been agreed upon an additional receiving water control (0% effluent) must also be tested.

If the receiving water diluent is found to be, or suspected to be toxic or unreliable, an alternate standard dilution water of known quality with a hardness, pH, conductivity, alkalinity, organic carbon, and total suspended solids similar to that of the receiving water may be substituted **AFTER RECEIVING WRITTEN APPROVAL FROM THE PERMIT ISSUING AGENCY(S)**. Written requests for use of an alternate dilution water should be mailed with supporting documentation to the following address:

Director
Office of Ecosystem Protection (CAA)
U.S. Environmental Protection Agency-New England
5 Post Office Sq., Suite 100 (OEP06-5)
Boston, MA 02109-3912

and

Manager
Water Technical Unit (SEW)
U.S. Environmental Protection Agency
5 Post Office Sq., Suite 100 (OES04-4)
Boston, MA 02109-3912

Note: USEPA Region 1 retains the right to modify any part of the alternate dilution water policy stated in this protocol at any time. Any changes to this policy will be documented in the annual DMR posting.

See the most current annual DMR instructions which can be found on the EPA Region 1 website at <http://www.epa.gov/region1/enforcement/water/dmr.html> for further important details on alternate dilution water substitution requests.

It may prove beneficial to have the proposed dilution water source screened for suitability prior to toxicity testing. EPA strongly urges that screening be done prior to set up of a full definitive toxicity test any time there is question about the dilution water's ability to support acceptable performance as outlined in the 'test acceptability' section of the protocol.

V. TEST CONDITIONS

The following tables summarize the accepted daphnid and fathead minnow toxicity test conditions and test acceptability criteria:

EPA NEW ENGLAND EFFLUENT TOXICITY TEST CONDITIONS FOR THE DAPHNID, CERIODAPHNIA DUBIA 48 HOUR ACUTE TESTS¹

1.	Test type	Static, non-renewal
2.	Temperature (°C)	20 ± 1°C or 25 ± 1°C
3.	Light quality	Ambient laboratory illumination
4.	Photoperiod	16 hour light, 8 hour dark
5.	Test chamber size	Minimum 30 ml
6.	Test solution volume	Minimum 15 ml
7.	Age of test organisms	1-24 hours (neonates)
8.	No. of daphnids per test chamber	5
9.	No. of replicate test chambers per treatment	4
10.	Total no. daphnids per test concentration	20
11.	Feeding regime	As per manual, lightly feed YCT and <u>Selenastrum</u> to newly released organisms while holding prior to initiating test
12.	Aeration	None
13.	Dilution water ²	Receiving water, other surface water, synthetic water adjusted to the hardness and alkalinity of the receiving water (prepared using either Millipore Milli-Q ^R or equivalent deionized water and reagent grade chemicals according to EPA acute toxicity test manual) or deionized water combined with mineral water to appropriate hardness.
14.	Dilution series	≥ 0.5, must bracket the permitted RWC
15.	Number of dilutions	5 plus receiving water and laboratory water control and thiosulfate control, as necessary. An additional dilution at the permitted effluent concentration (% effluent) is required if it is not included in the dilution

series.

- | | |
|----------------------------|---|
| 16. Effect measured | Mortality-no movement of body or appendages on gentle prodding |
| 17. Test acceptability | 90% or greater survival of test organisms in dilution water control solution |
| 18. Sampling requirements | For on-site tests, samples must be used within 24 hours of the time that they are removed from the sampling device. For off-site tests, samples must first be used within 36 hours of collection. |
| 19. Sample volume required | Minimum 1 liter |

Footnotes:

1. Adapted from EPA-821-R-02-012.
2. Standard prepared dilution water must have hardness requirements to generally reflect the characteristics of the receiving water.

**EPA NEW ENGLAND TEST CONDITIONS FOR THE FATHEAD MINNOW
(PIMEPHALES PROMELAS) 48 HOUR ACUTE TEST¹**

1. Test Type	Static, non-renewal
2. Temperature (°C)	$20 \pm 1^{\circ}\text{C}$ or $25 \pm 1^{\circ}\text{C}$
3. Light quality	Ambient laboratory illumination
4. Photoperiod	16 hr light, 8 hr dark
5. Size of test vessels	250 mL minimum
6. Volume of test solution	Minimum 200 mL/replicate
7. Age of fish	1-14 days old and age within 24 hrs of each other
8. No. of fish per chamber	10
9. No. of replicate test vessels per treatment	4
10. Total no. organisms per concentration	40
11. Feeding regime	As per manual, lightly feed test age larvae using concentrated brine shrimp nauplii while holding prior to initiating test
12. Aeration	None, unless dissolved oxygen (D.O.) concentration falls below 4.0 mg/L, at which time gentle single bubble aeration should be started at a rate of less than 100 bubbles/min. (Routine D.O. check is recommended.)
13. dilution water ²	Receiving water, other surface water, synthetic water adjusted to the hardness and alkalinity of the receiving water (prepared using either Millipore Milli-Q ^R or equivalent deionized and reagent grade chemicals according to EPA acute toxicity test manual) or deionized water combined with mineral water to appropriate hardness.
14. Dilution series	≥ 0.5 , must bracket the permitted RWC

15. Number of dilutions	5 plus receiving water and laboratory water control and thiosulfate control, as necessary. An additional dilution at the permitted effluent concentration (% effluent) is required if it is not included in the dilution series.
16. Effect measured	Mortality-no movement on gentle prodding
17. Test acceptability	90% or greater survival of test organisms in dilution water control solution
18. Sampling requirements	For on-site tests, samples must be used within 24 hours of the time that they are removed from the sampling device. For off-site tests, samples are used within 36 hours of collection.
19. Sample volume required	Minimum 2 liters

Footnotes:

1. Adapted from EPA-821-R-02-012
2. Standard dilution water must have hardness requirements to generally reflect characteristics of the receiving water.

VI. CHEMICAL ANALYSIS

At the beginning of a static acute toxicity test, pH, conductivity, total residual chlorine, oxygen, hardness, alkalinity and temperature must be measured in the highest effluent concentration and the dilution water. Dissolved oxygen, pH and temperature are also measured at 24 and 48 hour intervals in all dilutions. The following chemical analyses shall be performed on the 100 percent effluent sample and the upstream water sample for each sampling event.

<u>Parameter</u>	Effluent	Receiving Water	ML (mg/l)
Hardness ¹	x	x	0.5
Total Residual Chlorine (TRC) ^{2, 3}	x		0.02
Alkalinity	x	x	2.0
pH	x	x	--
Specific Conductance	x	x	--
Total Solids	x		--
Total Dissolved Solids	x		--
Ammonia	x	x	0.1
Total Organic Carbon	x	x	0.5
Total Metals			
Cd	x	x	0.0005
Pb	x	x	0.0005
Cu	x	x	0.003
Zn	x	x	0.005
Ni	x	x	0.005
Al	x	x	0.02
Other as permit requires			

Notes:

- Hardness may be determined by:
 - APHA Standard Methods for the Examination of Water and Wastewater , 21st Edition
 - Method 2340B (hardness by calculation)
 - Method 2340C (titration)
- Total Residual Chlorine may be performed using any of the following methods provided the required minimum limit (ML) is met.
 - APHA Standard Methods for the Examination of Water and Wastewater , 21st Edition
 - Method 4500-CL E Low Level Amperometric Titration
 - Method 4500-CL G DPD Colorimetric Method
- Required to be performed on the sample used for WET testing prior to its use for toxicity testing.

VII. TOXICITY TEST DATA ANALYSIS

LC50 Median Lethal Concentration (Determined at 48 Hours)

Methods of Estimation:

- Probit Method
- Spearman-Kärber
- Trimmed Spearman-Kärber
- Graphical

See the flow chart in Figure 6 on p. 73 of EPA-821-R-02-012 for appropriate method to use on a given data set.

No Observed Acute Effect Level (NOAEL)

See the flow chart in Figure 13 on p. 87 of EPA-821-R-02-012.

VIII. TOXICITY TEST REPORTING

A report of the results will include the following:

- Description of sample collection procedures, site description
- Names of individuals collecting and transporting samples, times and dates of sample collection and analysis on chain-of-custody
- General description of tests: age of test organisms, origin, dates and results of standard toxicant tests; light and temperature regime; other information on test conditions if different than procedures recommended. Reference toxicant test data should be included.
- All chemical/physical data generated. (Include minimum detection levels and minimum quantification levels.)
- Raw data and bench sheets.
- Provide a description of dechlorination procedures (as applicable).
- Any other observations or test conditions affecting test outcome.

**FRESHWATER CHRONIC
TOXICITY TEST PROCEDURE AND PROTOCOL
USEPA Region 1**

I. GENERAL REQUIREMENTS

The permittee shall be responsible for the conduct of acceptable chronic toxicity tests using three fresh samples collected during each test period. The following tests shall be performed as prescribed in Part 1 of the NPDES discharge permit in accordance with the appropriate test protocols described below. (Note: the permittee and testing laboratory should review the applicable permit to determine whether testing of one or both species is required).

- **Daphnid (Ceriodaphnia dubia) Survival and Reproduction Test.**
- **Fathead Minnow (Pimephales promelas) Larval Growth and Survival Test.**

Chronic toxicity data shall be reported as outlined in Section VIII.

II. METHODS

Methods to follow are those recommended by EPA in: Short Term Methods For Estimating The Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002. United States Environmental Protection Agency. Office of Water, Washington, D.C., EPA 821-R-02-013. The methods are available on-line at <http://www.epa.gov/waterscience/WET/> . Exceptions and clarification are stated herein.

III. SAMPLE COLLECTION AND USE

A total of three fresh samples of effluent and receiving water are required for initiation and subsequent renewals of a freshwater, chronic, toxicity test. The receiving water control sample must be collected immediately upstream of the permitted discharge's zone of influence. Fresh samples are recommended for use on test days 1, 3, and 5. However, provided a total of three samples are used for testing over the test period, an alternate sampling schedule is acceptable. The acceptable holding times until initial use of a sample are 24 and 36 hours for on-site and off-site testing, respectively. A written waiver is required from the regulating authority for any hold time extension. All test samples collected may be used for 24, 48 and 72 hour renewals after initial use. All samples held for use beyond the day of sampling shall be refrigerated and maintained at a temperature range of 0-6° C.

All samples submitted for chemical and physical analyses will be analyzed according to Section VI of this protocol.

Sampling guidance dictates that, where appropriate, aliquots for the analysis required in this protocol shall be split from the samples, containerized and immediately preserved, or analyzed as per 40 CFR Part 136. EPA approved test methods require that samples collected for metals analyses be preserved immediately after collection. Testing for the presence of total residual chlorine (TRC) must be analyzed immediately or as soon as possible, for all effluent samples, prior to WET testing. TRC analysis may be performed on-site or by the toxicity testing laboratory and the samples must be dechlorinated, as necessary, using sodium thiosulfate prior to sample use for toxicity testing.

If any of the renewal samples are of sufficient potency to cause lethality to 50 percent or more of the test organisms in any of the test treatments for either species or, if the test fails to meet its permit limits, then chemical analysis for total metals (originally required for the initial sample only in Section VI) will be required on the renewal sample(s) as well.

IV. DILUTION WATER

Samples of receiving water must be collected from a location in the receiving water body immediately upstream of the permitted discharge's zone of influence at a reasonably accessible location. Avoid collection near areas of obvious road or agricultural runoff, storm sewers or other point source discharges and areas where stagnant conditions exist. EPA strongly urges that screening for toxicity be performed prior to the set up of a full, definitive toxicity test any time there is a question about the test dilution water's ability to achieve test acceptability criteria (TAC) as indicated in Section V of this protocol. The test dilution water control response will be used in the statistical analysis of the toxicity test data. All other control(s) required to be run in the test will be reported as specified in the Discharge Monitoring Report (DMR) Instructions, Attachment F, page 2, Test Results & Permit Limits.

The test dilution water must be used to determine whether the test met the applicable TAC. When receiving water is used for test dilution, an additional control made up of standard laboratory water (0% effluent) is required. This control will be used to verify the health of the test organisms and evaluate to what extent, if any, the receiving water itself is responsible for any toxic response observed.

If dechlorination of a sample by the toxicity testing laboratory is necessary a "sodium thiosulfate" control, representing the concentration of sodium thiosulfate used to adequately dechlorinate the sample prior to toxicity testing, must be included in the test.

If the use of an alternate dilution water (ADW) is authorized, in addition to the ADW test control, the testing laboratory must, for the purpose of monitoring the receiving water, also run a receiving water control.

If the receiving water diluent is found to be, or suspected to be toxic or unreliable an ADW of known quality with hardness similar to that of the receiving water may be substituted. Substitution is species specific meaning that the decision to use ADW is made for each species and is based on the toxic response of that particular species. Substitution to an ADW is authorized in two cases. The first is the case where repeating a test due to toxicity in the site dilution water requires an **immediate decision** for ADW use be made by the permittee and toxicity testing laboratory. The second is in the case where two of the most recent documented incidents of unacceptable site dilution water toxicity requires ADW use in future WET testing.

For the second case, written notification from the permittee requesting ADW use **and** written authorization from the permit issuing agency(s) is required **prior to** switching to a long-term use of ADW for the duration of the permit.

Written requests for use of ADW must be mailed with supporting documentation to the following addresses:

Director
Office of Ecosystem Protection (CAA)
U.S. Environmental Protection Agency, Region 1
Five Post Office Square, Suite 100
Mail Code OEP06-5
Boston, MA 02109-3912

and

Manager
Water Technical Unit (SEW)
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Note: USEPA Region 1 retains the right to modify any part of the alternate dilution water policy stated in this protocol at any time. Any changes to this policy will be documented in the annual DMR posting.

See the most current annual DMR instructions which can be found on the EPA Region 1 website at <http://www.epa.gov/region1/enforcementandassistance/dmr.html> for further important details on alternate dilution water substitution requests.

V. TEST CONDITIONS AND TEST ACCEPTABILITY CRITERIA

Method specific test conditions and TAC are to be followed and adhered to as specified in the method guidance document, EPA 821-R-02-013. If a test does not meet TAC the test must be repeated with fresh samples within 30 days of the initial test completion date.

V.1. Use of Reference Toxicity Testing

Reference toxicity test results and applicable control charts must be included in the toxicity testing report.

If reference toxicity test results fall outside the control limits established by the laboratory for a specific test endpoint, a reason or reasons for this excursion must be evaluated, correction made and reference toxicity tests rerun as necessary.

If a test endpoint value exceeds the control limits at a frequency of more than one out of twenty then causes for the reference toxicity test failure must be examined and if problems are identified corrective action taken. The reference toxicity test must be repeated during the same month in which the exceedance occurred.

If two consecutive reference toxicity tests fall outside control limits, the possible cause(s) for the exceedance must be examined, corrective actions taken and a repeat of the reference toxicity test must take place immediately. Actions taken to resolve the problem must be reported.

V.1.a. Use of Concurrent Reference Toxicity Testing

In the case where concurrent reference toxicity testing is required due to a low frequency of testing with a particular method, if the reference toxicity test results fall slightly outside of laboratory established control limits, but the primary test met the TAC, the results of the primary test will be considered acceptable. However, if the results of the concurrent test fall well outside the established **upper** control limits i.e. ≥ 3 standard deviations for IC25 values and \geq two concentration intervals for NOECs, and even though the primary test meets TAC, the primary test will be considered unacceptable and must be repeated.

V.2. For the *C. dubia* test, the determination of TAC and formal statistical analyses must be performed using only the first three broods produced.

V.3. Test treatments must include 5 effluent concentrations and a dilution water control. An additional test treatment, at the permitted effluent concentration (% effluent), is required if it is not included in the dilution series.

VI. CHEMICAL ANALYSIS

As part of each toxicity test's daily renewal procedure, pH, specific conductance, dissolved oxygen (DO) and temperature must be measured at the beginning and end of each 24-hour period in each test treatment and the control(s).

The additional analysis that must be performed under this protocol is as specified and noted in the table below.

<u>Parameter</u>	Effluent	Receiving Water	ML (mg/l)
Hardness ^{1, 4}	x	x	0.5
Total Residual Chlorine (TRC) ^{2, 3, 4}	x		0.02
Alkalinity ⁴	x	x	2.0
pH ⁴	x	x	--
Specific Conductance ⁴	x	x	--
Total Solids ⁶	x		--
Total Dissolved Solids ⁶	x		--
Ammonia ⁴	x	x	0.1
Total Organic Carbon ⁶	x	x	0.5
Total Metals ⁵			
Cd	x	x	0.0005
Pb	x	x	0.0005
Cu	x	x	0.003
Zn	x	x	0.005
Ni	x	x	0.005
Al	x	x	0.02

Other as permit requires

Notes:

1. Hardness may be determined by:

- APHA Standard Methods for the Examination of Water and Wastewater , 21st Edition
 - Method 2340B (hardness by calculation)
 - Method 2340C (titration)
2. Total Residual Chlorine may be performed using any of the following methods provided the required minimum limit (ML) is met.
- APHA Standard Methods for the Examination of Water and Wastewater , 21st Edition
 - Method 4500-CL E Low Level Amperometric Titration
 - Method 4500-CL G DPD Colorimetric Method
 - USEPA 1983. Manual of Methods Analysis of Water and Wastes
 - Method 330.5
3. Required to be performed on the sample used for WET testing prior to its use for toxicity testing
4. Analysis is to be performed on samples and/or receiving water, as designated in the table above, from all three sampling events.
5. Analysis is to be performed on the initial sample(s) only unless the situation arises as stated in Section III, paragraph 4
6. Analysis to be performed on initial samples only

VII. TOXICITY TEST DATA ANALYSIS AND REVIEW

A. Test Review

1. Concentration / Response Relationship

A concentration/response relationship evaluation is required for test endpoint determinations from both Hypothesis Testing and Point Estimate techniques. The test report is to include documentation of this evaluation in support of the endpoint values reported. The dose-response review must be performed as required in Section 10.2.6 of EPA-821-R-02-013. Guidance for this review can be found at <http://water.epa.gov/scitech/methods/cwa/> . In most cases, the review will result in one of the following three conclusions: (1) Results are reliable and reportable; (2) Results are anomalous and require explanation; or (3) Results are inconclusive and a retest with fresh samples is required.

2. Test Variability (Test Sensitivity)

This review step is separate from the determination of whether a test meets or does not meet TAC. Within test variability is to be examined for the purpose of evaluating test sensitivity. This evaluation is to be performed for the sub-lethal hypothesis testing endpoints reproduction and growth as required by the permit. The test report is to include documentation of this evaluation to support that the endpoint values reported resulted from a toxicity test of adequate sensitivity. This evaluation must be performed as required in Section 10.2.8 of EPA-821-R-02-013.

To determine the adequacy of test sensitivity, USEPA requires the calculation of test percent minimum significant difference (PMSD) values. In cases where NOEC determinations are made based on a non-parametric technique, calculation of a test PMSD value, for the sole purpose of assessing test sensitivity, shall be calculated using a comparable parametric statistical analysis technique. The calculated test PMSD is then compared to the upper and lower PMSD bounds shown for freshwater tests in Section 10.2.8.3, p. 52, Table 6 of EPA-821-R-02-013. The comparison will yield one of the following determinations.

- The test PMSD exceeds the PMSD upper bound test variability criterion in Table 6, the test results are considered highly variable and the test may not be sensitive enough to determine the presence of toxicity at the permit limit concentration (PLC). If the test results indicate that the discharge is not toxic at the PLC, then the test is considered insufficiently sensitive and must be repeated within 30 days of the initial test completion using fresh samples. If the test results indicate that the discharge is toxic at the PLC, the test is considered acceptable and does not have to be repeated.
- The test PMSD falls below the PMSD lower bound test variability criterion in Table 6, the test is determined to be very sensitive. In order to determine which treatment(s) are statistically significant and which are not, for the purpose of reporting a NOEC, the relative percent difference (RPD) between the control and each treatment must be calculated and compared to the lower PMSD boundary. See *Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the NPDES Program*, EPA 833-R-00-003, June 2002, Section 6.4.2. The following link: [Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the NPDES Program](#) can be used to locate the USEPA website containing this document. If the RPD for a treatment falls below the PMSD lower bound, the difference is considered statistically insignificant. If the RPD for a treatment is greater than the PMSD lower bound, then the treatment is considered statistically significant.
- The test PMSD falls within the PMSD upper and lower bounds in Table 6, the sub-lethal test endpoint values shall be reported as is.

B. Statistical Analysis

1. General - Recommended Statistical Analysis Method

Refer to general data analysis flowchart, EPA 821-R-02-013, page 43

For discussion on Hypothesis Testing, refer to EPA 821-R-02-013, Section 9.6

For discussion on Point Estimation Techniques, refer to EPA 821-R-02-013, Section 9.7

2. *Pimephales promelas*

Refer to survival hypothesis testing analysis flowchart, EPA 821-R-02-013, page 79

Refer to survival point estimate techniques flowchart, EPA 821-R-02-013, page 80

Refer to growth data statistical analysis flowchart, EPA 821-R-02-013, page 92

3. *Ceriodaphnia dubia*

Refer to survival data testing flowchart, EPA 821-R-02-013, page 168

Refer to reproduction data testing flowchart, EPA 821-R-02-013, page 173

VIII. TOXICITY TEST REPORTING

A report of results must include the following:

- Test summary sheets (2007 DMR Attachment F) which includes:
 - Facility name
 - NPDES permit number
 - Outfall number
 - Sample type
 - Sampling method
 - Effluent TRC concentration
 - Dilution water used
 - Receiving water name and sampling location
 - Test type and species
 - Test start date
 - Effluent concentrations tested (%) and permit limit concentration
 - Applicable reference toxicity test date and whether acceptable or not
 - Age, age range and source of test organisms used for testing
 - Results of TAC review for all applicable controls
 - Test sensitivity evaluation results (test PMSD for growth and reproduction)
 - Permit limit and toxicity test results
 - Summary of test sensitivity and concentration response evaluation

In addition to the summary sheets the report must include:

- A brief description of sample collection procedures
- Chain of custody documentation including names of individuals collecting samples, times and dates of sample collection, sample locations, requested analysis and lab receipt with time and date received, lab receipt personnel and condition of samples upon receipt at the lab(s)
- Reference toxicity test control charts
- All sample chemical/physical data generated, including minimum limits (MLs) and analytical methods used
- All toxicity test raw data including daily ambient test conditions, toxicity test chemistry, sample dechlorination details as necessary, bench sheets and statistical analysis
- A discussion of any deviations from test conditions
- Any further discussion of reported test results, statistical analysis and concentration-response relationship and test sensitivity review per species per endpoint

ATTACHMENT D

EPA - New England

Reassessment of Technically Based Industrial Discharge Limits

Under 40 CFR §122.21(j)(4), all Publicly Owned Treatment Works (POTWs) with approved Industrial Pretreatment Programs (IPPs) shall provide the following information to the Director: a written evaluation of the need to revise local industrial discharge limits under 40 CFR §403.5(c)(1).

Below is a form designed by the U.S. Environmental Protection Agency (EPA - New England) to assist POTWs with approved IPPs in evaluating whether their existing Technically Based Local Limits (TBLLs) need to be recalculated. The form allows the permittee and EPA to evaluate and compare pertinent information used in previous TBLLs calculations against present conditions at the POTW.

Please read direction below before filling out form.

ITEM I.

- * In Column (1), list what your POTW's influent flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present influent flow rate. Your current flow rate should be calculated using the POTW's average daily flow rate from the previous 12 months.
- * In Column (1) list what your POTW's SIU flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present SIU flow rate.
- * In Column (1), list what dilution ratio and/or 7Q10 value was used in your old/expired NPDES permit. In Column (2), list what dilution ratio and/or 7Q10 value is presently being used in your new/reissued NPDES permit.

The 7Q10 value is the lowest seven day average flow rate, in the river, over a ten year period. The 7Q10 value and/or dilution ratio used by EPA in your new NPDES permit can be found in your NPDES permit "Fact Sheet."
- * In Column (1), list the safety factor, if any, that was used when your existing TBLLs were calculated.
- * In Column (1), note how your bio-solids were managed when your existing TBLLs were calculated. In Column (2), note how your POTW is presently disposing of its biosolids and how your POTW will be disposing of its biosolids in the future.

ITEM II.

- * List what your existing TBLLs are - as they appear in your current Sewer Use Ordinance (SUO).

ITEM III.

- * Identify how your existing TBLLs are allocated out to your industrial community. Some pollutants may be allocated differently than others, if so please explain.

ITEM IV.

- * Since your existing TBLLs were calculated, identify the following in detail:
 - (1) if your POTW has experienced any upsets, inhibition, interference or pass-through as a result of an industrial discharge.
 - (2) if your POTW is presently violating any of its current NPDES permit limitations - include toxicity.

ITEM V.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in pounds per day) received in the POTW's influent. Current sampling data is defined as data obtained over the last 24 month period.

All influent data collected and analyzed must be in accordance with 40 CFR §136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace.

- * Based on your existing TBLLs, as presented in Item II., list in Column (2), for each pollutant the Maximum Allowable Headwork Loading (MAHL) values derived from an applicable environmental criteria or standard, e.g. water quality, sludge, NPDES, inhibition, etc. For more information, please see EPA's Local Limit Guidance Document (July 2004).

Item VI.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in micrograms per liter) present your POTW's effluent. Current sampling data is defined as data obtained during the last 24 month period.

(Item VI. continued)

All effluent data collected and analyzed must be in accordance with 40 CFR §136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace.

- * List in Column (2A) what the Water Quality Standards (WQS) were (in micrograms per liter) when your TBLLs were calculated, please note what hardness value was used at that time. Hardness should be expressed in milligram per liter of Calcium Carbonate.

List in Column (2B) the current WQSs or "Chronic Gold Book" values for each pollutant multiplied by the dilution ratio used in your new/reissued NPDES permit. For example, with a dilution ratio of 25:1 at a hardness of 25 mg/l - Calcium Carbonate (copper's chronic WQS equals 6.54 ug/l) the chronic NPDES permit limit for copper would equal 156.25 ug/l.

ITEM VII.

- * In Column (1), list all pollutants (in micrograms per liter) limited in your new/reissued NPDES permit. In Column (2), list all pollutants limited in your old/expired NPDES permit.

ITEM VIII.

- * Using current sampling data, list in Column (1) the average and maximum amount of pollutants in your POTW's biosolids. Current data is defined as data obtained during the last 24 month period. Results are to be expressed as total dry weight.

All biosolids data collected and analyzed must be in accordance with 40 CFR §136.

In Column (2A), list current State and/or Federal sludge standards that your facility's biosolids must comply with. Also note how your POTW currently manages the disposal of its biosolids. If your POTW is planing on managing its biosolids differently, list in Column (2B) what your new biosolids criteria will be and method of disposal.

In general, please be sure the units reported are correct and all pertinent information is included in your evaluation. If you have any questions, please contact your pretreatment representative at EPA - New England.

POTW Name & Address :

Date EPA approved current TBLLs :

ITEM I.

In Column (1) list the conditions that existed when your current TBLLs were calculated. In Column (2), list current conditions or expected conditions at your POTW.		
	Column (1) EXISTING TBLLs	Column (2) PRESENT CONDITIONS
POTW Flow (MGD)		
Dilution Ratio or 7Q10 (from NPDES Permit)		
SIU Flow (MGD)		
Safety Factor		N/A
Biosolids Disposal Method(s)		

ITEM II.

EXISTING TBLLs			
POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)	POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)

ITEM III.

Note how your existing TBLLs, listed in Item II., are allocated to your Significant Industrial Users (SIUs), i.e. uniform concentration, contributory flow, mass proportioning, other. Please specify by circling.

ITEM IV.

Has your POTW experienced any upsets, inhibition, interference or pass-through from industrial sources since your existing TBLLs were calculated?

If yes, explain.

Has your POTW violated any of its NPDES permit limits and/or toxicity test requirements?

If yes, explain.

ITEM V.

Using current POTW influent sampling data fill in Column (1). In Column (2), list your Maximum Allowable Headwork Loading (MAHL) values used to derive your TBLLs listed in Item II. In addition, please note the Environmental Criteria for which each MAHL value was established, i.e. water quality, sludge, NPDES etc.

Pollutant	Column (1) Influent Data Analyses		Column (2)	Criteria
	Maximum (lb/day)	Average (lb/day)	MAHL Values (lb/day)	
Arsenic				
Cadmium				
Chromium				
Copper				
Cyanide				
Lead				
Mercury				
Nickel				
Silver				
Zinc				
Other (List)				

ITEM VI.

Using current POTW effluent sampling data, fill in Column (1). In Column (2A) list what the Water Quality Standards (Gold Book Criteria) were at the time your existing TBLLs were developed. List in Column (2B) current Gold Book values multiplied by the dilution ratio used in your new/reissued NPDES permit.

Pollutant	Column (1)		Columns (2A) (2B)	
	Effluent Data Analyses Maximum (ug/l)	Average (ug/l)	Water Quality Criteria (Gold Book) From TBLLs Today (ug/l) (ug/l)	
Arsenic				
*Cadmium				
*Chromium				
*Copper				
Cyanide				
*Lead				
Mercury				
*Nickel				
Silver				
*Zinc				
Other (List)				

*Hardness Dependent (mg/l - CaCO3)

ITEM VII.

In Column (1), identify all pollutants limited in your new/reissued NPDES permit. In Column (2), identify all pollutants that were limited in your old/expired NPDES permit.

[illegible]

ITEM VIII.

Using current POTW biosolids data, fill in Column (1). In Column (2A), list the biosolids criteria that was used at the time your existing TBLLs were calculated. If your POTW is planing on managing its biosolids differently, list in Column (2B) what your new biosolids criteria would be and method of disposal.

Pollutant	Column (1)	Biosolids	Columns	
	Data Analyses		(2A)	(2B)
	Average		Biosolids Criteria	
	(mg/kg)		From TBLLs	New
Arsenic				
Cadmium				
Chromium				
Copper				
Cyanide				
Lead				
Mercury				
Nickel				
Silver				
Zinc				
Molybdenum				
Selenium				
Other (List)				

ATTACHMENT E

NPDES PERMIT REQUIREMENT FOR INDUSTRIAL PRETREATMENT ANNUAL REPORT

The information described below shall be included in the pretreatment program annual reports:

1. An updated list of all industrial users by category, as set forth in 40 C.F.R. 403.8(f)(2)(i), indicating compliance or noncompliance with the following:
 - baseline monitoring reporting requirements for newly promulgated industries
 - compliance status reporting requirements for newly promulgated industries
 - periodic (semi-annual) monitoring reporting requirements,
 - categorical standards, and
 - local limits;
2. A summary of compliance and enforcement activities during the preceding year, including the number of:
 - significant industrial users inspected by POTW (include inspection dates for each industrial user),
 - significant industrial users sampled by POTW (include sampling dates for each industrial user),
 - compliance schedules issued (include list of subject users),
 - written notices of violations issued (include list of subject users),
 - administrative orders issued (include list of subject users),
 - criminal or civil suits filed (include list of subject users) and,
 - penalties obtained (include list of subject users and penalty amounts);
3. A list of significantly violating industries required to be published in a local newspaper in accordance with 40 C.F.R. 403.8(f)(2)(vii);
4. A narrative description of program effectiveness including present and proposed changes to the program, such as funding, staffing, ordinances, regulations, rules and/or statutory authority;
5. A summary of all pollutant analytical results for influent, effluent, sludge and any toxicity or bioassay data from the wastewater treatment facility. The summary shall include a comparison of influent sampling results versus threshold inhibitory concentrations for the Wastewater Treatment System and effluent sampling results versus water quality standards. Such a comparison shall be based on the sampling program described in the paragraph below or any similar sampling program described in this Permit.

At a minimum, annual sampling and analysis of the influent and effluent of the Wastewater Treatment Plant shall be conducted for the following pollutants:

- | | |
|--------------------|-------------------|
| a.) Total Cadmium | f.) Total Nickel |
| b.) Total Chromium | g.) Total Silver |
| c.) Total Copper | h.) Total Zinc |
| d.) Total Lead | i.) Total Cyanide |
| e.) Total Mercury | j.) Total Arsenic |

The sampling program shall consist of one 24-hour flow-proportioned composite and at least one grab sample that is representative of the flows received by the POTW. The composite shall consist of hourly flow-proportioned grab samples taken over a 24-hour period if the sample is collected manually or shall consist of a minimum of 48 samples collected at 30 minute intervals if an automated sampler is used. Cyanide shall be taken as a grab sample during the same period as the composite sample. Sampling and preservation shall be consistent with 40 CFR Part 136.

6. A detailed description of all interference and pass-through that occurred during the past year;
7. A thorough description of all investigations into interference and pass-through during the past year;
8. A description of monitoring, sewer inspections and evaluations which were done during the past year to detect interference and pass-through, specifying parameters and frequencies;
9. A description of actions being taken to reduce the incidence of significant violations by significant industrial users; and,
10. The date of the latest adoption of local limits and an indication as to whether or not the permittee is under a State or Federal compliance schedule that includes steps to be taken to revise local limits.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

TABLE OF CONTENTS

A. GENERAL CONDITIONS	Page
1. <u>Duty to Comply</u>	2
2. <u>Permit Actions</u>	2
3. <u>Duty to Provide Information</u>	2
4. <u>Reopener Clause</u>	3
5. <u>Oil and Hazardous Substance Liability</u>	3
6. <u>Property Rights</u>	3
7. <u>Confidentiality of Information</u>	3
8. <u>Duty to Reapply</u>	4
9. <u>State Authorities</u>	4
10. <u>Other laws</u>	4
B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS	
1. <u>Proper Operation and Maintenance</u>	4
2. <u>Need to Halt or Reduce Not a Defense</u>	4
3. <u>Duty to Mitigate</u>	4
4. <u>Bypass</u>	4
5. <u>Upset</u>	5
C. MONITORING AND RECORDS	
1. <u>Monitoring and Records</u>	6
2. <u>Inspection and Entry</u>	7
D. REPORTING REQUIREMENTS	
1. <u>Reporting Requirements</u>	7
a. Planned changes	7
b. Anticipated noncompliance	7
c. Transfers	7
d. Monitoring reports	8
e. Twenty-four hour reporting	8
f. Compliance schedules	9
g. Other noncompliance	9
h. Other information	9
2. <u>Signatory Requirement</u>	9
3. <u>Availability of Reports</u>	9
E. DEFINITIONS AND ABBREVIATIONS	
1. <u>Definitions for Individual NPDES Permits including Storm Water Requirements</u>	9
2. <u>Definitions for NPDES Permit Sludge Use and Disposal Requirements</u>	17
3. <u>Commonly Used Abbreviations</u>	23

NPDES PART II STANDARD CONDITIONS
(January, 2007)

PART II. A. GENERAL REQUIREMENTS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- b. The CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any of such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402 (a)(3) or 402 (b)(8) of the CWA is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates such requirements is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Any person who knowingly violates such requirements is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
- c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

Note: See 40 CFR §122.41(a)(2) for complete “Duty to Comply” regulations.

2. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notifications of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

4. Reopener Clause

The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Regional Administrator or Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under Section 405 (d) of the CWA. The Regional Administrator or Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or contains a pollutant or practice not limited in the permit.

Federal regulations pertaining to permit modification, revocation and reissuance, and termination are found at 40 CFR §122.62, 122.63, 122.64, and 124.5.

5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the CWA, or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges.

7. Confidentiality of Information

- a. In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).
- b. Claims of confidentiality for the following information will be denied:
 - (1) The name and address of any permit applicant or permittee;
 - (2) Permit applications, permits, and effluent data as defined in 40 CFR §2.302(a)(2).
- c. Information required by NPDES application forms provided by the Regional Administrator under 40 CFR §122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

8. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

9. State Authorities

Nothing in Part 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

10. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local laws and regulations.

PART II. B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Bypass

a. Definitions

- (1) *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs B.4.c. and 4.d. of this section.

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D.1.e. of this part (Twenty-four hour reporting).

d. Prohibition of bypass

Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3) i) The permittee submitted notices as required under Paragraph 4.c. of this section.
ii) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph 4.d. of this section.

5. Upset

- a. Definition. *Upset* means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph B.5.c. of this section are met. No determination made during

NPDES PART II STANDARD CONDITIONS

(January, 2007)

administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in paragraphs D.1.a. and 1.e. (Twenty-four hour notice); and
 - (4) The permittee complied with any remedial measures required under B.3. above.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

PART II. C. MONITORING REQUIREMENTS

1. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records for monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application except for the information concerning storm water discharges which must be retained for a total of 6 years. This retention period may be extended by request of the Regional Administrator at any time.
- c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- d. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by

NPDES PART II STANDARD CONDITIONS

(January, 2007)

imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

2. Inspection and Entry

The permittee shall allow the Regional Administrator or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

PART II. D. REPORTING REQUIREMENTS

1. Reporting Requirements

- a. **Planned Changes.** The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR§122.29(b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantities of the pollutants discharged. This notification applies to pollutants which are subject neither to the effluent limitations in the permit, nor to the notification requirements at 40 CFR§122.42(a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. **Anticipated noncompliance.** The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. **Transfers.** This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and

NPDES PART II STANDARD CONDITIONS

(January, 2007)

incorporate such other requirements as may be necessary under the CWA. (See 40 CFR Part 122.61; in some cases, modification or revocation and reissuance is mandatory.)

- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - (3) Calculations for all limitations which require averaging or measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Twenty-four hour reporting.
 - (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
 - (b) Any upset which exceeds any effluent limitation in the permit.
 - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
 - (3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph D.1.e. if the oral report has been received within 24 hours.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

- f. Compliance Schedules. Reports of compliance or noncompliance with, any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under Paragraphs D.1.d., D.1.e., and D.1.f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D.1.e. of this section.
- h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.

2. Signatory Requirement

- a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See 40 CFR §122.22)
- b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

3. Availability of Reports.

Except for data determined to be confidential under Paragraph A.8. above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

PART II. E. DEFINITIONS AND ABBREVIATIONS

1. Definitions for Individual NPDES Permits including Storm Water Requirements

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Applicable standards and limitations means all, State, interstate, and Federal standards and limitations to which a “discharge”, a “sewage sludge use or disposal practice”, or a related activity is subject to, including “effluent limitations”, water quality standards, standards of performance, toxic effluent standards or prohibitions, “best management practices”, pretreatment standards, and “standards for sewage sludge use and disposal” under Sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the CWA.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

Application means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in “approved States”, including any approved modifications or revisions.

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms and Escherichia coli, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of “daily discharges” over a calendar month calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Average weekly discharge limitation means the highest allowable average of “daily discharges” measured during the calendar week divided by the number of “daily discharges” measured during the week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Best Professional Judgment (BPJ) means a case-by-case determination of Best Practicable Treatment (BPT), Best Available Treatment (BAT), or other appropriate technology-based standard based on an evaluation of the available technology to achieve a particular pollutant reduction and other factors set forth in 40 CFR §125.3 (d).

Coal Pile Runoff means the rainfall runoff from or through any coal storage pile.

Composite Sample means a sample consisting of a minimum of eight grab samples of equal volume collected at equal intervals during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportional to flow, or a sample consisting of the same number of grab samples, or greater, collected proportionally to flow over that same time period.

Construction Activities - The following definitions apply to construction activities:

- (a) Commencement of Construction is the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- (b) Dedicated portable asphalt plant is a portable asphalt plant located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term dedicated portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR Part 443.
- (c) Dedicated portable concrete plant is a portable concrete plant located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

- (d) Final Stabilization means that all soil disturbing activities at the site have been complete, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (e) Runoff coefficient means the fraction of total rainfall that will appear at the conveyance as runoff.

Contiguous zone means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Continuous discharge means a “discharge” which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or similar activities.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117; 33 USC §§1251 et seq.

Daily Discharge means the discharge of a pollutant measured during the calendar day or any other 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

Director normally means the person authorized to sign NPDES permits by EPA or the State or an authorized representative. Conversely, it also could mean the Regional Administrator or the State Director as the context requires.

Discharge Monitoring Report Form (DMR) means the EPA standard national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by “approved States” as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA’s.

Discharge of a pollutant means:

- (a) Any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source”, or
- (b) Any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation (See “Point Source” definition).

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead

NPDES PART II STANDARD CONDITIONS

(January, 2007)

to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works.

This term does not include an addition of pollutants by any “indirect discharger.”

Effluent limitation means any restriction imposed by the Regional Administrator on quantities, discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States”, the waters of the “contiguous zone”, or the ocean.

Effluent limitation guidelines means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise “effluent limitations”.

EPA means the United States “Environmental Protection Agency”.

Flow-weighted composite sample means a composite sample consisting of a mixture of aliquots where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab Sample – An individual sample collected in a period of less than 15 minutes.

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the CWA.

Indirect Discharger means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (CWA), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resources Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SDWA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

Land application unit means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

Large and Medium municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and 40 CFR Part 122); or (ii) located in the counties with unincorporated urbanized

NPDES PART II STANDARD CONDITIONS

(January, 2007)

populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships, or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or (iii) owned or operated by a municipality other than those described in Paragraph (i) or (ii) and that are designated by the Regional Administrator as part of the large or medium municipal separate storm sewer system.

Maximum daily discharge limitation means the highest allowable “daily discharge” concentration that occurs only during a normal day (24-hour duration).

Maximum daily discharge limitation (as defined for the Steam Electric Power Plants only) when applied to Total Residual Chlorine (TRC) or Total Residual Oxidant (TRO) is defined as “maximum concentration” or “Instantaneous Maximum Concentration” during the two hours of a chlorination cycle (or fraction thereof) prescribed in the Steam Electric Guidelines, 40 CFR Part 423. These three synonymous terms all mean “a value that shall not be exceeded” during the two-hour chlorination cycle. This interpretation differs from the specified NPDES Permit requirement, 40 CFR § 122.2, where the two terms of “Maximum Daily Discharge” and “Average Daily Discharge” concentrations are specifically limited to the daily (24-hour duration) values.

Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under Section 208 of the CWA.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA. The term includes an “approved program”.

New Discharger means any building, structure, facility, or installation:

- (a) From which there is or may be a “discharge of pollutants”;
- (b) That did not commence the “discharge of pollutants” at a particular “site” prior to August 13, 1979;
- (c) Which is not a “new source”; and
- (d) Which has never received a finally effective NPDES permit for discharges at that “site”.

This definition includes an “indirect discharger” which commences discharging into “waters of the United States” after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a “site” for which it does not have a permit; and any offshore rig or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a “site” under EPA’s permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be in an area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 CFR §§125.122 (a) (1) through (10).

NPDES PART II STANDARD CONDITIONS (January, 2007)

An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a “new discharger” only for the duration of its discharge in an area of biological concern.

New source means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants”, the construction of which commenced:

- (a) After promulgation of standards of performance under Section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

NPDES means “National Pollutant Discharge Elimination System”.

Owner or operator means the owner or operator of any “facility or activity” subject to regulation under the NPDES programs.

Pass through means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an “approved” State.

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (see 40 CFR §122.2).

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

- (a) Sewage from vessels; or
- (b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by the authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Primary industry category means any industry category listed in the NRDC settlement agreement (Natural Resources Defense Council et al. v. Train, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D. D.C. 1979)); also listed in Appendix A of 40 CFR Part 122.

Privately owned treatment works means any device or system which is (a) used to treat wastes from any facility whose operation is not the operator of the treatment works or (b) not a “POTW”.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly Owned Treatment Works (POTW) means any facility or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a “State” or “municipality”.

This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Regional Administrator means the Regional Administrator, EPA, Region I, Boston, Massachusetts.

Secondary Industry Category means any industry which is not a “primary industry category”.

Section 313 water priority chemical means a chemical or chemical category which:

- (1) is listed at 40 CFR §372.65 pursuant to Section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986);
- (2) is present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and
- (3) satisfies at least one of the following criteria:
 - (i) are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols), or Table V (certain toxic pollutants and hazardous substances);
 - (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR §116.4; or
 - (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

Septage means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

Sewage Sludge means any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, Type III Marine Sanitation Device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Sewage sludge use or disposal practice means the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

Significant materials includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets, raw materials used in food processing or production, hazardous substance designated under section 101(14) of CERCLA, any chemical the facility is required to report pursuant to EPCRA Section 313, fertilizers, pesticides, and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Significant spills includes, but is not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR §110.10 and §117.21) or Section 102 of CERCLA (see 40 CFR § 302.4).

Sludge-only facility means any “treatment works treating domestic sewage” whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to Section 405(d) of the CWA, and is required to obtain a permit under 40 CFR §122.1(b)(3).

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands.

Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. (See 40 CFR §122.26 (b)(14) for specifics of this definition.

Time-weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

Toxic pollutants means any pollutant listed as toxic under Section 307 (a)(1) or, in the case of “sludge use or disposal practices” any pollutant identified in regulations implementing Section 405(d) of the CWA.

Treatment works treating domestic sewage means a POTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices.

For purposes of this definition, “domestic sewage” includes waste and wastewater from humans or household operations that are discharged to or otherwise enter a treatment works. In States where there is no approved State sludge management program under Section 405(f) of the CWA, the Regional Administrator may designate any person subject to the standards for sewage sludge use and disposal in 40 CFR Part 503 as a “treatment works treating domestic sewage”, where he or she finds that there is a potential for adverse effects on public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR Part 503.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

Waste Pile means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

Waters of the United States means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of tide;
- (b) All interstate waters, including interstate “wetlands”;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands”, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purpose;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in Paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in Paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole Effluent Toxicity (WET) means the aggregate toxic effect of an effluent measured directly by a toxicity test. (See Abbreviations Section, following, for additional information.)

2. Definitions for NPDES Permit Sludge Use and Disposal Requirements.

Active sewage sludge unit is a sewage sludge unit that has not closed.

NPDES PART II STANDARD CONDITIONS

(January, 2007)

Aerobic Digestion is the biochemical decomposition of organic matter in sewage sludge into carbon dioxide and water by microorganisms in the presence of air.

Agricultural Land is land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

Agronomic rate is the whole sludge application rate (dry weight basis) designed:

- (1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and
- (2) To minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water.

Air pollution control device is one or more processes used to treat the exit gas from a sewage sludge incinerator stack.

Anaerobic digestion is the biochemical decomposition of organic matter in sewage sludge into methane gas and carbon dioxide by microorganisms in the absence of air.

Annual pollutant loading rate is the maximum amount of a pollutant that can be applied to a unit area of land during a 365 day period.

Annual whole sludge application rate is the maximum amount of sewage sludge (dry weight basis) that can be applied to a unit area of land during a 365 day period.

Apply sewage sludge or sewage sludge applied to the land means land application of sewage sludge.

Aquifer is a geologic formation, group of geologic formations, or a portion of a geologic formation capable of yielding ground water to wells or springs.

Auxiliary fuel is fuel used to augment the fuel value of sewage sludge. This includes, but is not limited to, natural gas, fuel oil, coal, gas generated during anaerobic digestion of sewage sludge, and municipal solid waste (not to exceed 30 percent of the dry weight of the sewage sludge and auxiliary fuel together). Hazardous wastes are not auxiliary fuel.

Base flood is a flood that has a one percent chance of occurring in any given year (i.e. a flood with a magnitude equaled once in 100 years).

Bulk sewage sludge is sewage sludge that is not sold or given away in a bag or other container for application to the land.

Contaminate an aquifer means to introduce a substance that causes the maximum contaminant level for nitrate in 40 CFR §141.11 to be exceeded in ground water or that causes the existing concentration of nitrate in the ground water to increase when the existing concentration of nitrate in the ground water exceeds the maximum contaminant level for nitrate in 40 CFR §141.11.

Class I sludge management facility is any publicly owned treatment works (POTW), as defined in 40 CFR §501.2, required to have an approved pretreatment program under 40 CFR §403.8 (a) (including any POTW located in a state that has elected to assume local program responsibilities pursuant to 40 CFR §403.10 (e) and any treatment works treating domestic sewage, as defined in 40 CFR § 122.2,

NPDES PART II STANDARD CONDITIONS

(January, 2007)

classified as a Class I sludge management facility by the EPA Regional Administrator, or, in the case of approved state programs, the Regional Administrator in conjunction with the State Director, because of the potential for sewage sludge use or disposal practice to affect public health and the environment adversely.

Control efficiency is the mass of a pollutant in the sewage sludge fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the sewage sludge fed to the incinerator.

Cover is soil or other material used to cover sewage sludge placed on an active sewage sludge unit.

Cover crop is a small grain crop, such as oats, wheat, or barley, not grown for harvest.

Cumulative pollutant loading rate is the maximum amount of inorganic pollutant that can be applied to an area of land.

Density of microorganisms is the number of microorganisms per unit mass of total solids (dry weight) in the sewage sludge.

Dispersion factor is the ratio of the increase in the ground level ambient air concentration for a pollutant at or beyond the property line of the site where the sewage sludge incinerator is located to the mass emission rate for the pollutant from the incinerator stack.

Displacement is the relative movement of any two sides of a fault measured in any direction.

Domestic septage is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

Domestic sewage is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

Dry weight basis means calculated on the basis of having been dried at 105 degrees Celsius (°C) until reaching a constant mass (i.e. essentially 100 percent solids content).

Fault is a fracture or zone of fractures in any materials along which strata on one side are displaced with respect to the strata on the other side.

Feed crops are crops produced primarily for consumption by animals.

Fiber crops are crops such as flax and cotton.

Final cover is the last layer of soil or other material placed on a sewage sludge unit at closure.

Fluidized bed incinerator is an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

Food crops are crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Forest is a tract of land thick with trees and underbrush.

Ground water is water below the land surface in the saturated zone.

Holocene time is the most recent epoch of the Quaternary period, extending from the end of the Pleistocene epoch to the present.

Hourly average is the arithmetic mean of all the measurements taken during an hour. At least two measurements must be taken during the hour.

Incineration is the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

Industrial wastewater is wastewater generated in a commercial or industrial process.

Land application is the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

Land with a high potential for public exposure is land that the public uses frequently. This includes, but is not limited to, a public contact site and reclamation site located in a populated area (e.g., a construction site located in a city).

Land with low potential for public exposure is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

Leachate collection system is a system or device installed immediately above a liner that is designed, constructed, maintained, and operated to collect and remove leachate from a sewage sludge unit.

Liner is soil or synthetic material that has a hydraulic conductivity of 1×10^{-7} centimeters per second or less.

Lower explosive limit for methane gas is the lowest percentage of methane gas in air, by volume, that propagates a flame at 25 degrees Celsius and atmospheric pressure.

Monthly average (Incineration) is the arithmetic mean of the hourly averages for the hours a sewage sludge incinerator operates during the month.

Monthly average (Land Application) is the arithmetic mean of all measurements taken during the month.

Municipality means a city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities) created by or under State law; an Indian tribe or an authorized Indian tribal organization having jurisdiction over sewage sludge management; or a designated and approved management agency under section 208 of the CWA, as amended. The definition includes a special district created under state law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201 (e) of the CWA, as amended, that has as one of its principal responsibilities the treatment, transport, use or disposal of sewage sludge.

NPDES PART II STANDARD CONDITIONS (January, 2007)

Other container is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

Pasture is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

Pathogenic organisms are disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

Permitting authority is either EPA or a State with an EPA-approved sludge management program.

Person is an individual, association, partnership, corporation, municipality, State or Federal Agency, or an agent or employee thereof.

Person who prepares sewage sludge is either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge.

pH means the logarithm of the reciprocal of the hydrogen ion concentration; a measure of the acidity or alkalinity of a liquid or solid material.

Place sewage sludge or sewage sludge placed means disposal of sewage sludge on a surface disposal site.

Pollutant (as defined in sludge disposal requirements) is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction) or physical deformations in either organisms or offspring of the organisms.

Pollutant limit (for sludge disposal requirements) is a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilogram of total solids); the amount of pollutant that can be applied to a unit of land (e.g., kilograms per hectare); or the volume of the material that can be applied to the land (e.g., gallons per acre).

Public contact site is a land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

Qualified ground water scientist is an individual with a baccalaureate or post-graduate degree in the natural sciences or engineering who has sufficient training and experience in ground water hydrology and related fields, as may be demonstrated by State registration, professional certification, or completion of accredited university programs, to make sound professional judgments regarding ground water monitoring, pollutant fate and transport, and corrective action.

Range land is open land with indigenous vegetation.

Reclamation site is drastically disturbed land that is reclaimed using sewage sludge. This includes, but is not limited to, strip mines and construction sites.

NPDES PART II STANDARD CONDITIONS (January, 2007)

Risk specific concentration is the allowable increase in the average daily ground level ambient air concentration for a pollutant from the incineration of sewage sludge at or beyond the property line of a site where the sewage sludge incinerator is located.

Runoff is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off the land surface.

Seismic impact zone is an area that has 10 percent or greater probability that the horizontal ground level acceleration to the rock in the area exceeds 0.10 gravity once in 250 years.

Sewage sludge is a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to: domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in treatment works.

Sewage sludge feed rate is either the average daily amount of sewage sludge fired in all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located for the number of days in a 365 day period that each sewage sludge incinerator operates, or the average daily design capacity for all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located.

Sewage sludge incinerator is an enclosed device in which only sewage sludge and auxiliary fuel are fired.

Sewage sludge unit is land on which only sewage sludge is placed for final disposal. This does not include land on which sewage sludge is either stored or treated. Land does not include waters of the United States, as defined in 40 CFR §122.2.

Sewage sludge unit boundary is the outermost perimeter of an active sewage sludge unit.

Specific oxygen uptake rate (SOUR) is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in sewage sludge.

Stack height is the difference between the elevation of the top of a sewage sludge incinerator stack and the elevation of the ground at the base of the stack when the difference is equal to or less than 65 meters. When the difference is greater than 65 meters, stack height is the creditable stack height determined in accordance with 40 CFR §51.100 (ii).

State is one of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and an Indian tribe eligible for treatment as a State pursuant to regulations promulgated under the authority of section 518(e) of the CWA.

Store or storage of sewage sludge is the placement of sewage sludge on land on which the sewage sludge remains for two years or less. This does not include the placement of sewage sludge on land for treatment.

Surface disposal site is an area of land that contains one or more active sewage sludge units.

NPDES PART II STANDARD CONDITIONS (January, 2007)

Total hydrocarbons means the organic compounds in the exit gas from a sewage sludge incinerator stack measured using a flame ionization detection instrument referenced to propane.

Total solids are the materials in sewage sludge that remain as residue when the sewage sludge is dried at 103 to 105 degrees Celsius.

Treat or treatment of sewage sludge is the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. This does not include storage of sewage sludge.

Treatment works is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

Unstable area is land subject to natural or human-induced forces that may damage the structural components of an active sewage sludge unit. This includes, but is not limited to, land on which the soils are subject to mass movement.

Unstabilized solids are organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Vector attraction is the characteristic of sewage sludge that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

Volatile solids is the amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550 degrees Celsius in the presence of excess air.

Wet electrostatic precipitator is an air pollution control device that uses both electrical forces and water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

Wet scrubber is an air pollution control device that uses water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

3. Commonly Used Abbreviations

BOD	Five-day biochemical oxygen demand unless otherwise specified
CBOD	Carbonaceous BOD
CFS	Cubic feet per second
COD	Chemical oxygen demand
Chlorine	
Cl ₂	Total residual chlorine
TRC	Total residual chlorine which is a combination of free available chlorine (FAC, see below) and combined chlorine (chloramines, etc.)

NPDES PART II STANDARD CONDITIONS
(January, 2007)

TRO	Total residual chlorine in marine waters where halogen compounds are present
FAC	Free available chlorine (aqueous molecular chlorine, hypochlorous acid, and hypochlorite ion)
Coliform	
Coliform, Fecal	Total fecal coliform bacteria
Coliform, Total	Total coliform bacteria
Cont. (Continuous)	Continuous recording of the parameter being monitored, i.e. flow, temperature, pH, etc.
Cu. M/day or M ³ /day	Cubic meters per day
DO	Dissolved oxygen
kg/day	Kilograms per day
lbs/day	Pounds per day
mg/l	Milligram(s) per liter
ml/l	Milliliters per liter
MGD	Million gallons per day
Nitrogen	
Total N	Total nitrogen
NH ₃ -N	Ammonia nitrogen as nitrogen
NO ₃ -N	Nitrate as nitrogen
NO ₂ -N	Nitrite as nitrogen
NO ₃ -NO ₂	Combined nitrate and nitrite nitrogen as nitrogen
TKN	Total Kjeldahl nitrogen as nitrogen
Oil & Grease	Freon extractable material
PCB	Polychlorinated biphenyl
pH	A measure of the hydrogen ion concentration. A measure of the acidity or alkalinity of a liquid or material
Surfactant	Surface-active agent

NPDES PART II STANDARD CONDITIONS
(January, 2007)

Temp. °C	Temperature in degrees Centigrade
Temp. °F	Temperature in degrees Fahrenheit
TOC	Total organic carbon
Total P	Total phosphorus
TSS or NFR	Total suspended solids or total nonfilterable residue
Turb. or Turbidity	Turbidity measured by the Nephelometric Method (NTU)
ug/l	Microgram(s) per liter
WET	“Whole effluent toxicity” is the total effect of an effluent measured directly with a toxicity test.
C-NOEC	“Chronic (Long-term Exposure Test) – No Observed Effect Concentration”. The highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specified time of observation.
A-NOEC	“Acute (Short-term Exposure Test) – No Observed Effect Concentration” (see C-NOEC definition).
LC ₅₀	LC ₅₀ is the concentration of a sample that causes mortality of 50% of the test population at a specific time of observation. The LC ₅₀ = 100% is defined as a sample of undiluted effluent.
ZID	Zone of Initial Dilution means the region of initial mixing surrounding or adjacent to the end of the outfall pipe or diffuser ports.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND
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FACT SHEET

DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
TO DISCHARGE TO WATERS OF THE UNITED STATES.

NPDES PERMIT NO.: **MA0100315**

PUBLIC NOTICE START AND END DATES: November 2, 2016 – December 1, 2016

NAME AND ADDRESS OF APPLICANT:

**Town of Adams
Board of Selectmen
8 Park Street
Adams, MA 01220**

NAME AND ADDRESS OF FACILITY WHERE THE DISCHARGE OCCURS:

**Adams Wastewater Treatment Plant (WWTP)
273 Columbia Street
Adams, MA 01220**

TO RECEIVING WATER: **Hoosic River (Segment MA 11-04)
(Hudson River Basin – USGS Code # 02020003)**

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit.

CLASSIFICATION: **B (Warm Water Fishery)**

Table of Contents

<u>Section:</u>	<u>Page:</u>
I. PROPOSED ACTION.....	4
II. TYPE OF FACILITY AND DISCHARGE LOCATION	4
III. DESCRIPTION OF THE DISCHARGE.....	4
IV. LIMITATIONS AND CONDITIONS	4
V. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMITATION DERIVATION.....	4
A. BACKGROUND.....	4
a. Treatment Process Description.....	4
b. Collection System Description.....	5
c. Overview of Federal and State Regulations.....	5
d. Water Quality Standards; Designated Use; Outfall 001.....	7
e. Available Dilution.....	8
B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall 001).....	10
a. Effluent Flow Limit.....	10
b. Conventional Pollutants.....	11
c. Non-Conventional Pollutants.....	13
c. 1. Ammonia-Nitrogen (NH₃-N).....	14
c. 2. Phosphorus.....	14
d. Toxics Control.....	18
e. Metals.....	18
f. Whole Effluent Toxicity.....	22
VI. SLUDGE CONDITIONS.....	23
VII. INDUSTRIAL USERS.....	23
VIII. INFILTRATION/INFLOW (I/I).....	24
IX. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM.....	24
X. ANTIDegradation.....	25
XI. ESSENTIAL FISH HABITAT DETERMINATION (EFH).....	25
XII. ENDANGERED SPECIES ACT (ESA).....	25
XIII. MONITORING AND REPORTING.....	26

XIV. STATE PERMIT CONDITIONS.....	27
XV. GENERAL CONDITIONS.....	28
XVI. STATE CERTIFICATION REQUIREMENTS.....	28
XVII. PUBLIC COMMENT PERMIT, PUBLIC HEARING, AND PROCEDURES FOR FINAL DECISION.....	28
XVIII. EPA AND MASSDEP CONTACTS.....	29

FIGURES:

Figure 1:	Location of Adams WWTP
Figure 2.1:	Adams WWTP's Flow Schematic
Figure 2.2:	Adams WWTP's Site Plan
Figure 3:	Hoosic River, Instream Flow vs Instream Phosphorus

TABLES:

Table 1:	Hoosic River Phosphorus at Downstream Sampling Station No. HR07
Table 2:	Hoosic River Phosphorus at Upstream Sampling Station No. HR07A and Instream Flow at USGS Gage Station 01331500
Table 3:	Hoosic River and Adams WWTP Hardness
Table 4:	Factors Used to Determine the Acute and Chronic Total Recoverable Criteria for each Metal
Table 5:	Reasonable Potential
Table 6:	Effluent Monitoring Data
Table 7:	Whole Effluent Toxicity Results: Effluent and Instream Sampling Data

I. PROPOSED ACTION

The above named applicant has applied to the U.S. Environmental Protection Agency (EPA) for reissuance of its National Pollutant Discharge Elimination System (NPDES) permit to discharge into the designated receiving waters. The existing permit expired on September 11, 2010 and is still in effect. The draft permit proposes an expiration date five (5) years from the effective date of the final permit.

II. TYPE OF FACILITY AND DISCHARGE LOCATION

The facility is a secondary wastewater treatment plant and is engaged in the collection and treatment of municipal and industrial wastewater. Currently, the facility serves approximately 7590 people in the Town of Adams. The facility serves three significant industrial users (SIUs). The treatment plant discharges into the Hoosic River. The facility's location is shown in **Figure 1**.

Information regarding the facility's treated discharge outfall is listed below:

<u>Outfall:</u>	<u>Description of Discharge:</u>	<u>Outfall Location:</u>
001	Secondary Wastewater Treatment Plant Effluent	N 42° 38' 41" / W 73° 06' 32"

III. DESCRIPTION OF THE DISCHARGE

A quantitative description of the wastewater treatment plant discharge in terms of significant effluent parameters based on recent monitoring data is shown on **Table 6** of this fact sheet. This facility's flow schematic is shown on **Figure 2.1** and a site plan is shown on **Figure 2.2**.

IV. LIMITATIONS AND CONDITIONS

The effluent limitations of the draft permit and monitoring requirements may be found in the draft NPDES permit.

V. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMITATION DERIVATION

A. BACKGROUND

a. Treatment Process Description

The Adams WWTP treatment processes include: headworks, contact stabilization aeration basins, secondary clarifiers, chemical addition to remove phosphorus, chlorination, and dechlorination. Dechlorination was implemented at the facility in August 1994, and chemical addition (using alum) was implemented in November 2005. Waste sludge is trucked off-site and transported to the Upper Blackstone Water Pollution Abatement District in Millbury, MA for incineration. The Adams WWTP generates approximately 105 dry metric tons of sludge each year.

b. Collection System Description

The Adams WWTP is served by a separate sewer system. A separate sanitary sewer conveys domestic, industrial and commercial sewage, but not storm water. It is part of a “two pipe system” consisting of separate sanitary sewers and storm sewers. The two systems have no interconnections; the sanitary sewer leads to a wastewater treatment plant and the storm sewers discharge to a local water body.

c. Overview of Federal and State Regulations

Congress enacted the Clean Water Act (CWA), “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” CWA §101(a). To achieve this objective, the CWA makes it unlawful for any person to discharge any pollutant into the waters of the United States from any point source, except as authorized by specific permitting sections of the CWA, one of which is Section 402. See CWA §§ 303(a), 402(a). Section 402(a) establishes one of the CWA’s principal permitting programs, the National Pollutant Discharge Elimination System (NPDES). Under this section, EPA may “issue a permit for the discharge of any pollutant, or combination of pollutants” in accordance with certain conditions. See CWA § 402(a). NPDES permits generally contain discharge limitations and establish related monitoring and reporting requirements. See CWA § 402(a)(1)-(2).

Section 301 of the CWA provides for two types of effluent limitations to be included in NPDES permits: “technology-based” limitations and “water quality-based” limitations (See CWA §§ 301, 304(b); 40 CFR 122, 125, 131). Technology-based limitations, generally developed on an industry-by-industry basis, reflect a specified level of pollutant reducing technology available and economically achievable for the type of facility being permitted. See CWA § 301(b). As a class, publicly owned treatment works (POTWs) must meet performance-based requirements based on available wastewater treatment technology. See CWA § 301(b)(1)(B). The performance level for POTWs is referred to as “secondary treatment”. Secondary treatment is comprised of technology-based requirements expressed in terms of BOD₅, TSS, and pH. See 40 CFR §133.

Water quality-based effluent limits are designed to ensure that State water quality standards are met regardless of the decision made with respect to technology and economics in establishing technology-based limitations. In particular, Section 301(b)(1)(C) requires achievement of, “any more stringent limitation, including those necessary to meet water quality standards...established pursuant to any State law or regulation...” See 40 CFR §§ 122.4(d)(1) (providing that a permit must contain effluent limits as necessary to protect State water quality standards, “including State narrative criteria for water quality”) (emphasis added) and 122.44(d)(5) (providing in part that a permit incorporate any more stringent limits required by Section 301(b)(1)(C) of the CWA).

The CWA requires that States develop water quality standards for all water bodies within the State. See CWA § 303. These standards have three parts: (1) one or more “designated uses” for each water body or water body segment in the state; (2) water quality “criteria”, consisting of numeric concentration levels and/or narrative statements specifying the amounts of various pollutants that may be present in each water body without impairing the designated uses of that water body; and (3) an anti-degradation provision, focused on protecting existing uses. See CWA § 303(c)(2)(A) and 40 CFR § 131.12. The limits and conditions of the permit reflect the goal of the CWA and EPA to achieve and then to maintain water quality standards.

Receiving stream requirements are established according to numeric and narrative standards adopted under State law for each stream classification. When using chemical-specific numeric criteria from the State's water quality standards to develop permit limits, both the acute and chronic aquatic life criteria are used and expressed in terms of maximum allowable in-stream pollutant concentrations. Acute aquatic life criteria are generally implemented through average monthly limits.

Where a State has not established a numeric water quality criterion for a specific chemical pollutant that is present in the effluent in a concentration that causes or has a reasonable potential to cause a violation of narrative water quality standards, the permitting authority must establish effluent limits in one of three ways: based on a "calculated numeric criterion for the pollutant which the permitting authority demonstrates will attain and maintain applicable narrative water quality criteria and fully protect the designated use," on a "case-by-case basis" using CWA Section 304(a) recommended water quality criteria, supplemented as necessary by other relevant information; or, in certain circumstances, based on an indicator parameter. See 40 CFR § 122.44(d)(1)(vi)(A-C).

All statutory deadlines for meeting various treatment technology-based effluent limitations established pursuant to the CWA have expired. When technology-based effluent limits are included in a permit, compliance with those limitations is from the date the issued permit becomes effective. See 40 C.F.R. § 125.3(a)(1). Compliance schedules and deadlines not in accordance with the statutory provisions of the CWA cannot be authorized by a NPDES permit. The regulations governing EPA's NPDES permit program are generally found in 40 CFR §122, §124, §125, and §136.

The permit must limit any pollutant parameter (conventional, non-conventional, toxic, and whole effluent toxicity) that is or may be discharged at a level that causes or has "reasonable potential" to cause or contribute to an excursion above any water-quality criterion. See 40 CFR §122.44(d)(1)(i). An excursion occurs if the projected or actual in-stream concentration exceeds the applicable criterion.

Reasonable Potential

In determining reasonable potential, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) pollutant concentration and variability in the effluent and receiving water as determined from the permit's reissuance application, DMRs, and State and Federal Water Quality Reports; 3) sensitivity of the species to toxicity testing; 4) the statistical approach outlined in *Technical Support Document for Water Quality-Based Toxics Control* (TSD), March 1991, EPA/505/2-90-001 in Section 3; and, where appropriate, 5) dilution of the effluent in the receiving water.

Anti-Backsliding

Section 402(o) of the CWA generally provides that the effluent limitations of a renewed, reissued, or modified permit must be at least as stringent as the comparable effluent limitations in the previous permit. EPA has also promulgated anti-backsliding regulations, which are found at 40 CFR §122.44(l). Unless applicable anti-backsliding requirements are met, the limits and conditions in the reissued permit must be at least as stringent as those in the previous permit.

State Certification

Section 401(a)(1) of the CWA requires all NPDES permit applicants to obtain a certification from the appropriate state agency stating that the permit will comply with all applicable federal effluent limitations and State water quality standards. See CWA § 401(a)(1). The regulatory provisions pertaining to State certification provide that EPA may not issue a permit until a certification is granted by the state in which the discharge originates or the certification is deemed to be waived. See 40 CFR § 124.53(a). The regulations further provide that, “when certification is required...no final permit shall be issued...unless the final permit incorporates the requirements specified in the certification under §124.53(e).” See 40 CFR §124.55(a)(2). Section 124.53(e) in turn provides that the State certification shall include “any conditions more stringent than those in the draft permit which the State finds necessary” to assure compliance with, among other things, State water quality standards. See 40 CFR §124.53(e)(2), and shall also include “[a] statement of the extent to which each conditions of the draft permit can be made less stringent without violating the requirements of State law, including water quality standards.” See 40 CFR §124.53(e)(3).

However, when EPA reasonably believes that a State water quality standard requires a more stringent permit limitation than that reflected in a state certification, it has an independent duty under CWA §301(b)(1)(C) to include more stringent permit limitations. See 40 CFR §122.44(d)(1) and (5). It should be noted that under CWA § 401, EPA’s duty to defer to consideration of state law is intended to prevent EPA from relaxing any requirements, limitations, or conditions imposed by State law. Therefore, “[a] State may not condition or deny a certification on the grounds that State law allows a less stringent permit condition.” See 40 CFR §12455(c). In such an instance, the regulation provides that, “The Regional Administrator shall disregard any such certification conditions or denials as waivers of certification.” EPA regulations pertaining to permit limits based upon water quality standards and state requirements are contained in 40 CFR §122.4(d) and 40 CFR §122.44(d).

In accordance with the regulations found at 40 CFR Section 131.12, the Massachusetts Department of Environmental Protection (MassDEP) has developed and adopted a statewide anti-degradation policy to maintain and protect existing in-stream water quality. The Massachusetts Anti-Degradation Provisions are found at 314 CWR 4.04 and in an associated document entitled “Implementation Procedure for the Antidegradation Provisions of the State Water Quality Standards”, October 21, 2009. No lowering of water quality is allowed, except in accordance with the anti-degradation policy. All existing uses of the Hoosic River must be protected. This draft permit is being reissued with allowable discharge limits as, or more, stringent than those in the current permit and with the same parameter coverage. There is no change in outfall location. The public is invited to participate in the anti-degradation finding through the permit public notice process.

d. Water Quality Standards; Designated Use; Outfall 001

The Hoosic River, in the vicinity of the discharge is classified in the Massachusetts Surface Water Quality Standards (MA SWQS) at 314 CMR 4.00 as a Class B, warm water fishery.

These waters are designated as a habitat for fish, other aquatic life, and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation. Where designation in 314 CMR 4.06, they shall be suitable as a source of public water supply with appropriate treatment

("Treated Water Supply"). Class B waters shall be suitable for irrigation and other agricultural uses and for compatible industrial cooling and process uses. These waters shall have consistently good aesthetic value.

A warm water fishery is defined in the MA SWQS (314 CMR 4.02) as "waters in which the maximum mean monthly temperature generally exceeds 68° F (20° C) during the summer months and are not capable of sustaining a year-round population of cold water stenothermal aquatic life."

Section 303(d) of the Federal Clean Water Act (CWA) requires states to identify those waterbodies that are not expected to meet surface water quality standards after the implementation of technology-based controls and, as such, require the development of total maximum daily loads (TMDL).

The Adams WWTP discharges to Segment MA11-04 of the Hoosic River. This river segment is 5.4 miles in length, and travels in a northerly direction from the Adams WWTP discharge to the confluence with the North Branch Hoosic River in North Adams, MA. The Hoosic River is a part of the Hudson River Basin, which flows through MA and enters Pownal, VT. This segment is listed as a Massachusetts Category 5 Waters, impaired, and in need of a TMDL. The listed impairments in the final 2014 Integrated List¹ for this segment are: fecal coliform bacteria, "other flow regime alterations" (non-pollutant), and "alteration in streamside or littoral vegetative covers" (non-pollutant).

e. Available Dilution

Water quality-based effluent limitations are established with the use of a calculated dilution factor, based on the available dilution of the effluent. Massachusetts water quality regulations require that the available effluent dilution be based upon the 7 day, 10 year low flow (7Q10 flow) of the receiving water (314 CMR 4.03(3)(a)). The 7Q10 low flow is the mean low flow over seven consecutive days, recurring every ten years. The facility's design flow is used to calculate the available effluent dilution.

A design flow of 3.5 mgd was used to calculate the water quality-based limits in the proposed draft permit in order to protect the receiving water during the summer critical low flow season. To estimate the 7Q10 flow at the Adams WWTP outfall 001, a ratio of the drainage area at the treatment plant to the drainage area at the Adams Gage Station (USGS Station No. 01331500, located near Williamstown approximately 9.0 miles upstream of the Adams WWTP outfall 001) was applied to the USGS estimated 7Q10 flow at the gage station. The watershed area at the treatment plant discharge is 63.5 square miles, and the watershed area at the gage is 46.7 square miles. The 7Q10 flow based on the period of record used was climatic years, March 9, 1984 through March 9, 2014, was 13 cfs.

A 30Q10 flow at the point of discharge was used to determine the need for winter ammonia limits. The 30Q10 is defined as the mean stream flow for thirty consecutive days with a ten-year recurrence interval and was calculated to be 36.3 cfs for the period of November 1 to May 31. The period of record used was the climatic years, March 9, 1984 through March 9, 2014.

¹ Division of Watershed, Massachusetts Department of Environmental Protection, 2012, Final Massachusetts Year 2014 Integrated List of Waters, Final Listing of the Condition of Massachusetts' Waters Pursuant to Sections 305(b), 314 and 303(d) of the Clean Water Act, p. 143.

The entire period of record at the Adams, MA gage station, which began in 1931, was used to calculate the 7Q10 and 30Q10 for the current permit. For this permit issuance, the most recent 30 years (March 9, 1984 through March 9, 2014) of USGS data was used to recalculate 7Q10 and 30Q10. Recent data reflects climatic changes, development and water withdrawals from the watershed. Alterations to the hydrology have been documented within the Hudson River Watershed 2002 Water Quality Assessment Report².

The following statistical tools and stream flow gage data were used to prepare the 7Q10 and 30Q10 instream flow calculations:

USGS – *StreamStats is a web-based tool that allows users to obtain stream flow statistics, drainage-basin characteristics, and other information for user-selected sites on streams (i.e., <http://water.usgs.gov/osw/streamstats/massachusetts.html>).* Streamstats was used to calculate the drainage area at the POTW. The drainage area is also consistent with the current permit.

USGS – gage flow data derived from the National Water Information System, Web Interface, <http://ma.water.usgs.gov/water/default.htm>.

USEPA – dFLOW is a Windows-based tool that allows users to estimate design stream flows for low flow analysis using instream flow gage records (i.e., <http://water.epa.gov/scitech/datait/models/dflow.1/index.cfm>). dFLOW was used to estimate the 30Q10 stream flow.

Dilution Factor at 7 Day, 10 Year Low Flow

Using this information, with the current 7Q10 data from the USGS gage, a 7Q10 flow at the Adams outfall, Q_{001} , was calculated using the same methodology used in the current permit as follows:

$$Q_s = Q_{001} = \frac{(A_{001})}{(A_{\text{gage}})} * (Q_{\text{gage}}) = \frac{(63.5 \text{ miles}^2)}{(46.7 \text{ miles}^2)} * (13 \text{ cfs}) = 17.68 \text{ cfs}$$

The dilution factor can then be calculated as follows:

$$\text{Dilution Factor (DF)} = \frac{(Q_s) + (Q_d)}{(Q_d)} = \frac{(17.68 \text{ cfs}) + (5.41 \text{ cfs})}{(5.41 \text{ cfs})} = 4.27$$

Where:

Q_{gage} = Estimated 7Q10 flow for the Hoosic River at the Adams, MA gage station (gage station # 01331500, upstream from the WWTP discharge) = 13 cfs

A_{gage} = Drainage area at the gage station = 46.7 miles²

A_{001} = Hoosic River drainage area at Outfall 001 = 63.5 miles²

Q_d = Treatment plant design flow = (3.5 mgd x 1.547) = 5.41 cfs

1.547 = converts million gallons per day (mgd) to cubic feet per second (cfs) units

² O'Brien Clayton, Katie, 2006, Hudson River Watershed, 2002 Water Quality Assessment Report, MassDEP, p. 24.

Dilution Factor at 30 Day, 10 Year Low Flow

30Q10 Calculations:

Using current winter (November 1 – May 31) 30Q10 data from the USGS gage, a 30Q10 at the Adams outfall was calculated as follows:

November 1 - May 31

Winter 30Q10 flow, based on a 30Q10 flow of 36.3 cfs at the Adams Gage Station:

$$30Q10 @ WWTP = Q_s = \frac{(A_{001})}{(A_{\text{gage}})} * (Q_{\text{gage}}) = \frac{(63.5 \text{ miles}^2)}{(46.7 \text{ miles}^2)} * (36.3 \text{ cfs}) = 49.4 \text{ cfs}$$

$$\text{Dilution Factor (DF)} = \frac{(Q_s) + (Q_d)}{(Q_d)} = \frac{(49.4 \text{ cfs}) + (7.12 \text{ cfs})}{(7.12 \text{ cfs})} = 7.94$$

Where:

$$Q_d (\text{winter flow}) = \text{Treatment plant design flow (winter flow)} = (4.6 \text{ mgd} \times 1.547) = 7.12 \text{ cfs}$$

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall 001)

In addition to the State and Federal regulations described above, data submitted by the permittee in their permit application as well as in monthly discharge monitoring reports (DMRs) from August 2009 to August 2014 and in whole effluent toxicity (WET) test reports from February 2011 to November 2014 were used to evaluate the discharge during the effluent limitations development process (see **Table 6**).

a. Effluent Flow Limit

Sewage treatment plant discharge is encompassed within the definition of “pollutant” and is subject to regulation under the CWA. The CWA defines “pollutant” to mean, *inter alia*, “municipal . . . waste” and “sewage . . . discharged into water.” 33 U.S.C. § 1362(6).

EPA may use design flow of effluent both to determine the necessity for effluent limitations in the permit that comply with the Act, and to calculate the limits themselves. EPA practice is to use design flow as a reasonable and important worst-case condition in EPA’s reasonable potential and water quality-based effluent limitations (WQBEL) calculations to ensure compliance with water quality standards under Section 301(b)(1)(C). Should the effluent discharge flow exceed the flow assumed in these calculations, the instream dilution would decrease and the calculated effluent limits may not be protective of WQS. Further, pollutants that do not have the reasonable potential to exceed WQS at the lower discharge flow may have reasonable potential at a higher flow due to the decreased dilution.

In order to ensure that the assumptions underlying the Region’s reasonable potential analyses and derivation of permit effluent limitations remain sound for the duration of the permit, the Region may ensure its “worst-case” effluent wastewater flow assumption through imposition of permit conditions for effluent flow. Thus, the effluent flow limit is a component of WQBELs because the WQBELs are premised on a maximum level of flow. In addition, the flow limit is necessary to ensure that other pollutants remain at levels that do not have a reasonable potential to exceed WQS.

Using a facility's design flow in the derivation of pollutant effluent limitations, including conditions to limit wastewater effluent flow, is consistent with, and anticipated by NPDES permit regulations. Regarding the calculation of effluent limitations for POTWs, 40 C.F.R. § 122.45(b)(1) provides, "permit effluent limitations . . . shall be calculated based on design flow." POTW permit applications are required to include the design flow of the treatment facility. *ID* § 122.21(j)(1)(vi).

Similarly, EPA's reasonable potential regulations require EPA to consider "where appropriate, the dilution of the effluent in the receiving water," 40 C.F.R. § 122.44(d)(1)(ii), which is a function of both the wastewater effluent flow and receiving water flow. EPA guidance directs that this "reasonable potential" analysis be based on "worst-case" conditions. EPA accordingly is authorized to carry out its reasonable potential calculations by presuming that a plant is operating at its design flow when assessing reasonable potential.

The limitation on sewage effluent flow is within EPA's authority to condition a permit in order to carry out the objectives of the Act. See CWA §§ Sections 402(a)(2) and 301(b)(1)(C); 40 C.F.R. §§ 122.4(a) and (d); 122.43 and 122.44(d). A condition on the discharge designed to protect EPA's WQBEL and RP calculations is encompassed by the references to "condition" and "limitations" in applicable water quality regulations, including antidegradation. Regulating the quantity of pollutants in the discharge through a restriction on the quantity of wastewater effluent is consistent with the overall structure and purposes of the CWA.

In addition, as provided in Part II.B.1. of this permit and 40 C.F.R. § 122.41(e), the permittee is required to properly operate and maintain all facilities and systems of treatment and control. Operating the facilities wastewater treatment systems as designed includes operating within the facility's design effluent flow. Thus, the permit's effluent flow limitation is necessary to ensure proper facility operation, which in turn is a requirement applicable to all NPDES permits. See 40 C.F.R. § 122.41.

The existing permitted monthly average daily flow for the facility is 3.5 million gallons per day (MGD) for the months of June through October when low stream flows are most likely to occur and 4.6 MGD for the months of November through May. These flow limits were established in the current permit to reflect the actual flows at the treatment facility. The data from the Discharge Monitoring Report demonstrates compliance with the continuance of these seasonal average monthly flow limits. Consequently, the flow limits in the permit will remain the same. In addition, because of the seasonal flow limits in effect at this facility, the permitted flow limits of 3.5 mgd and 4.6 mgd will be monthly average limitations and not annual average or rolling average limits.

b. Conventional Pollutants

1. Biochemical Oxygen Demand (BOD₅)

The draft permit proposes the same BOD₅ limitations as in the current permit. The average monthly and average weekly limits are based on the secondary treatment requirements set forth at 40 CFR 133.102(a)(1) and (2) (concentration-based limitations), 40 CFR 122.45(f) (mass-based limitations), and 40 CFR 122.45(b)(1) (shall base limits on design flow). The draft permit requires the permittee to report the average monthly and average weekly BOD₅ values once per week. The draft permit also requires that the maximum daily concentration and mass values be reported. The draft permit includes an 85 percent BOD₅ removal

limitation, based on the secondary treatment requirements set forth at 40 CFR 133.102(a)(3). These limitations are the same as in the current permit, consistent with anti-backsliding regulations.

A review of the DMR data submitted by the permittee from August 2009 through August 2014 shows compliance with all BOD₅ limits.

Calculations are presented within the Total Suspended Solids (TSS) Section.

2. Total Suspended Solids (TSS)

The draft permit proposes the same TSS limitations as in the current permit. The average monthly and average weekly limits are based on the secondary treatment requirements set forth at 40 CFR 133.102(a)(1) and (2) (concentration-based limitations), 40 CFR 122.45(f) (mass-based limitations), and 40 CFR 122.45(b)(1) (shall base limits on design flow). The draft permit requires the permittee to report the average monthly and average weekly TSS values once per week. The draft permit also requires that the maximum daily concentration and mass values be reported. The draft permit includes an 85 percent TSS removal limitation, based on the secondary treatment requirements set forth at 40 CFR 133.102(a)(3). These limitations are the same as in the current permit, consistent with anti-backsliding regulations.

A review of the DMR data submitted by the permittee from August 2009 through August 2014 shows compliance with all TSS limits.

Calculations for BOD₅ and TSS Limitations

The average monthly and average weekly mass limitations for BOD₅ and TSS were calculated as follows:

$$\text{Mass Limitation (lbs/day)} = C * DF * 8.34$$

Where:

C = Concentration limit

DF = Design flow of the facility, in million gallons per day (mgd)

8.34 = Factor to convert effluent concentration in mg/l and design flow in mgd to lbs/day.

The units of this 8.34 conversion factor are (lbs)(l)/(mg)(gal).

BOD₅ and TSS Limitations

$$\text{Average Monthly Mass Limit (June-Oct)} = 30 \text{ mg/l} * 3.5 \text{ mgd} * 8.34 = 876 \text{ lbs/day}$$

$$\text{Average Monthly Mass Limit (Nov-May)} = 30 \text{ mg/l} * 4.6 \text{ mgd} * 8.34 = 1151 \text{ lbs/day}$$

BOD₅ and TSS Limitations

$$\text{Average Weekly Mass Limit (June-Oct)} = 45 \text{ mg/l} * 3.5 \text{ mgd} * 8.34 = 1314 \text{ lbs/day}$$

$$\text{Average Weekly Mass Limit (Nov-May)} = 45 \text{ mg/l} * 4.6 \text{ mgd} * 8.34 = 1726 \text{ lbs/day}$$

The mass BOD limitations in the draft permit are the same as those in the current permit and are consistent with anti-backsliding requirements.

3. Dissolved Oxygen (DO)

The current permit included daily seasonal (April through October) DO monitoring requirement and a water quality-based effluent average monthly limit of 6.0 mg/l to meet water quality standards during the warm weather season when there are potentially low DO levels in the receiving water. This monitoring requirement and average monthly seasonal DO limit are continued in the draft permit in accordance with the antibacksliding requirements of 40 CFR § 122.44(1).

4. pH

The draft permit includes pH limitations equal to the state water quality criteria for Class B waters. See 314 CMR 4.05(3)(b)(3). The pH limits are more stringent than the technology based requirement for secondary treatment under 40 CFR § 133.102(c). The pH limits are carried forward from the current permit, and therefore are consistent with antibacksliding requirements of 40 CFR § 122.44(1). The monitoring frequency for pH is set at once per day in the draft permit.

5. *Escherichia Coli Bacteria (E. coli)*

The *Escherichia Coli (E. coli)* limits for outfall 001 are based on state water quality standards for Class B waters (314 CMR 4.05(3)(b)(4)). The State of Massachusetts promulgated new bacteria criteria in the MA SWQS (314 CMR 4.00) on December 29, 2006, which were approved by EPA on September 19, 2007. The *E. coli* bacteria limits proposed in the draft permit for Outfall 001 are 126 cfu per 100 ml geometric mean and 409 cfu per 100 ml maximum daily value (this is the 90% distribution of the geometric mean of 126 cfu per 100 ml). The current permit requires seasonal bacteria limitations and monitoring. Since seasonal limits will continue to provide adequate water quality protection, the draft permit proposes seasonal bacteria limits and monitoring from April 1st – October 31st, to ensure the protection of the receiving water during the recreational period. The proposed bacteria monitoring frequency in the draft permit has been set at once per week, consistent with the current permit.

c. Non-Conventional Pollutants

Nutrients: Ammonia-Nitrogen, Nitrogen, and Phosphorus

Nutrients are compounds containing nitrogen and phosphorus. Although nitrogen and phosphorus are essential for plant growth, high concentrations of these nutrients can cause eutrophication, a condition in which aquatic plant and algal growth is excessive. Plant and algae respiration and decomposition reduces dissolved oxygen concentrations in the water, creating poor habitat for fish and other aquatic animals. In addition, nitrogen in the form of ammonia can reduce the receiving stream's dissolved oxygen concentration through nitrification and can also be toxic to aquatic life at elevated temperatures. The toxicity level of ammonia depends on the temperature and pH of the receiving water (USEPA 1999).

1. Ammonia-Nitrogen (NH₃-N)

Ammonia can reduce the receiving stream's dissolved oxygen concentration through nitrification and be toxic at elevated levels. The current permit limits were established because it was determined that the discharge had the reasonable potential to cause or contribute to an exceedance of ammonia toxicity criteria in the receiving water during the summer months.

The current permit includes monthly average ammonia limits of 2.6 mg/l and 76 lbs/day, and weekly average limits of 5.1 mg/l and 149 lbs/day from June through October. These water quality-based effluent limits were calculated using a 30Q10 flow and EPA's-recommended criteria from the document: Update of Ambient Water Quality Criteria for Ammonia, 1999 (EPA-822-R-99-014). These are the freshwater ammonia criteria recommended in EPA's National Recommended Water Quality Criteria, 2002 (EPA822-R-02-047) document. The 2002 criteria were adopted by MassDEP as numeric criteria for toxics in its surface water quality standards (see: 314 CMR 4.05(5)(e)). The draft permit proposes to maintain the current permit's ammonia nitrogen effluent limits during the summer and monitoring during the winter in order to protect the receiving water from ammonia toxicity, consistent with antibacksliding requirements of 40 CFR § 122.44(1).

2. Phosphorus

While phosphorus is an essential nutrient for the growth of aquatic plants, it can stimulate rapid plant growth in freshwater ecosystems when it is present in high quantities. The excessive growth of aquatic plants and algae within freshwater systems negatively impacts water quality and can interfere with the attainment of designated uses by: (1) increasing the oxygen demand within the water body (to support an increase in both plant respiration and the biological breakdown of dead organic (plant) matter); (2) causing an unpleasant appearance and odor; (3) interfering with navigation and recreation; (4) reducing water clarity; and (5) reducing the quality and availability of suitable habitat for aquatic life. Cultural (or accelerated) eutrophication is the term used to describe dense and excessive plant growth in a water body that results from nutrients entering the system as a result of human activities.

Discharges from municipal and industrial wastewater treatment plants, agriculture runoff, and stormwater are examples of human-derived (i.e., anthropogenic) sources of nutrients in surface waters.

The MA SWQS under 314 CMR 4.05(5)(c) require that, unless naturally occurring, surface waters must be free from nutrients that cause or contribute to impairment of the existing or designated uses, and the concentration of phosphorus may not exceed site specific criteria developed in a TMDL. Nutrients are also prohibited in concentrations that would cause or contribute to cultural eutrophication.

In the absence of numeric criteria for phosphorus, EPA uses nationally recommended criteria and other technical guidance to develop effluent limitations for the discharge of phosphorus. EPA has published national guidance documents which contain recommended total phosphorus criteria and other indicators of eutrophication. EPA's 1986 *Quality Criteria for Water* (the "Gold Book") recommends that in-stream phosphorus concentrations not exceed 0.05 mg/l in any stream entering a lake or reservoir, 0.1 mg/l for any stream not discharging

directly into lakes or impoundments, and 0.025 mg/l within a lake or reservoir. For this segment of the Hoosic River, the 0.1 mg/l standard would apply for the downstream of the discharge.

More recently, EPA has released recommended Ecoregional Nutrient Criteria, established as part of an effort to reduce problems associated with excess nutrients in water bodies in specific areas of the country. The published criteria represent conditions in waters within ecoregions that are minimally impacted by human activities, and thus free from the effects of cultural eutrophication. Adams is located within Ecoregion XIII, Eastern Coastal Plains. The recommended total phosphorus criterion for this ecoregion, found in Ambient Water Quality Criteria Recommendations: Information Supporting the Development of State and Tribal Nutrient Criteria, Rivers and Streams in Ecoregion XIV (EPA December 2000) is 5 ug/l (0.005 mg/l).

The effects-based Gold Book threshold is a general target applicable in free-flowing streams. As the Gold Book notes, there are natural conditions of a water body that can result in either increased or reduced eutrophication response to phosphorus inputs; in some waters more stringent phosphorus reductions may be needed, while in some others a higher total phosphorus threshold could be assimilated without inducing a eutrophic response. In this case, EPA is not aware of any evidence that the Hoosic River is unusually susceptible to eutrophication impacts, so that the 100 ug/l threshold appears sufficient in this receiving water. With respect to factors that can reduce susceptibility, the Gold Book identifies morphometric features (steep banks, great depths and substantial flows), limitation by nutrients other than phosphorus, reduced light penetration where waters are highly laden with natural silts or color, or other naturally occurring phenomena that limit plant growth.^{3[1]} EPA is not aware of evidence that any of these factors are reducing eutrophic response in the Hoosic River downstream of the discharge.

Elevated concentrations of chlorophyll a, excessive algal and macrophyte growth, and low levels of dissolved oxygen are all effects of nutrient enrichment. The relationship between these factors and high in-stream total phosphorus concentrations is well documented in scientific literature, including guidance developed by EPA to address nutrient over-enrichment (Nutrient Criteria Technical Guidance Manual – Rivers and Streams. (EPA July 2000 [EPA-822-B-00-002])).

MassDEP collected water quality data from the Hoosic River in 2007 which included five in-stream phosphorus concentrations collected at Station No. HR07. This station is located downstream of the wastewater treatment facility discharge at the Hodges Cross Bridge. Four of the five samples are less than the Gold Book criteria of 100 ug/l for free flowing segments, and one sample exceeded the Gold Book criteria. (See: Table 1, below)

³ The Gold Book also includes waters where “technological or cost-effective limitations may help control induced pollutants”; “waters managed primarily for waterfowl or other wildlife” and waters where “phosphorus control cannot be sufficiently effective under present technology to make phosphorus the limiting nutrient”. As these factors do not address water body response but instead alternative technological solutions or changes in management goals, EPA does not consider them as altering the threshold necessary to meet the narrative water quality standard.

Table 1: Hoosic River Phosphorus at Downstream Sampling Station No. HR07

Sampling Date:	Total Phosphorus, ug/l:
4/24/07	28
5/29/07	58
6/26/07	85
8/7/07	62
9/11/07	400

Although the data in Table 1 indicates that this segment met the 100 ug/l Gold Book criterion on the sampling dates with only one exceedance on 9/11/2007, inspection of the flow data from the Adams, MA USGS gage shows that the river flow was never less than twice the 7Q10 on any of the sampling dates (the gaged flows ranged 2 to 24 times the 7Q10) and the treatment plant flow during the summer of 2007 averaged about 2.04 MGD, about 58 percent of design flow. Both of these factors (high receiving water flow and low treatment plant flow) would tend to reduce the downstream concentration relative to the concentration that would be expected under 7Q10 streamflow conditions and full treatment plant design flow.

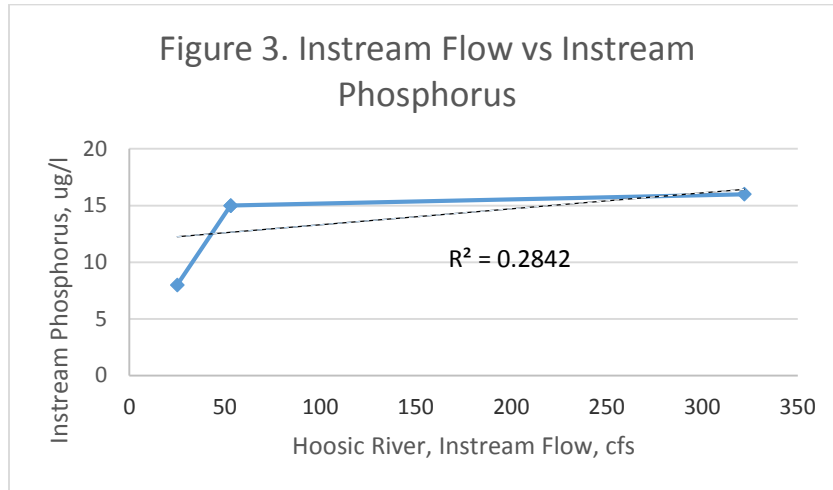
As described below, EPA calculated a required effluent limit that would ensure attainment of an instream concentration of 100 ug/l under 7Q10 low flow conditions with the treatment plant discharging at design flow.

The following sampling data was collected from the Hoosic River by the Massachusetts Department of Environmental Protection (MassDEP) upstream from the Adams Wastewater Treatment Plant located at the Lime Street Bridge. (See: Table 2, below)

Table 2: Hoosic River Phosphorus at Upstream Sampling Station No. HR07A and Instream Flow at USGS Gage Station 01331500

Sampling Date:	Total Phosphorus, ug/l:	Instream Flow, cfs
4/24/07	16	322
5/29/07	15	53
6/26/07	15	33
8/7/07	8	25
8/7/07	8	25
9/11/07	78	194

Since a correlation cannot be shown between the available instream phosphorus concentrations and the instream flow values, an average mean phosphorus concentration of 13.5 ug/l was used to calculate a discharge limit. (See: Figure 3 below. The highest and lowest total phosphorus data values were disregarded and the R squared value is less than 50%, indicating a lack of correlation.)



The proposed limitation was calculated using a mass balance equation that is solved to calculate an effluent limitation (C_{WWTP}) that would result in attainment of the Gold Book criterion of 100 ug/l under 7Q10 conditions. The calculations are as follows:

$$C_D = \frac{\{(Q_S + Q_D) * C_{WQ} - (Q_S * C_S)\}}{Q_D} = C_{WWTP}$$

Where:

Q_S = 7Q10 flow of the Hoosic River = 17.68 cfs

Q_D = Design flow of the Adams WWTP = (3.5 mgd x 1.547 conversion factor) = 5.41 cfs

C_{WQ} = In-stream water quality criteria = 100 ug/l

C_S = In-stream phosphorus concentration located upstream of the discharge = 13.5 ug/l

C_D = Calculated phosphorus concentration limit for the Adams WWTP = C_{WWTP}

$$C_D = \frac{\{(17.68 + 5.41) * 100 - (17.68 * 13.5)\}}{5.41}$$

$$C_{WWTP} = 383 \text{ ug/l} = 0.4 \text{ mg/l}$$

This limit, which is more stringent than the 1.0 mg/l limit in the current permit, would ensure protection of water quality standards during low flow conditions. The effluent concentration range was 0.5 mg/l to 0.93 mg/l during the growing season months of May through October during the period from August 2009 through August 2014, exceeding the calculated limit.

April 1 – October 31 Limitation

Based on the calculations performed above, the draft permit includes a monthly average total phosphorus limit of 0.4 mg/l for the months of April through October to attain water quality standards in the Hoosic River. A monthly average monitoring frequency of three per week and a maximum daily reporting requirement once per month have been maintained. Effluent data submitted by the permittee shows that its monthly average concentration levels will exceed the new limitations proposed in the draft permit (See: Fact Sheet, Table 6). A compliance schedule has therefore been included in the draft permit. The proposed compliance schedule in the draft permit allows time to perform: (1) two years to conduct a pilot study while optimizing the current treatment facility and reducing total phosphorus in the influent, and (2) an additional two years for the design and construction of new operational

equipment, if the new permit limits of 0.4 mg/l (summer limits) and 1.0 mg/l (winter limit) cannot be met after treatment optimization.

November 1 – March 31 Limitation

The draft permit also include a monthly average water quality-based phosphorus limit of 1.0 mg/l for the period from November through March. A limit of 1.0 mg/l is proposed in the draft permit for the winter season to control the fate and transport of particulate phosphorus, and prevent accumulation of phosphorus downstream from the discharge.

d. Toxics Control

1. Total Residual Chlorine (TRC)

Chlorine compounds produced by the chlorination of wastewater can be extremely toxic to aquatic life. In its water quality standards, the MassDEP has adopted the numeric criteria for chlorine that are recommended by EPA in *National Recommended Water Quality Criteria: 2002* published by EPA pursuant to Section 304(a) of the Clean Water Act (See: 314 CMR 4.05(5)(e)). The numeric aquatic life criteria for total residual chlorine are 11 ug/l (chronic) and 19 ug/l (acute). The draft permit includes revised total residual chlorine limitations based on the following calculations:

Total Residual Chlorine Limitations:

$$\begin{aligned}\text{Maximum Daily TRC Limit} &= (\text{acute criterion} \times \text{dilution factor}) \\ &= (19 \text{ ug/l} \times 4.27) \\ &= 81.13 \text{ ug/l} \\ &= 81 \text{ ug/l}\end{aligned}$$

$$\begin{aligned}\text{Monthly Average TRC Limit} &= (\text{chronic criterion} \times \text{dilution factor}) \\ &= (11 \text{ ug/l} \times 4.27) \\ &= 46.97 \text{ ug/l} \\ &= 47 \text{ ug/l}\end{aligned}$$

The maximum daily and monthly average TRC limits have been revised based on the updated dilution factor. The maximum daily limit increased from 79 ug/l to 81 ug/l and the average monthly limit increased from 46 ug/l to 47 ug/l. The season that the TRC limitations and monitoring requirements are in effect from April 1st – October 30th are based on state certification requirements, and in order to be consistent with other NPDES permits within the Hudson River Basin. Also, the twice-per-day monitoring frequency for TRC in the current permit has been proposed for the draft permit. The draft permit requires that once per week bacterial samples be collected concurrently with a TRC sample.

e. Metals

Certain metals in water can be toxic to aquatic life. There is a need to limit toxic metal concentrations in the effluent where aquatic life may be impacted. The current permit includes water quality based effluent limits for aluminum (monthly average 364 ug/l) and copper (monthly average 46 ug/l and daily maximum of 69 ug/l). An evaluation of the concentration of metals in the facility's effluent (from Whole Effluent Toxicity reports submitted to the

permitting agencies from February 2011 through November 2014) was used to determine reasonable potential for toxicity caused by aluminum, cadmium, chromium, copper, lead, nickel and zinc.

Metals may be present in both dissolved and particulate forms in the water column. However, extensive studies suggest that it is the dissolved fraction that is biologically available, and therefore, presents the greatest risk of toxicity to aquatic life inhabiting the water column. This conclusion is widely accepted by the scientific community both within and outside of EPA (Water Quality Standards Handbook: Second Edition, Chapter 3.6 and Appendix J, EPA 1994 [EPA 823-B-94-005a]. See also: <http://www.epa.gov/wqs-tech/water-quality-standards-handbook>. As a result, water quality criteria are established in terms of dissolved metals. However, many inorganic components of domestic wastewater, including metals, are in the particulate form, and differences in the chemical composition between the effluent and the receiving water affects the partitioning of metals between the particulate and dissolved fractions as the effluent mixes with the receiving water, often resulting in a transition from the particulate to dissolved form (*The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion* (USEPA 1996 [EPA-823-B96-007])). Consequently, quantifying only the dissolved fraction of metals in the effluent prior to discharge may not accurately reflect the biologically-available portion of metals in the receiving water. Regulations at 40 CFR 122.45(c) require, with limited exceptions, that metals limits in NPDES permits be expressed as total recoverable metals.

The facility's effluent concentrations (from Table 6) were characterized assuming a lognormal distribution in order to determine the estimated 95th percentile of the daily maximum. For metals with hardness-based water quality criteria, the criteria were determined using the equations in EPA's National Recommended Water Quality Criteria: 2002, using the appropriate factors for the individual metals found in the MA Standards (See: Table 3, below).

Certain metals, including cadmium, lead, nickel, and zinc, are more toxic at lower hardness, and this is factored into calculations of the water quality criteria. EPA's Office of Water – Office of Science and Technology stated in a letter dated July 7, 2000 that: *The hardness of the water containing the discharged toxic metals should be used for determining the applicable criterion. Thus, the downstream hardness should be used.*

The theoretical hardness of Hoosic River downstream of the treatment plant during critical low flow periods and design discharge flow was calculated based on average ambient and effluent hardness data as reported in the facility's whole effluent toxicity tests conducted in the summer months of February 2011 – November 2014 (See: Table 3, below).

Table 3. Hoosic River and Adams WWTP Hardness

WET Test Date	Effluent Hardness, mg/l (as CaCO ₃)	Ambient Hardness, mg/l (data collected upstream)
8/09/11	195	119
8/06/12	176	119
8/12/13	203	99.6
8/11/14	153	111
Median Value	185.5	115

Calculation of hardness in the receiving water:

$$Cr = \frac{Q_D C_D + Q_S C_S}{Q_r} = \frac{(5.41 \text{ cfs})(185.5 \text{ mg/l}) + (17.68 \text{ cfs})(115 \text{ mg/l})}{(17.68 \text{ cfs} + 5.41 \text{ cfs})} = 131.5 \text{ mg/l}$$

Where:

Q_S = 7Q10 river stream flow upstream of plant = 17.68 cfs

Q_D = Design discharge flow from plant = 3.5 MGD = 5.41 cfs

Q_r = Combined stream flow (7Q10 + plant flow) = (13 + 5.41) = 23.09 cfs

C_S = Upstream hardness concentration = 115 mg/l as CaCO_3

C_D = Plant discharge hardness concentration = 185.5 mg/l as CaCO_3

C_r = Receiving water hardness concentration

Therefore, a hardness of 131.5 mg/l as CaCO_3 was used to calculate the water quality criteria for certain metals.

A summary of Hoosic River metals concentrations upstream of the Adams WWTP can be found in **Table 7** of this fact sheet. The following table presents the factors used to determine the acute and chronic total recoverable criteria for each metal:

Table 4. Factors Used to Determine the Acute and Chronic Total Recoverable Criteria for each Metal

Metal	Parameters				Total Recoverable Criteria	
	ma	ba	mc	bc	Acute Criteria (CMC) (ug/L)	Chronic Criteria (CCC) (ug/L)
Aluminum	—	—	—	—	750	87
Cadmium	1.0166	-3.9240	0.7409	-4.7190	2.81	0.33
Copper	0.9422	-1.7000	0.8545	-1.702	18.12	11.79
Lead	1.273	-1.46	1.273	-4.705	115.7	4.51
Nickel	0.846	2.255	0.846	0.0584	591.5	65.76
Zinc	0.8473	0.884	0.8473	0.884	151.1	151.1

*Acute Criteria (CMC) = $\exp\{ma \cdot \ln(\text{hardness}) + ba\}$

**Chronic Criteria (CCC) = $\exp\{mc \cdot \ln(\text{hardness}) + bc\}$

In order to determine whether the effluent has the reasonable potential to cause or contribute to an exceedance above the in-stream water quality criteria for each metal, the following mass balance is used to project in-stream metal concentrations downstream from the discharge.

$$Q_d C_d + Q_s C_s = Q_r C_r$$

Rewritten as:

$$C_r = \frac{Q_d C_d + Q_s C_s}{Q_r}$$

Where:

Q_d = design discharge flow from plant = (3.5 mgd x 1.547) = 5.414 cfs

C_d = effluent metals concentration, in ug/l (95th percentile)

Q_s = stream flow upstream of plant (7Q10 upstream) = 17.68 cfs

C_s = upstream metals concentration, in ug/l (median)

Q_r = combined stream flow (7Q10 + plant flow) = (17.68 + 5.414) = 23.09 cfs

C_r = resultant in-stream metals concentration, in ug/l

Reasonable potential is then determined by comparing this resultant in-stream concentration (for both acute and chronic conditions) with the criteria for each metal. In EPA's Technical Support Document for Water Quality Based Toxics Control, EPA/505/2-90-001, March 1991, commonly known as the "TSD", box 3-2 describes the statistical approach in determining if there is reasonable potential for an excursion above the maximum allowable concentration. If there is reasonable potential (for either acute or chronic conditions), the appropriate limit is then calculated by rearranging the above mass balance to solve for the effluent concentration (C_d) using the criterion as the resultant in-stream concentration (C_r). See Table 5 below for the results of this analysis with respect to aluminum, cadmium, copper, lead, nickel and zinc.

Table 5. Reasonable Potential

Metal	Q _d	Cd ¹ (95 th Percentil e)	Q _s	C _s ² (Median)	Q _r = Q _s + Q _d	C _r = (Q _d C _d + Q _s C _s)/ Q _r	Criteria		Reasonable Potential	Limit = (Q _r *Criteria- Q _s *C _s)/Q _d	
							Acute (ug/l)	Chronic (ug/l)		Acute (ug/l)	Chronic (ug/l)
Aluminum	5.41	348.1	17.68	53	23.09	122.14	750	87	Chronic	N/A	198
Cadmium		0		0		0	2.81	0.33	N	N/A	N/A
Copper		36.1		2.1		10.07	18.12	12.01	N	N/A	N/A
Lead		1.16		0		0.27	115.7	4.51	N	N/A	N/A
Nickel		3.28		0		0.77	591.5	65.76	N	N/A	N/A
Zinc		39.4		2.1		10.84	151.1	151.1	N	N/A	N/A

¹ Data from the 2009-2012 Whole Effluent Toxicity (WET) testing were used to calculate values for aluminum, cadmium, copper, lead, nickel and zinc. Data from 2008-2014 DMRs were also used to calculate values for aluminum and copper (see Tables 6 and 7).

² Median upstream data taken from WET testing on Hoosic River just upstream of the Adams WWTP (see Table 7).

As indicated in Table 5, there is reasonable potential that the discharge of aluminum will cause or contribute to an exceedance of applicable water quality criterion.

The acute and chronic water quality criteria for aluminum are 750 ug/l and 87 ug/l and are expressed in terms of total recoverable metal in the water column. Aluminum criteria are not dependent on the hardness of the receiving water. The reasonable analysis calculations for aluminum indicate there is a reasonable potential to exceed the chronic water quality criteria, and therefore a chronic limit for aluminum is proposed for the draft permit. The monthly average permit limit proposed for the draft permit is more stringent than the aluminum limit in the current permit. This is due to using a limited record to estimate the 7Q10 instream flow and using a background aluminum concentration value.

Available copper data from the facility's discharge monitoring reports and WET tests are shown in Tables 6 and 7 of this Fact Sheet. The reasonable potential analysis indicates there is no reasonable potential to exceed the copper water quality criteria. However, eliminating copper limits would result in backsliding of water quality standards. As a result, the copper effluent limitations in the current permit are continued in the draft permit.

Monitoring and reporting of all metals listed in Table 5 will continue to be required as part of the permittee's annual WET tests.

f. Whole Effluent Toxicity

Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on water quality standards. The MA SWQS, found at 314 CMR 4.05(5)(e), include the following narrative statements and require that EPA criteria established pursuant to Section 304(a)(1) of the CWA be used as guidance for interpretation of the following narrative criteria:

All surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

National studies conducted by EPA have demonstrated that domestic sources, as well as industrial sources, contribute toxic constituents to POTWs. These constituents include metals, chlorinated solvents, aromatic hydrocarbons and others. Based on the potential for toxicity from domestic and industrial contributions, the state narrative water quality criterion, the level of dilution at the discharge location, and in accordance with EPA national and regional policy and 40 CFR § 122.44(d), the draft permit includes a whole effluent acute toxicity (lethal concentration to 50% of the test organisms, or LC₅₀) limitation and a chronic toxicity (no observed effluent concentration, or C-NOEC) monitoring requirement. (See also: *Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants*, 49 Fed. Reg. 9016, March 9, 1984, and EPA's TSD.)

The MassDEP's Division of Watershed Management has a current toxics policy which requires toxicity testing for all major dischargers such as the Adams WWTP (*Implementation Policy for the Control of Toxic Pollutants in Surface Waters*, MassDEP 1990). In addition, toxicity testing is required to assure that the synergistic effect of the pollutants in the discharge does not cause toxicity, even though the pollutants may be at low concentrations in the effluent. The inclusion of whole effluent toxicity limitations in the draft permit will assure that the Adams WWTP does not discharge combinations of toxic compounds into the Hoosic River in amounts which would affect aquatic or human life.

Pursuant to EPA Region I Policy, and MassDEP's *Implementation Policy for the Control of Toxic Pollutants in Surface Waters* (February 1990), dischargers having a dilution factor less than 10 are required to conduct acute and chronic toxicity testing four times per year unless there are passing results over an extended period of time. In accordance with the above guidance, the draft permit includes an acute toxicity limit (LC_{50} of $\geq 100\%$). The C-NOEC limit is established at the receiving water concentration ($1/\text{dilution factor} = 1/4.27$) which is 23.4%.

The permit requires quarterly acute and chronic toxicity tests using the daphnid, *Ceriodaphnia dubia* (*C. dubia*), as the test species. Toxicity testing must be performed in accordance with the EPA Region I test procedures and protocols specified in **Attachment B and C** of the draft permit (Freshwater Acute Toxicity Procedure and Protocol and Freshwater Chronic Toxicity Procedure and Protocol). The requirements for WET testing recently changed. It has come to EPA Region I's attention that the modified acute toxicity test in the current permit, which is conducted as part of the chronic toxicity test, is not an approved method under 40 CFR Part 136. As of March 2013, the modified acute testing requirement has been replaced by a standalone acute toxicity test. The acute toxicity testing protocol is provided in Attachment B of the draft permit. EPA and the MassDEP may use the results of the toxicity tests and chemical analyses conducted by the permittee, required by the permit, as well as national water quality criteria, state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants.

VI. SLUDGE CONDITIONS

The draft permit requires that the permittee comply with all existing federal and state laws that apply to sewage sludge use and disposal practices and with the Clean Water Act Section 405(d) technical standards (see CFR Section 503) and that it submit an annual reports describing its sludge disposal practices. Sludge from the WWTP is trucked offsite and is incinerated.

The draft permit requires that the permittee submit an annual report by February 19th, addressing the various sludge reporting requirements as specified in the guidance document for the chosen method of sludge disposal. The EPA Region 1 Guidance document, "EPA Region 1 – NPDES Permit Sludge Compliance Guidance" (November 4, 1999) is available upon request from EPA Region 1 and may also be found at:
<http://www.epa.gov/region1/npdes/permits/generic/sludgeguidance.pdf>.

VII. INDUSTRIAL USERS

The permittee is required to administer a pretreatment program based on regulations found at 40 CFR Part 403 and Section 307 of the CWA. The permittee's pretreatment program received EPA approval on September 4, 1984 and as a result, appropriate pretreatment program requirements were incorporated in the existing permit that were consistent with the approval and federal pretreatment regulations in effect when the permit was issued.

Periodically, the Federal Pretreatment Regulations in 40 CFR Part 403 are amended. Those amendments establish new requirements for implementation of the pretreatment program. Upon reissuance of this NPDES permit, the permittee is obligated to modify its pretreatment program to be consistent with the current Federal regulations. Those activities that the permittee must address included, but are not limited to, the following: (1) develop and enforce

EPA approved specific effluent limits (technically basically-based local limits); (2) revise the local sewer use ordinance or regulation, as appropriate, to be consistent with Federal regulations; (3) develop an enforcement response plan; (4) implement a slug control evaluation program; (5) track significant noncompliance for industrial users; and; (6) establish a definition of and track significant industrial users. These requirements are necessary to ensure continued compliance with the NPDES permit.

In addition to the requirements described above, the draft permit requires the permittee to submit to EPA in writing, within 180 days of the effective date of the permit, a description of proposed changes to the permittee's pretreatment program deemed necessary to assure conformity with current federal pretreatment regulations. These requirements are included in the draft permit to ensure that the pretreatment program is consistent and up to date with all pretreatment requirements in effect. Lastly, the permittee must continue to submit, annually on **March 1st**, a pretreatment report detailing the activities of the program for the twelve month period ending 60 days prior to the due date.

VIII. INFILTRATION/INFLOW (I/I)

Infiltration is groundwater that enters the collection system through physical defects such as cracked pipes or deteriorated joints. Inflow is extraneous flow that enters the collection system through point sources such as roof leaders, yard and area drains, sump pumps, manhole covers, tide gates, and cross connections from storm water systems. Significant I/I in a collection system may displace sanitary flow, reducing the capacity and the efficiency of the treatment works and may cause bypasses of secondary treatment. It greatly increases the potential for sanitary sewer overflows (SSO) in separate systems, and combined sewer overflows (CSO) in combined systems.

The draft permit includes a requirement for the permittee to control infiltration and inflow (I/I) within the sewer collection system it owns and operates. The permittee shall develop an I/I removal program commensurate with the severity of I/I in the collection system. This program may be scaled down in sections of the collection system that have minimal I/I.

IX. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

The standard permit conditions for "Proper Operation and Maintenance", set forth at 40 CFR §122.41(e), require the proper operation and maintenance of permitted wastewater systems and associated facilities to achieve permit conditions. The requirements at 40 CFR §122.41(d) impose a "duty to mitigate" upon the permittee, which requires that "all reasonable steps be taken to minimize or prevent any discharge violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment". EPA and the MassDEP maintain that an I/I removal program is an integral component to ensuring compliance with the requirements of the permit under the provisions at 40 CFR §122.41(d) and (e).

General requirements for proper operation and maintenance, and mitigation have been included in Part II of the permit. Specific permit conditions have also been included in Part I.D. and I.E. of the draft permit. These requirements include mapping of the wastewater collection system, preparing and implementing a collection system operation and maintenance plan, reporting of unauthorized discharges including SSOs, maintaining an adequate maintenance staff, performing preventative maintenance, controlling inflow and infiltration to separate sewer collection systems (combined sewers are not subject to I/I requirements) to the

extent necessary to prevent SSOs and I/I related effluent violations at the wastewater treatment plant, and maintaining alternate power where necessary. These requirements are included to minimize the occurrence of permit violations that have a reasonable likelihood of adversely affecting human health or the environment.

Several of the requirements in the draft permit are not included in the current permit, including collection system mapping, and preparation of a collection system operation and maintenance plan. EPA has determined that these additional requirements are necessary to ensure the proper operation and maintenance of the collection system and has included schedules for completing these requirements in the draft permit.

X. ANTIDEGRADATION

No lowering of water quality is allowed, except in accordance with the state's antidegradation policy. All existing uses of the Hoosic River must be protected. This draft permit is being reissued with allowable discharge limits as, or more, stringent than those in the current permit and with the same parameter coverage. There is no change in outfall location. The public is invited to participate in the antidegradation finding through the permit public notice process.

XI. ESSENTIAL FISH HABITAT DETERMINATION (EFH)

Under the 1996 Amendments (PL 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 *et seq.* (1998)), EPA is required to consult with the National Marine Fisheries Services (NMFS) if EPA's action or proposed actions that it funds, permits, or undertakes, "may adversely impact any essential fish habitat," (16 U.S.C. § 1855(b)).

The Amendments broadly define "essential fish habitat" (EFH) as: "waters and substrate necessary to fish for spawning, breeding, or growth to maturity," (16 U.S.C. § 1802(10)). "Adverse impact" means any impact which reduces the quality and/or quantity of EFH (50 CFR § 600.910(a)). Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

EFH is only designated for species for which federal fisheries management plans exist (16 U.S.C. § 1855(b)(1)(A)). EFH designations for New England were approved by the U.S. Department of Commerce on March 3, 1999.

EPA has reviewed the available EFH information to determine if any federally managed species are designated for the Hoosic River. The only EFH species that may be of concern, Atlantic salmon (*Salmo salar*), is not native to the Hudson River System and is not expected to be present in this tributary of the Hudson River. Therefore, consultation with NMFS is not required.

XII. ENDANGERED SPECIES ACT (ESA)

Section 7(a) of the Endangered Species Act (ESA) of 1973, as amended (the "Act"), grants authority to and imposes requirements upon Federal agencies regarding threatened or endangered species of fish, wildlife, or plants ("listed species") and habitat of such species that have been designated as critical ("critical habitat").

Section 7(a)(2) of the CWA requires every Federal agency in consultation with and with the assistance of the Secretary of the Interior, to insure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. The United States Fish and Wildlife Service (USFWS) administers Section 7 consultations for freshwater species. The National Marine Fisheries Service (NMFS) administers Section 7 consultations for marine species and anadromous fish. The federal action being considered in this case is EPA's proposed draft NPDES permit for the Adams WWTP. The draft permit is intended to replace the existing NPDES permit in governing the wastewater treatment facility.

EPA has reviewed the federal endangered or threatened species of fish and wildlife to determine if any listed species might potentially be impacted by the re-issuance of this NPDES permit. The review has focused primarily on the Shortnose sturgeon (*Acipenser brevirostrum*) and the Dwarf wedge mussel (*Alasmidonta heterodon*). Based on the normal distribution of these species, it is highly unlikely that they would be present in the vicinity of this discharge. Furthermore, effluent limitations and other permit conditions which are proposed in the draft permit should preclude any adverse effects in the unlikely event that there is any incidental contact with the listed species in this section of the Hoosic River. Therefore, consultation under Section 7 of the ESA is not required.

XIII. MONITORING AND REPORTING

The permittee is obligated to monitor and report sampling results to EPA and the MassDEP within the time specified within the permit. Timely reporting is essential for the regulatory agencies to expeditiously assess compliance with permit conditions.

The effluent monitoring requirements have been established to yield data representative of the discharge under authority of Section 308 (a) of the CWA in accordance with 40 CFR §§122.41 (j), 122.44 (l), and 122.48.

The Draft Permit includes new provisions related to Discharge Monitoring Report (DMR) submittals to EPA and the State to reflect the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, published in the Federal Register on October 22, 2015 and became effective on December 21, 2015. The rule requires all individual NPDES Permit holders to submit DMRs electronically through NetDMR after December 21, 2016. The start dates for electronic reporting are provided in 40 CFR Part 127.16. The Draft Permit requires the permittee to submit all monitoring data and other reports required by the permit to EPA using NetDMR by December 21, 2016, unless the permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs and reports ("opt out request").

In the interim (until December 21, 2016), the permittee may either submit monitoring data and other reports to EPA in hard copy form, or report electronically using NetDMR.

NetDMR is a national web-based tool for regulated Clean Water Act permittees to submit discharge monitoring reports (DMRs) electronically via a secure Internet application to U.S. EPA through the Environmental Information Exchange Network. NetDMR allows participants to discontinue mailing in hard copy forms under 40 CFR 122.41 and 403.12. NetDMR is accessed from the following url: <http://www.epa.gov/netdmr> Further information

about NetDMR, including contacts for EPA Region 1, is provided on this website. EPA's online training modules can be assessed at: <http://www.epa.gov/region1/netdmr/training.html>. Completion of the online training modules will satisfy EPA Region I's NetDMR training requirements.

The Draft Permit requires the permittee to report monitoring results obtained during each calendar month using NetDMR no later than the 15th day of the month following the completed reporting period. All reports required under the permit shall be submitted to EPA as an electronic attachment to the DMR. Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to EPA and will no longer be required to submit hard copies of DMRs to MassDEP. However, permittees must continue to send hard copies of reports other than DMRs to MassDEP until further notice from MassDEP.

EPA has become aware that the requirement to submit reports as electronic attachments to DMRs using NetDMR in some instances has created confusion as to report due dates, as the report due dates generally differ from the DMR due date (the 15th of each month) and NetDMR does not allow submission of a report without a concurrently submitted DMR. Therefore, to assist in electronic reporting, EPA has added language to the draft permit (Section I.G.1.a) stating that any report required under the permit shall be considered timely so long as it is electronically submitted with the next DMR submitted by the permittee following the permit report deadline.

The Draft Permit also includes an "opt out" requests process. Permittees who believe they cannot use NetDMR due to technical or administrative infeasibilities, or other logical reasons, must demonstrate the reasonable basis that precludes the use of NetDMR. These permittees must submit the justification, in writing, to EPA at least sixty (60) days prior to the date the facility would otherwise be required to begin using NetDMR. Opt outs become effective upon the date of written approval by EPA and are valid for twelve (12) months from the date of EPA approval. The opt outs expire at the end of this twelve (12) month period. Upon expiration, the permittee must submit DMRs and reports to EPA using NetDMR, unless the permittee submits a renewed opt out request 60 days prior to expiration of its opt out, and such a request is approved by EPA.

Until electronic reporting using NetDMR begins, or for those permittees that receive written approval from EPA to continue to submit hard copies of DMRs, the Draft Permit requires that submittal of DMRs and other reports required by the permit continue in hard copy format.

XIV. STATE PERMIT CONDITIONS

It is anticipated that the NPDES Permit will be issued jointly by the U. S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection under federal and state law, respectively. As such, all the terms and conditions of the permit are, therefore, incorporated into and constitute a discharge permit issued by the Director of the Division of Watershed Management pursuant to M.G.L. Chap. 21, §43.

XV. GENERAL CONDITIONS

The general conditions of the permit are based on 40 CFR §122, Subparts A and D and 40 CFR §124, Subparts A, D, E, and F and are consistent with management requirements common to other permits.

XVI. STATE CERTIFICATION REQUIREMENTS

EPA may not issue a permit unless the MassDEP either certifies that the effluent limitations contained in the permit are stringent enough to assure that the discharge will not cause the receiving water to violate State Water Quality Standards or this certification is deemed to be waived. Regulations governing state certification are set forth in 40 CFR §§124.53 and §124.55. The staff of the MassDEP has reviewed the draft permit and indicated to EPA that the limitations are adequate to protect water quality. EPA-New England has requested permit certification by the State and expects that the draft permit will be certified.

XVII. PUBLIC COMMENT PERMIT, PUBLIC HEARING, AND PROCEDURES FOR FINAL DECISION

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full before the close of the public comment period, to the U.S.EPA, Office of Ecosystem Protection, Att: Janet Deshais, Municipal Permits Unit (OEP06-1), 5 Post Office Square, Suite 100, Boston, MA 02109-3912 or to deshais.janet@epa.gov. Any person, prior to such date, may submit a request in writing to EPA and the state agency for a public hearing to consider the draft permit. Such requests shall state the nature of the issues proposed to be raised in the hearing. In reaching a final decision on the draft permit, the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston office.

Following the close of the comment period, and after a public hearing, if such a hearing is held, the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Permits may be appealed to the Environmental Appeals Board in the manner described at 40 CFR § 124.19.

XVIII. EPA AND MassDEP CONTACTS

Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays from:

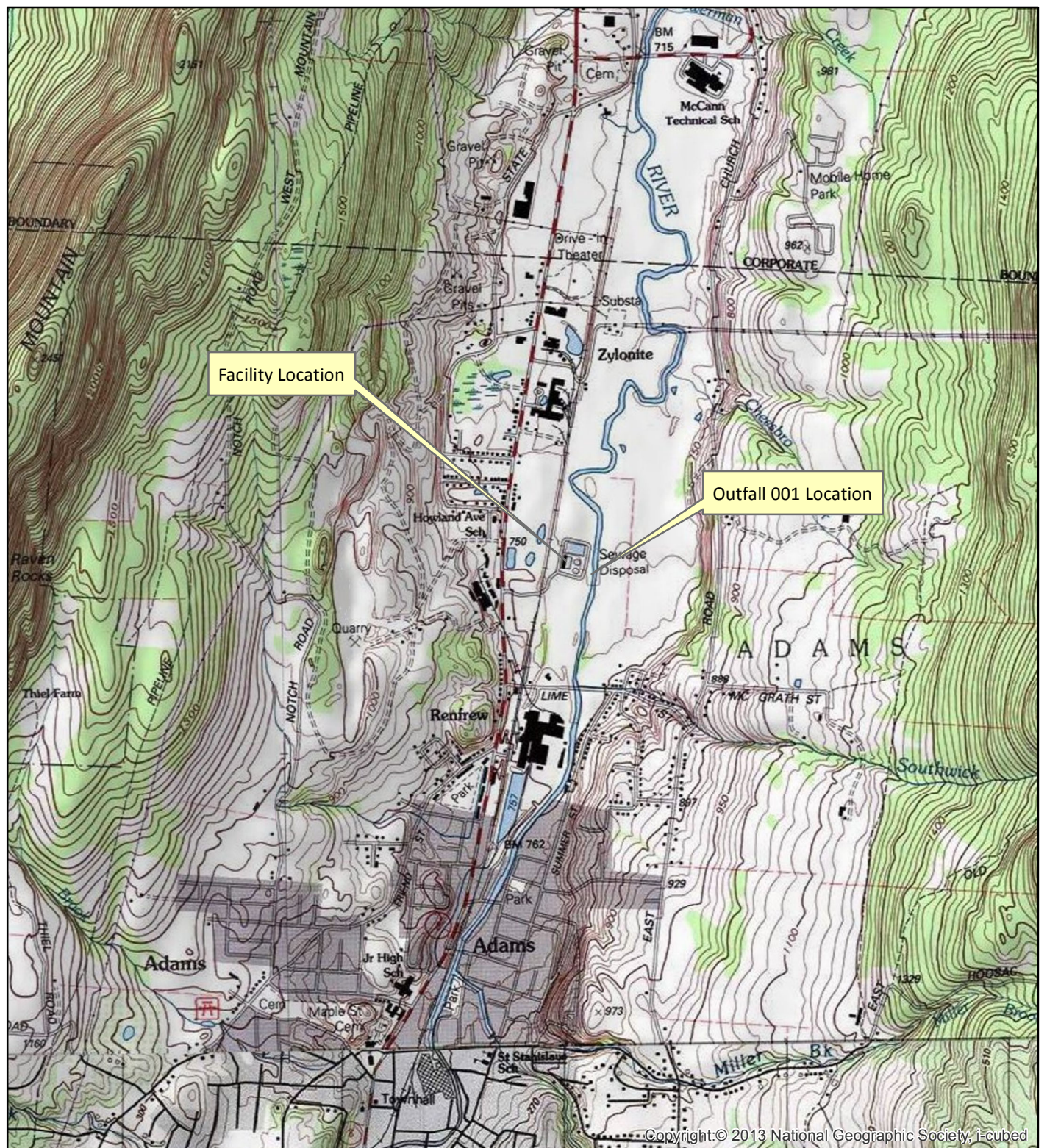
Janet Deshais
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U.S. Environmental Protection Agency
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Boston, MA 02109 – 3912
Telephone: (617) 918-1667
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Jennifer Wood
Environmental Engineer
Department of Environmental Protection
Surface Water Discharge Permit Program
One Winter Street
Boston, MA 02108
Telephone: (617) 654-6536
E-mail: Jennifer.wood@state.ma.us

Date: _____

Ken Moraff, Director*
Office of Ecosystem Protection
U.S. Environmental Protection Agency

*Please address all comments to Janet Deshais and Jennifer Wood at the addresses above.



Scale 1 : 25,000

0 500 Meters
0 1,000 2,000 Feet

Regulated Facilities: EPA

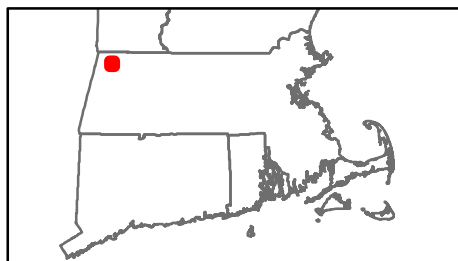


FIGURE 1 **Town of Adams** **Wastewater Treatment Plant** **NPDES Permit Renewal**

Adams, MA



8/7/2015

Adams Wastewater Treatment Plan Adams, MA

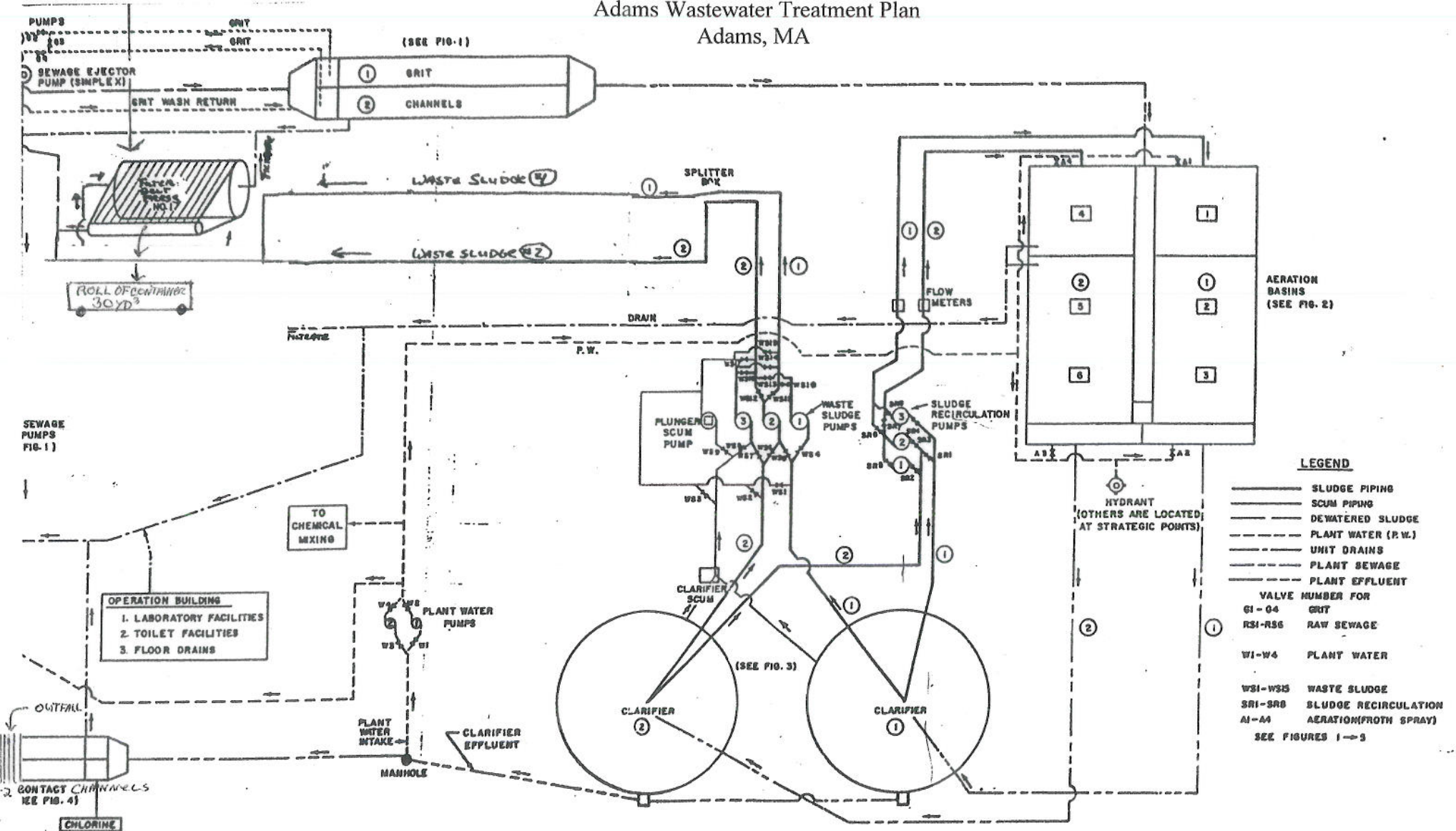
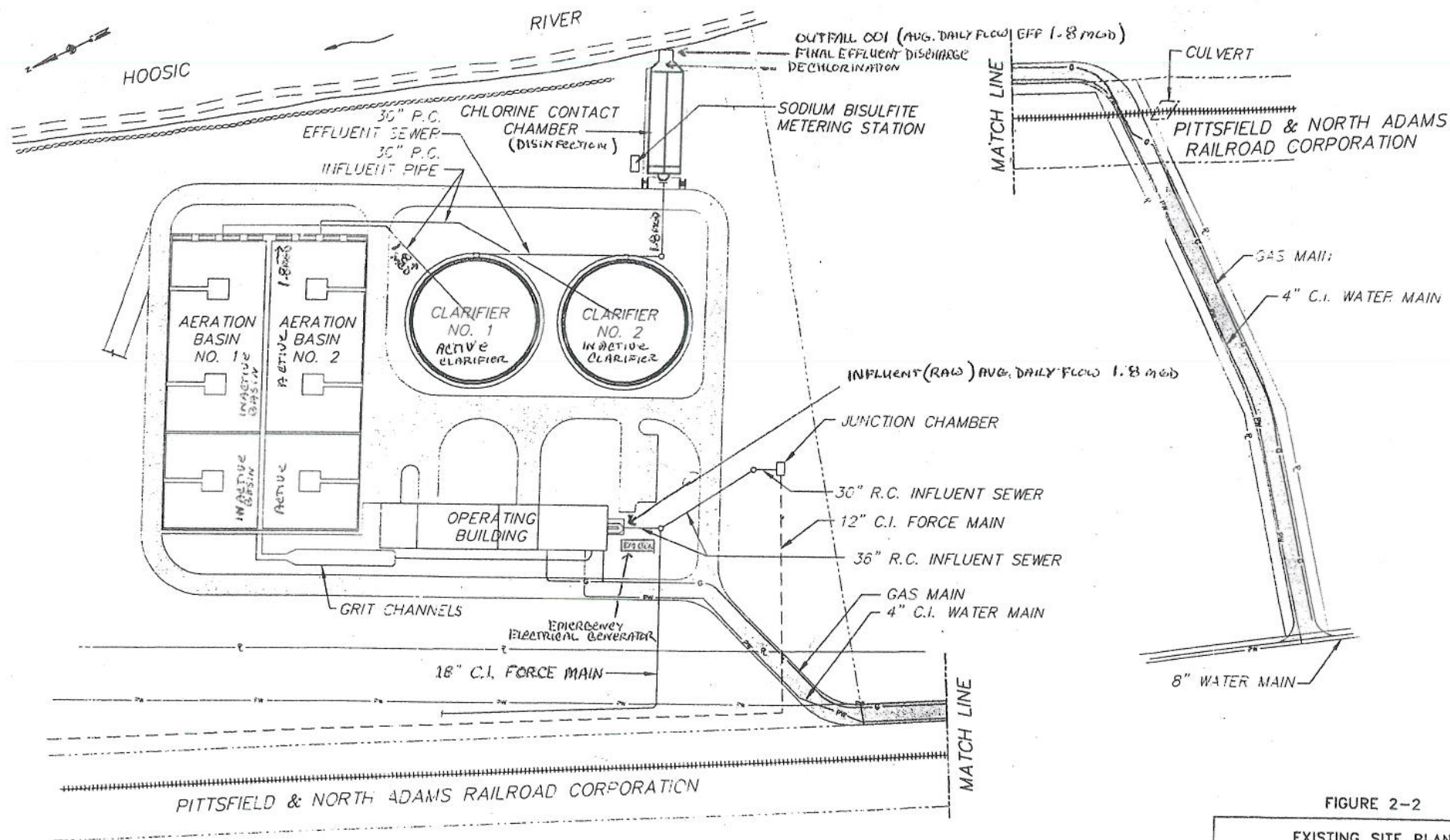


Figure 2-1 – Process Piping Schematic



1.8 MGD AVE. DAILY FLOW (RAW SEWAGE) FLOWS THROUGH "SHREDDER" TO RAW SEWAGE WET WELL. RAW SEWAGE PUMPS TO GRIT REMOVAL CHANNELS THEN FLOWS TO "CONTACT STAB." AERATION BASIN. MIXED LIQUOR FLOWS TO ACTIVE CLARIFIER FOR SETTLING. CLARIFIER EFFLUENT FLOWS TO CHLORINE DISINFECTION CHANNELS. FINAL EFFLUENT IS DECHLORINATED AT POST AERATION STEPS AND THEN IS DISCHARGED (1.8 MGD AVE. DAILY FLOW) TO RECEIVING STREAM (HOOSIC RIVER)

FIGURE 2-2

EXISTING SITE PLAN

WASTEWATER TREATMENT PLANT
TOWN OF ADAMS, MASSACHUSETTS

Permit MA 0100315

TIGHE & BOND INC., CONSULTING ENGINEER
WESTFIELD, MASSACHUSETTS

SCALE: 1"=100'

DATE: JUNE 201

6/18/01

A0492\SITE1

ATTACHMENT B
HOOSIC RIVER SAMPLING
STATE MONITORING PROGRAM
PHOSPHORUS SAMPLING DATA
NPDES Permit No. MA0100315
ADAMS, MA

The following sampling data was collected from the Hoosic River by the Massachusetts Department of Environmental Protection (MassDEP) upstream and downstream from the Adams Wastewater Treatment Plant. Specifically, total phosphorus concentration data was collected at the Hoosic River Station HR07A located upstream of the Adams WWTP discharge at the Lime Street Bridge, and at the Hoosic River Station HR07 located downstream from the Adams WWTP discharge at the Hodges Cross Road Bridge. The following instream flow data was collected from the Hoosic River at the USGS gage station #01331500 located in Adams, MA.

Hoosic River Sampling, upstream of the Adams Wastewater Treatment Plant:

<u>DATE</u>	<u>SAMPLING LOCATION</u>	<u>TOTAL PHOSPHORUS (ug/l)</u>	<u>Instream Flow (cfs)</u>
4/24/2007	HR07A	16	322
5/29/2007	HR07A	15	53
6/26/2007	HR07A	15	33
8/7/2007	HR07A	8	25
8/7/2007	HR07A	8	25
9/11/2007	HR07A	78	194

Hoosic River Sampling, downstream from the Adams Wastewater Treatment Plant:

<u>DATE</u>	<u>SAMPLING LOCATION</u>	<u>TOTAL PHOSPHORUS (ug/l)</u>
4/24/2007	HR07	28
5/29/2007	HR07	58
6/26/2007	HR07	85
8/7/2007	HR07	62
9/11/2007	HR07	400

ATTACHMENT C
WHOLE EFFLUENT TOXICITY (WET)
MONITORING DATA
NPDES Permit No. MA0100315
Adams, MA

Whole Effluent Toxicity (WET) – Effluent Chemistry Data, mg/l:

<u>Parameter</u>	<u>2/08/11</u>	<u>5/10/11</u>	<u>8/09/11</u>	<u>11/08/11</u>	<u>2/06/12</u>	<u>2/22/12</u>
Aluminum	0.006	0.273	0.056	0.194	0.023	0.021
Copper	0.0298	0.0417	0.0182	0.0202	0.0123	0.0193
Lead	bdl	0.0017	bdl	0.0006	bdl	bdl
Zinc	0.0304	0.0292	0.0187	0.0222	0.0171	0.0251
Nickel	0.0014	0.0013	0.0024	0.0013	0.0011	0.0006
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>5/07/12</u>	<u>8/06/12</u>	<u>11/12/12</u>	<u>2/11/13</u>	<u>5/07/13</u>	<u>8/12/13</u>
Aluminum	0.162	0.151	0.214	0.037	0.025	0.029
Copper	0.0135	0.034	0.0221	0.0146	0.0168	0.0145
Lead	bdl	bdl	bdl	bdl	bdl	bdl
Zinc	0.0235	0.0229	0.0243	0.0273	0.0309	0.0182
Nickel	0.0032	0.0028	0.0019	bdl	0.0017	0.0017
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>11/11/13</u>	<u>2/10/14</u>	<u>5/12/14</u>	<u>8/11/14</u>	<u>11/10/14</u>
Aluminum	0.249	0.077	0.034	0.067	0.395
Copper	0.0259	0.0183	0.019	0.013	0.032
Lead	bdl	bdl	bdl	bdl	bdl
Zinc	0.0265	0.0311	0.022	0.009	0.035
Nickel	0.0006	bdl	0.002	0.001	0.002
Cadmium	bdl	bdl	bdl	bdl	bdl

ATTACHMENT C, Continued:

Whole Effluent Toxicity (WET) – Instream Chemistry Data, mg/l: (upstream of the Adams WWTF):

<u>Parameter</u>	<u>2/08/11</u>	<u>5/10/11</u>	<u>8/09/11</u>	<u>11/08/11</u>	<u>2/06/12</u>	<u>2/22/12</u>
Aluminum	0.018	0.053	0.178	0.041	0.034	0.026
Copper	0.0047	0.0031	0.0028	0.0024	0.0042	0.0052
Lead	bdl	bdl	0.0006	bdl	bdl	bdl
Zinc	0.0062	0.0037	0.0030	0.0030	0.0021	0.0018
Nickel	0.0006	0.0006	0.0008	0.0006	0.0009	bdl
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>5/07/12</u>	<u>8/06/12</u>	<u>11/12/12</u>	<u>2/11/13</u>	<u>5/07/13</u>	<u>8/12/13</u>
Aluminum	0.081	0.198	0.056	0.103	0.018	0.066
Copper	0.0014	bdl	0.0053	bdl	0.0021	bdl
Lead	bdl	0.0019	bdl	bdl	bdl	bdl
Zinc	0.0019	0.0035	0.0021	0.0011	0.0018	0.0029
Nickel	0.0006	0.0010	0.0007	bdl	bdl	bdl
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>11/11/13</u>	<u>2/10/14</u>	<u>5/12/14</u>	<u>8/11/14</u>	<u>11/10/14</u>
Aluminum	0.013	0.056	0.045	0.053	0.097
Copper	bdl	0.0015	0.006	bdl	bdl
Lead	bdl	bdl	bdl	bdl	bdl
Zinc	0.0018	bdl	0.006	bdl	0.005
Nickel	bdl	bdl	bdl	bdl	bdl
Cadmium	bdl	bdl	bdl	bdl	bdl

Median Instream Chemistry WET Data, mg/l (located upstream of the Adams WWTF):

<u>Parameter</u>	<u>Median</u> <u>(2/08/11 – 11/10/14)</u>
Aluminum	0.053
Copper	0.0021
Lead	bdl
Zinc	0.0021
Nickel	bdl
Cadmium	bdl

Note: “bdl” means below detection level.

Table 6: Adams Wastewater Treatment Plant - Discharge Monitoring Data:

MONITORING PERIOD	Flow (MGD)	Flow (MGD)	BOD, 05 day, 20 C (mg/l)	BOD, 05 day, 20 C (mg/l)	BOD, 05 day, 20 C (mg/l)	BOD, 05 day, 20 C (lbs/d)	Copper, Total (ug/l)	Aluminum, Total, (ug/l)	Dissolved Oxygen, mg/l
END DATE	Monthly Average	Daily Maximum	Daily Maximum	Weekly Average	Monthly Average	Monthly Average	Monthly Average	Monthly Average	Monthly Average
8/31/2009	2.07	5.61	3.6	3.6	3	116.	19.	258.5	7.1
9/30/2009	2.13	2.81	4	4	2	117.	23.5	81.	7.5
10/31/2009	2.15	2.78	6	6	5	72.	35.	213.5	7.
11/30/2009	2.14	2.21	6	6	5	74.	32.	293.5	
12/31/2009	2.08	2.48	8	8	7	122.	16.5	33.	
1/31/2010	2.05	2.68	5.7	5.7	4.8	75.	23.	47.5	
2/28/2010	2.04	3.46	6.2	6.2	6	72.	20.5	24.5	
3/31/2010	2.08	4.32	6.2	6.2	5	292.	20.	10.	
4/30/2010	2.11	4.6	5.7	5.7	5	97.	18.5	26.	8.6
5/31/2010	2.1	1.95	5.6	5.6	5	68.	22.	10.	9.6
6/30/2010	1.95	2.81	4.3	4.3	19	130.	30.	35.5	8.2
7/31/2010	2.	5.27	3.5	3.5	22	159.	23.	35.	8.6
8/31/2010	2.07	5.61	4.6	4.6	21	137.	24.	21.5	8.2
9/30/2010	2.13	2.81	6.2	6.2	21	202.	40.	118.	8.6
10/31/2010	2.15	2.78	6.7	6.7	22	224.	30.5	174.5	8.6
11/30/2010	1.76	1.85	8	8	5	292.	40.	283.	
12/31/2010	1.73	2.35	7.03	7.03	5	176.	39.	194.5	
1/31/2011	1.71	1.62	5.6	5.6	4	126.	23.	24.5	
2/28/2011	1.69	1.92	5.4	5.4	4.5	94.	30.5	19.	
3/31/2011	1.73	5.66	4.6	4.6	4	60.	30.	61.	
4/30/2011	1.74	3.18	5.9	5.9	5.2	39.	13.	24.5	11.9
5/31/2011	1.81	2.92	6.6	6.6	5	34.	44.5	176.5	9.3
6/30/2011	1.84	2.86	6.5	6.5	22	58.	19.	67.	8.6
7/31/2011	1.89	2.5	3	3	20	46.	23.5	104.	7.2
8/31/2011	1.96	8.67	2.8	2.8	21	102.2	35.	25.	6.7
9/30/2011	2.17	6.45	5.1	5.1	26	398.	32.	30.5	8.
10/31/2011	2.28	4.31	7.7	7.7	27	289.	16.5	47.5	8.7
11/30/2011	2.36	3.17	9.2	9.2	7	292.	23.	158.	
12/31/2011	2.45	4.33	9.4	9.4	8	176.	20.5	190.5	
1/31/2012	2.53	4.04	9.6	9.6	6	126.	20.	23.5	
2/29/2012	2.58	2.79	6.5	6.5	5	94.	18.5	20.5	
3/31/2012	2.46	2.19	5.2	5.2	4	60.	22.	18.5	
4/30/2012	2.36	1.78	3.7	3.7	3	39.	30.	13.	9.7
5/31/2012	2.32	2.81	2.8	2.8	2	34.	23.	222.	8.1

Table 6, Continued;

[illegible]

Table 6, Continued;

MONITORING	pH (s.u.)	pH (s.u.)	Fecal Coliform	Fecal Coliform	Total Residual Chlorine	Total Residual Chlorine	Total Phosphorus (mg/l)
END DATE	Minimum	Maximum	Daily Maximum	Monthly Average	Daily Max (ug/l)	Monthly Ave (ug/l)	Monthly Ave
8/31/2009	6.87	7.38	14.9	8.12	35.	24.	.5
9/30/2009	6.69	7.41	14.	5.49	35.	25.	.7
10/31/2009	6.83	7.35	58.	20.6	40.	25.	.93
11/30/2009	6.93	7.37					
12/31/2009	7.	7.37					
1/31/2010	6.93	7.37					
2/28/2010	9.93	7.37					
3/31/2010	6.88	7.34					
4/30/2010	6.91	7.32	4.35	2.02	35.	22.	
5/31/2010	6.78	7.28	17.	7.5	30.	18.	.9
6/30/2010	6.76	7.27	8.	2.39	25.	19.	.8
7/31/2010	6.87	7.48	100.	6.15	40.	22.	.7
8/31/2010	8.81	7.48	171.	11.34	30.	21.	.93
9/30/2010	7.29	7.53	21.	7.61	30.	21.	.7
10/31/2010	7.38	7.64	78.	36.7	35.	22.	.8
11/30/2010	7.4	7.59					
12/31/2010	7.2	7.57					
1/31/2011	7.16	7.6					
2/28/2011	7.11	7.5					
3/31/2011	7.18	7.51					
4/30/2011	7.2	7.48	255.	20.7	35.	22.	
5/31/2011	7.2	7.5	22.	16.1	35.	22.	.7
6/30/2011	7.16	7.38	11.8	7.11	30.	22.	.8
7/31/2011	7.18	7.41	4.3	2.97	30.	20.	.84
8/31/2011	7.03	7.35	50.9	14.14	36.	21.	.69
9/30/2011	7.18	7.37	63.	35.6	35.	26.	.5
10/31/2011	7.2	7.37	80.	57.8	40.	27.	.5
11/30/2011	7.14	7.37					
12/31/2011	7.11	7.37					
1/31/2012	7.02	7.34					
2/29/2012	7.02	7.32					
3/31/2012	7.13	7.28					
4/30/2012	7.11	7.27	26.	6.15	20.	15.	
5/31/2012	7.12	7.48	26.	9.54	60.	21.	.71

Table 6, Continued;

MONITORING PERIOD	pH (s.u.)	pH (s.u.)	Fecal Coliform	Fecal Coliform	Total Residual Chlorine	Total Residual Chlorine	Total Phosphorus (mg/l)
END DATE	Minimum	Maximum	Daily Maximum	Monthly Average	Daily Max (ug/l)	Monthly Ave (ug/l)	Monthly Ave
6/30/2012	6.9	7.4	106.	13.5	25.	13.	.73
7/31/2012	7.	7.44	12.	2.71	30.	20.	.85
8/31/2012	6.86	7.24	12.	3.75	30.	17.	.8
9/30/2012	6.98	7.23	22.	6.02	30.	20.	.83
10/31/2012	6.89	7.25	9.32	7.02	30.	19.	.7
11/30/2012	7.02	7.69					
12/31/2012	7.02	7.4					
1/31/2013	7.01	7.35					
2/29/2013	6.94	7.35					
3/31/2013	6.95	7.43					
4/30/2013	6.97	7.42	103.	6.2	30.	20.	
5/31/2013	7.26	7.52	12.	3.41	40.	21.	.83
6/30/2013	7.35	7.69	10.	6.2	45.	30.	.53
7/31/2013	7.23	7.58	6.8	3.88	40.	20.	.72
8/31/2013	7.27	7.52	37.	6.49	30.	22.	.76
9/30/2013	7.18	7.44	65.2	31.9	33.	20.	.75
10/31/2013	6.87	7.35	59.	13.04	30.	18.	.82
11/30/2013	7.22	7.33					
12/31/2013	7.14	7.39					
1/31/2014	7.25	7.36					
2/28/2014	7.02	7.41					
3/31/2014	6.86	7.39					
4/30/2014	7.07	7.36	62.1	3.43	10.	10.	
5/31/2014	7.02	7.26	6.83	3.18	16.	16.	.92
6/30/2014	7.03	7.28	17.	10.7	23.	23.	.8
7/31/2014	6.95	7.36	111.	13.48	28.	28.	.7
8/31/2014	6.98	7.31	15.	9.47	27.	27.	.6
2005 Permit	≥ 6.5	≤ 8.3	400.00	200.00	79.00	46.00	1.0 (summer)
Minimum	6.69	7.23	4.30	2.02	10.00	10.00	0.50
Maximum	9.93	7.69	255	57.8	60	30	0.93
Average	7.13	7.43	46.99	11.73	7.13	21.08	0.74
Standard Deviation	0.46	0.11	53.25	11.85	8.45	4.04	0.12
# Measurements	61.00	61.00	36.00	36.00	36.00	36.00	31.00
# Exceeds Limits	0	0	0	0	0	0	0

Table 6, Continued;

MONITORING PERIOD	Total Suspended Solids (TSS)	Total Suspended Solids (TSS) (mg/l)	Total Suspended Solids (TSS)	LC50, Acute, Ceriodaphnia (%)	C-NOEC, Chronic, Ceriodaphnia (%)
END DATE	Daily Max (mg/l)	Weekly Ave (mg/l)	Monthly Ave (mg/l)	Daily Minimum	Daily Minimum
8/31/2009	16.3	16.3	4.31		
9/30/2009	9.6	4.3	3.28	100	100
10/31/2009	24.2	13.97	8.73		
11/30/2009	16.5	11.6	10.5		
12/31/2009	14.9	12.1	10.05	100	50
1/31/2010	10.6	8.25	5.81		
2/28/2010	10.9	5.24	4.33		
3/31/2010	7.65	5.46	5.07	100	100
4/30/2010	11.2	8.13	4.61		
5/31/2010	9.3	5.8	3.64		
6/30/2010	8.1	3.69	3.03	100	100
7/31/2010	16.6	7.13	2.81		
8/31/2010	8.9	2.86	2.49		
9/30/2010	10.9	7.47	5.68	100	100
10/31/2010	16.6	14.2	9.95		
11/30/2010	21.3	17.4	13.6		
12/31/2010	14.8	11.3	10.29	100	100
1/31/2011	10.7	6.76	6.37		
2/28/2011	8.6	5.66	5.14		
3/31/2011	17.4	8.83	6.77	100	100
4/30/2011	18.1	13.2	8.1		
5/31/2011	29.	19.1	15.14		
6/30/2011	6.6	5.2	3.25	100	100
7/31/2011	10.2	6.8	4.94		
8/31/2011	17.2	14.3	6.14		
9/30/2011	40.9	19.6	14.4	100	100
10/31/2011	36.3	28.1	24.6		
11/30/2011	30.5	19.98	18.7		
12/31/2011	25.6	19.3	14.8	100	100
1/31/2012	14.7	9.1	7.86		
2/29/2012	9.	5.9	4.96		
3/31/2012	12.3	4.7	4.42	100	100
4/30/2012	9.2	5.64	4.39		
5/31/2012	12.3	5.24	4.33		

Table 6, Continued;

MONITORING	TSS, mg/l	TSS, mg/l	TSS, mg/l	LC50, Acute, Ceriodaphnia (%)	C-NOEC, Chronic, Ceriodaphnia (%)
END DATE	Daily Maximum	Weekly Average	Monthly Average	Daily Minimum	Daily Minimum
6/30/2012	11.3	5.7	4.6	100	100
7/31/2012	12.4	5.24	4.67		
8/31/2012	11.2	5.06	4.93		
9/30/2012	14.3	10.2	8.66	100	100
10/31/2012	18.1	12.9	10.9		
11/30/2012	36.5	21.5	13.1		
12/31/2012	10.4	7.3	6.7	100	100
1/31/2013	7.7	6	5.18		
2/29/2013	7.9	4.3	3.97		
3/31/2013	9.2	5.17	4.29	100	100
4/30/2013	15.2	8.9	7.5		
5/31/2013	12.5	9.65	7.26		
6/30/2013	13.1	9.2	6.78	100	100
7/31/2013	7.3	4.5	4.06		
8/31/2013	13.3	9.03	6.19		
9/30/2013	37.7	19.3	14.72	100	50
10/31/2013	26.8	18	16.95		
11/30/2013	24.3	21	16.5		
12/31/2013	16.	12.9	11.5	100	100
1/31/2014	19.3	8.5	6.86		
2/28/2014	5.6	4.9	3.5		
3/31/2014	9.4	4.75	3.61	100	100
4/30/2014	6.2	5.32	4.66		
5/31/2014	7.5	4.57	3.82		
6/30/2014	16.8	5.96	3.83	100	13
7/31/2014	20.1	9.67	7.44		
8/31/2014	10.9	7.8	6.75		
2005 Permit	Report only	45.00	30.00	≥ 100	≥ 24
Minimum	5.60	2.86	2.49	100.00	13.00
Maximum	40.90	28.10	24.6	100.00	100.00
Average	15.38	9.83	7.56	100.00	90.65
Standard Deviation	8.28	5.68	4.60	0	23.86
# Measurements	61.00	61.00	61.00	20.00	20.00
# Exceeds Limits	0	0	0	0	1

Table 6, Continued;

MONITORING PERIOD	Ammonia Nitrogen as N, mg/l	Ammonia Nitrogen as N, mg/l	Ammonia Nitrogen as N, lbs/day	Ammonia Nitrogen as N, lbs/day	Ammonia Nitrogen as N, mg/l	Ammonia Nitrogen as N, mg/l
END DATE	Daily Maxim	Monthly Average	Daily Maxim	Monthly Average	Weekly Average	Monthly Average
8/31/2009					.11	3.5
9/30/2009					.28	4.
10/31/2009					.41	5.8
11/30/2009	.08	.08	1.3	1.3		
12/31/2009	.013	.013	.2	.2		
1/31/2010	.095	.095	1.4	1.4		
2/28/2010	.037	.037	.47	.47		
3/31/2010	.051	.051	.9	.9		
4/30/2010	.058	.058	1.6	1.6		
5/31/2010	.08	.08	1.2	1.2		
6/30/2010					.12	2.
7/31/2010					.101	1.
8/31/2010					.11	1.1
9/30/2010					.12	1.
10/31/2010					.08	1.
11/30/2010	.06	.06	.8	.8		
12/31/2010	.04	.04	.8	.8		
1/31/2011	.06	.06	.8	.8		
2/28/2011	.06	.06	.3	.3		
3/31/2011	.212	.212	10.	10.		
4/30/2011	.08	.08	1.7	1.7		
5/31/2011	.1	.1	2.1	2.1		
6/30/2011					.18	3.9
7/31/2011					.21	3.
8/31/2011					.21	13.7
9/30/2011					.22	6.
10/31/2011					.21	7.
11/30/2011	.2	.2	4.7	4.7		
12/31/2011	.173	.173	3.4	3.4		
1/31/2012	.199	.199	.8	.8		
2/29/2012	.08	.08	1.8	1.8		
3/31/2012	.06	.06	1.	1.		
4/30/2012	.072	.072	1.	1.		

Table 6, Continued;

MONITORING PERIOD	Ammonia Nitrogen as N, mg/l	Ammonia Nitrogen as N, mg/l	Ammonia Nitrogen as N, lbs/day	Ammonia Nitrogen as N, lbs/day	Ammonia Nitrogen as N, mg/l	Ammonia Nitrogen as N, mg/l
END DATE	Daily Maxim	Monthly Average	Daily Maxim	Monthly Average	Weekly Average	Monthly Average
6/30/2012	.73				.19	3.
7/31/2012	.85				.099	1.
8/31/2012	.8				.064	1.
9/30/2012	.83				.076	1.
10/31/2012	.7				.08	1.12
11/30/2012		.048	.048	.7		
12/31/2012		.04	.04	.4		
1/31/2013		.093	.093	1.02		
2/29/2013		.062	.062	.8		
3/31/2013		.051	.051	.6		
4/30/2013		.05	.05	.6		
5/31/2013		.039	.039	.5		
6/30/2013	.53				.035	1.
7/31/2013	.72				.09	1.12
8/31/2013	.76				.06	1.
9/30/2013	.75				.074	.85
10/31/2013	.82				.063	.7
11/30/2013		.033	.033	.7		
12/31/2013		.03	.03	.4		
1/31/2014		.058	.058	1.02		
2/28/2014		.02	.02	.8		
3/31/2014		.85	.85	.6		
4/30/2014		.46	.46	.6		
5/31/2014		.024	.024	.5		
6/30/2014	.8				.04	.52
2005 Permit Summer Winter	--- Report Only	2.6 Report Only	--- Report Only	76 Report Only	5.1 Report Only	2.6 Report Only
Minimum	.013	013	0.02	0.3	.035	0.52
Maximum	0.85	0.85	10	10	0.41	13.7
Average (summer)	0.75	---	---	---	0.135	2.72
Average (winter)	0.091	0.108	1.12	1.34	---	---
Standard Deviation,s	0.089	---	---	---	0.008	3.0
Standard Deviation,w	0.058	0.55	1.87	1.76	---	---
# Measurements	31	34	34	34	24	24
# Exceeds Limits	0	0	0	0	0	0

TABLE 7
WHOLE EFFLUENT TOXICITY (WET)
MONITORING DATA
NPDES Permit No. MA0100315
Adams, MA

Whole Effluent Toxicity (WET) – Effluent Chemistry Data, mg/l:

<u>Parameter</u>	<u>2/08/11</u>	<u>5/10/11</u>	<u>8/09/11</u>	<u>11/08/11</u>	<u>2/06/12</u>	<u>2/22/12</u>
Aluminum	0.006	0.273	0.056	0.194	0.023	0.021
Copper	0.0298	0.0417	0.0182	0.0202	0.0123	0.0193
Lead	bdl	0.0017	bdl	0.0006	bdl	bdl
Zinc	0.0304	0.0292	0.0187	0.0222	0.0171	0.0251
Nickel	0.0014	0.0013	0.0024	0.0013	0.0011	0.0006
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>5/07/12</u>	<u>8/06/12</u>	<u>11/12/12</u>	<u>2/11/13</u>	<u>5/07/13</u>	<u>8/12/13</u>
Aluminum	0.162	0.151	0.214	0.037	0.025	0.029
Copper	0.0135	0.034	0.0221	0.0146	0.0168	0.0145
Lead	bdl	bdl	bdl	bdl	bdl	bdl
Zinc	0.0235	0.0229	0.0243	0.0273	0.0309	0.0182
Nickel	0.0032	0.0028	0.0019	bdl	0.0017	0.0017
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>11/11/13</u>	<u>2/10/14</u>	<u>5/12/14</u>	<u>8/11/14</u>	<u>11/10/14</u>
Aluminum	0.249	0.077	0.034	0.067	0.395
Copper	0.0259	0.0183	0.019	0.013	0.032
Lead	bdl	bdl	bdl	bdl	bdl
Zinc	0.0265	0.0311	0.022	0.009	0.035
Nickel	0.0006	bdl	0.002	0.001	0.002
Cadmium	bdl	bdl	bdl	bdl	bdl

TABLE 7, Continued:

Whole Effluent Toxicity (WET) – Instream Chemistry Data, mg/l: (upstream of the Adams WWTF):

<u>Parameter</u>	<u>2/08/11</u>	<u>5/10/11</u>	<u>8/09/11</u>	<u>11/08/11</u>	<u>2/06/12</u>	<u>2/22/12</u>
Aluminum	0.018	0.053	0.178	0.041	0.034	0.026
Copper	0.0047	0.0031	0.0028	0.0024	0.0042	0.0052
Lead	bdl	bdl	0.0006	bdl	bdl	bdl
Zinc	0.0062	0.0037	0.0030	0.0030	0.0021	0.0018
Nickel	0.0006	0.0006	0.0008	0.0006	0.0009	bdl
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>5/07/12</u>	<u>8/06/12</u>	<u>11/12/12</u>	<u>2/11/13</u>	<u>5/07/13</u>	<u>8/12/13</u>
Aluminum	0.081	0.198	0.056	0.103	0.018	0.066
Copper	0.0014	bdl	0.0053	bdl	0.0021	bdl
Lead	bdl	0.0019	bdl	bdl	bdl	bdl
Zinc	0.0019	0.0035	0.0021	0.0011	0.0018	0.0029
Nickel	0.0006	0.0010	0.0007	bdl	bdl	bdl
Cadmium	bdl	bdl	bdl	bdl	bdl	bdl

<u>Parameter</u>	<u>11/11/13</u>	<u>2/10/14</u>	<u>5/12/14</u>	<u>8/11/14</u>	<u>11/10/14</u>
Aluminum	0.013	0.056	0.045	0.053	0.097
Copper	bdl	0.0015	0.006	bdl	bdl
Lead	bdl	bdl	bdl	bdl	bdl
Zinc	0.0018	bdl	0.006	bdl	0.005
Nickel	bdl	bdl	bdl	bdl	bdl
Cadmium	bdl	bdl	bdl	bdl	bdl

Median Instream Chemistry WET Data, mg/l (located upstream of the Adams WWTF):

<u>Parameter</u>	<u>Median</u> <u>(2/08/11 – 11/10/14)</u>
Aluminum	0.053
Copper	0.0021
Lead	bdl
Zinc	0.0021
Nickel	bdl
Cadmium	bdl

Note: “bdl” means below detection level.

MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION
COMMONWEALTH OF MASSACHUSETTS
1 WINTER STREET
BOSTON, MASSACHUSETTS 02108

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY – REGION 1
OFFICE OF ECOSYSTEM PROTECTION
5 POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109

JOINT PUBLIC NOTICE OF A DRAFT NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE INTO WATERS OF THE
UNITED STATES UNDER SECTIONS 301 AND 402 OF THE CLEAN WATER ACT, AS
AMENDED, AND SECTIONS 27 AND 43 OF THE MASSACHUSETTS CLEAN WATERS
ACT, AS AMENDED, AND REQUEST FOR STATE CERTIFICATION UNDER SECTION
401 OF THE CLEAN WATER ACT.

PUBLIC NOTICE PERIOD: November 2, 2016 – December 1, 2016

PERMIT NUMBER: **MA0100315**

PUBLIC NOTICE NUMBER: MA-001-2017

NAME AND MAILING ADDRESS OF APPLICANT:

Town of Adams
Board of Selectmen
8 Park Street
Adams, MA 01220

NAME AND ADDRESS OF THE FACILITY WHERE DISCHARGE OCCURS:

Adams Wastewater Treatment Plant (WWTP)
273 Columbia Street
Adams, MA 01220

RECEIVING WATER: Hoosic River (Segment MA 11-04)
(Hudson River Basin – USGS Code #02020003)

The U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) have cooperated in the development of a draft permit for the Adams, MA WWTP, which discharges treated domestic and industrial wastewater. Sludge from this facility is transported to the Upper Blackstone Water Pollution Abatement District in Millbury, MA for incineration. The effluent limits and permit conditions imposed have been drafted to assure compliance with the Clean Water Act, 33 U.S.C. sections 1251 et seq., the Massachusetts Clean Waters Act, G.L. c. 21, §§ 26-53, 314 CMR 3.00, and State Surface Water Quality Standards at 314 CMR 4.00. EPA has requested that the State certify this draft permit pursuant to Section 401 of the Clean Water Act and expects that the draft permit will be certified.

INFORMATION ABOUT THE DRAFT PERMIT:

The draft permit and explanatory fact sheet may be obtained at no cost at http://www.epa.gov/region1/npdes/draft_permits_listing_ma.html or by contacting:

Janet Deshais
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100 (OEP06-1)
Boston, MA 02109-3912
Telephone: (617) 918-1667
deslais.janet@epa.gov

The administrative record containing all documents relating to this draft permit including all data submitted by the applicant may be inspected at the EPA Boston office mentioned above between 9:00 a.m. and 5:00 p.m., Monday through Friday, except holidays.

PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

All persons, including applicants, who believe any condition of this draft permit is inappropriate, must raise all issues and submit all available arguments and all supporting material for their arguments in full by December 1, 2016, to the address or email address listed above. Any person, prior to such date, may submit a request in writing to EPA and MassDEP for a public hearing to consider this draft permit. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on this draft permit, the Regional Administrator will respond to all significant comments and make the responses available to the public at EPA's Boston office.

FINAL PERMIT DECISION:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice.

DAVID FERRIS, DIRECTOR
MASSACHUSETTS WASTEWATER
MANAGEMENT PROGRAM
MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION

KEN MORAFF, DIRECTOR
OFFICE OF ECOSYSTEM PROTECTION
EPA-REGION 1