

**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 Erving
Board of Selectmen
Erving, MA 01344**

is authorized to discharge from a facility located at

**Erving POTW #1
16 Public Works Boulevard
Village of Millers Falls
Erving, MA 01344**

to a receiving waters named

Millers River (MA35-05)

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

This permit shall become effective December 1, 2008.

This permit and the authorization to discharge expire five (5) years from the effective date.

This permit supersedes the permit issued on May 11, 2004 and expired September 30, 2007.

This permit consists of 13 pages in Part I including effluent limitations, monitoring requirements, Attachment A (Freshwater Acute WET Protocol), Attachment B (Reporting Submissions) and 25 pages in Part II including General Conditions and Definitions.

Signed this 29th day of September, 2008

/S/ SIGNATURE ON FILE

Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Director
Division of Watershed Management
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 Millers River. Such discharge shall be limited and monitored by the permittee as specified below.

<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>						<u>MONITORING REQUIREMENTS</u>	
	Mass Limits			Concentration Limits				
PARAMETER	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	MEASUREMENT FREQUENCY	SAMPLE TYPE³
FLOW ¹	***	***	***	1.02 MGD	***	Report MGD	CONTINUOUS	RECORDER
FLOW ¹	***	***	***	Report MGD	***	***	CONTINUOUS	RECORDER
BOD ₅ ²	255 lbs/Day	383 lbs/Day	Report	30 mg/l	45 mg/l	Report mg/l	1/WEEK	24-HOUR COMPOSITE
TSS ²	255 lbs/Day	383 lbs/Day	Report	30 mg/l	45 mg/l	Report mg/l	1/WEEK	24-HOUR COMPOSITE
pH RANGE ⁴	6.0 - 8.3 SU SEE PERMIT PAGE 6 OF 13, PARAGRAPH I.A.2.b.						1/DAY	GRAB
FECAL COLIFORM ^{4,5} (April 1- October 31)	***	***	***	200 cfu/100 ml	***	400 cfu/100 ml	1/WEEK	GRAB
<i>E- coli</i> ^{4,5} (April 1- October 31)	***	***	***	126 cfu/100 ml	***	409 cfu/100 ml	1/WEEK	GRAB
CHLORINE, TOTAL RESIDUAL ⁶ (April 1- October 31)	***	***	***	0.34 mg/l	***	0.59 mg/l	1/DAY (when in use)	GRAB

Continued on next page

Part I Continued

PARAMETER	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	MEASUREMENT FREQUENCY	SAMPLE TYPE ³
TOTAL NITROGEN ⁷	Report lbs/Day	***	Report lbs/Day	Report mg/l	***	Report mg/l	1/MONTH	24-HOUR COMPOSITE
TOTAL NITRITE + NITRATE	***	***	***	Report mg/l	***	Report mg/l	1/MONTH	24-HOUR COMPOSITE
TOTAL KJELDAHL NITROGEN	***	***	***	Report mg/l	***	Report mg/l	1/MONTH	24-HOUR COMPOSITE
TOTAL AMMONIA AS N	***	***	***	Report mg/l	***	Report mg/l	1/MONTH	24-HOUR COMPOSITE
TOTAL PHOPHORUS Seasonal April 1-October 31	***	***	***	1.0 mg/l	***	Report mg/l	1/WEEK	24-HOUR COMPOSITE
WET ^{8, 9, 10}	ACUTE LC ₅₀ ≥ 100%						2/YEAR	24-HOUR COMPOSITE

Footnotes:

1. Report annual average, monthly average, and the maximum daily flow. The limit is an annual average, which shall be reported as a rolling average. The value will be calculated as the arithmetic mean of the monthly average flow for the reporting month and the monthly average flows of the previous eleven months.
2. Sampling required for influent and effluent.
3. A routine sampling program shall be developed in which samples are taken at the same location, same time and same days of the week each month. Occasional deviations from the routine sampling program 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 samples shall be 24 hour composites unless specified as a grab sample 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	Recorder in the Parshall Flume
FECAL COLIFORM, <i>E.-COLI</i> , and TOTAL CHLORINE RESIDUAL	At discharge from the chlorine contact chamber
BOD ₅ , TSS, pH RANGE, TOTAL AMMONIA AS N, TOTAL KJELDAHL NITROGEN, TOTAL NITRITE and TOTAL NITRATE, and WHOLE EFFLUENT TOXICITY	Between clarifiers and chlorine contact chamber WET Dilution water: Millers River Upstream of outfall 42 deg 35'19.42 n 72 deg 29' 41.28 w
BOD ₅ and TSS (Influent)	Influent line prior to primary tanks

24-hour composite samples 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.

4. Required for State Certification.
5. **The fecal coliform limits and monitoring requirements shall end one year after the effective date of this permit.**

The *E. coli* monitoring requirements (without limits) go into effect upon the effective date of the permit; *E. coli* limits shall go into effect one year after the effective date of this permit.

The average monthly limits for fecal coliform and *E. coli* are expressed as geometric means. Fecal coliform sampling and *E. coli* sampling shall be done concurrently. A total residual chlorine sample (when in use) shall be taken at the same time as *E. coli* and fecal coliform samples.

- The permittee anticipates replacing chlorine disinfection with ultraviolet (UV) disinfection during the effective period of this permit. The permittee shall provide thirty (30) days notice in writing to both EPA and MassDEP prior to switching over from chlorine to UV. Upon EPA and MassDEP approval, the permittee may discontinue total residual chlorine sampling.

Whenever more than one total residual chlorine grab sample is taken per day, the monthly DMR shall include an attachment documenting the individual grab sample results for that day, including the date and time of each sample, and a summary of any operational modifications implemented in response to sample results. All test results shall be used in the calculation and reporting of the monthly average and maximum daily data submitted on the DMR (see Part II. Section D.1.d(2)).

- See Part I.E, Special Conditions, for requirements to evaluate and implement optimization of nitrogen removal.
- The permittee shall conduct acute toxicity tests two (2) times per year using a single species, the daphid, Ceriodaphnia dubia. Toxicity test samples shall be collected during the months of July and October. The test results shall be submitted by the last day of the month following the completion of the test. The results are due by August 31 and November 30, respectively. The permittee shall sample during the same weeks of July and October each year. The tests must be performed in accordance with test procedures and protocols specified in **Attachment A** of this permit.

Test Dates	Submit Results By:	Test Species	Acute Limit LC ₅₀
July October	August 31 st November 30 th	<u>Ceriodaphnia dubia</u> (Daphnid) See Attachment A	≥ 100%

After a minimum of four complete and consecutive WET tests, all of which must be valid and demonstrate compliance with the permit limits for whole effluent toxicity, the permittee may submit a written request to the EPA seeking a review of the toxicity test results. If the results of these tests are consistently negative during a two year period, the monitoring frequency and testing may be reduced to not less than one per year by a certified letter from the EPA.

9. The LC_{50} 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 shall cause no more than a 50% mortality rate.
10. 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 **Attachment A, 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 **Attachment A**, 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 alternate dilution water, including the appropriate species for use with that water. If this Guidance document is revoked, the permittee shall revert to obtaining approval as outlined in **Attachment A**. The "Guidance Document" has been sent to all permittees with their annual set of DMRs and Revised Updated Instructions for Completing EPA's Pre-Printed NPDES Discharge Monitoring Report (DMR) Form 3320-1 and is not intended as a direct attachment to this permit. Any modification or revocation to this "Guidance Document" will 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 **Attachment A**.

Part I.A.2.

- 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 6.0 nor greater than 8.3 at any time.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall contain neither visible oil sheen, foam, nor floating solids at any time.
- e. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand. The percent removal shall be based on monthly average values.
- f. The results of sampling for any parameter done in accordance with EPA approved methods above its required frequency must also be reported.

- g. The permittee shall minimize the use of chlorine while maintaining adequate bacterial control.
- h. If the average annual flow in any calendar year exceeds 80% of the facility's design flow, the permittee shall submit a report to MassDEP by March 31 of the following calendar year describing plans for further flow increases and discuss how the permittee will remain in compliance with the effluent limitations in the permit.

3. 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 in a primary industry category discharging process water; 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 shall 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.

4. Prohibitions Concerning Interference and Pass Through:

- a. Pollutants introduced into POTW's by a non-domestic source (user) shall not pass through the POTW or interfere with the operation or performance of the works.

5. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall 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.

6. Numerical Effluent Limitations for Toxicants

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.

PART B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfall listed in Part I.A.1. of this permit. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs) are not authorized by this permit and shall be reported in accordance with Section D.1.e.(1) of the General Requirements of this permit (Twenty-four hour reporting). [Note: SSO Reporting Form (which includes MassDEP Regional Office telephone numbers) for submittal of written report to MassDEP is available on-line at <http://www.mass.gov/dep/water/approvals/surffms.htm#sso>.]

PART C. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions:

1. Maintenance Staff

The permittee shall 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.

2. Preventative Maintenance Program

The permittee shall maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges.

3. Infiltration/Inflow Control Plan:

The permittee shall implement a plan to control infiltration and inflow (I/I) to the separate sewer system. The updated plan shall be submitted to EPA and MassDEP **within six (6) months of the effective date of this permit** (see page 1 of this permit for the effective date) and shall describe the permittee's program for preventing infiltration/inflow related effluent limit violations, and all unauthorized discharges of wastewater, including overflows and by-passes due to excessive infiltration/inflow.

The plan shall include:

- An ongoing program to identify and remove sources of infiltration and inflow. The program shall include the necessary funding level and the source(s) of funding.
- An inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts. Priority should be given to removal of public and private inflow sources that are upstream from, and potentially contribute to, known areas of sewer system backups and/or overflows.
- Identification and prioritization of areas that will provide increased aquifer recharge as the result of reduction/elimination of infiltration and inflow to the system.
- An educational public outreach program for all aspects of I/I control, particularly private inflow.

Reporting Requirements:

A summary report of all actions taken to minimize I/I during the previous calendar year shall be submitted to EPA and the MassDEP annually, **by** March 31. The summary report shall, at a minimum, include:

- A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year.
- Expenditures for any infiltration/inflow related maintenance activities and corrective actions taken during the previous year.
- A map with areas identified for I/I-related investigation/action in the coming year.
- A calculation of the annual average I/I, the maximum month I/I for the reporting year.
- A report of any infiltration/inflow related corrective actions taken as a result of unauthorized discharges reported pursuant to 314 CMR 3.19(20) and reported pursuant to the Unauthorized Discharges section of this permit.

4. Alternate Power Source

In order to maintain compliance with the terms and conditions of this permit, the permittee shall continue to provide an alternative power source with which to sufficiently operate its treatment works (as defined at 40 CFR §403.3(o))

PART D. 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 and with the CWA Section 405(d) technical standards.
2. The permittee shall comply with the more stringent of either the state or federal (40 CFR part 503), requirements.
3. The requirements and technical standards of 40 CFR part 503 apply to facilities which perform one or more of the following 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 in a sludge-only incinerator
4. The 40 CFR part 503 conditions do not apply to facilities which place sludge within a municipal solid waste landfill. These conditions also do not apply to facilities which do not 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 permittee shall use and comply with the attached compliance guidance document to determine appropriate conditions. Appropriate conditions contain the following elements:
 - General requirements
 - Pollutant limitations
 - Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
 - Management practices
 - Record keeping
 - Monitoring
 - Reporting

Depending upon the quality of material produced by a facility, all conditions may not apply to the facility.

6. The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction 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

7. The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR 503.8.
8. The permittee shall submit an annual report containing the information specified in the guidance by **February 19**. Reports shall be submitted to the address contained in the reporting section of the permit. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge disposal. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such case, the permittee is required only to submit an annual report by February 19 containing the following information:

- Name and address of contractor responsible for sludge disposal
- Quantity of sludge in dry metric tons removed from the facility by the sludge contractor

PART E. SPECIAL CONDITION

By July 1, 2010, the permittee shall complete an evaluation of alternative methods of operating the existing wastewater treatment facility to optimize the removal of nitrogen, and submit a report to EPA and MassDEP documenting this evaluation and presenting a description of recommended operational changes. The methods to be evaluated include, but are not limited to, operational changes designed to enhance nitrification (seasonal and year round), incorporation of anoxic zones, septage receiving policies and procedures, and side stream management. The permittee shall implement the recommended operational changes in order to maintain the existing mass discharge loading of total nitrogen. Existing mass loadings will be based on the levels monitored by the facility over the first year of the permit term.

The permittee shall also submit an annual report to EPA and MassDEP, **by July 1 each year, beginning in year 2010**, that summarizes activities related to optimizing nitrogen removal efficiencies, documents the annual nitrogen discharge load from the facility, and tracks trends relative to the previous year.

PART F. MONITORING AND REPORTING

1. Reporting

Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked no later than the **15th day of the following month.**

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

The State Agencies are:

Massachusetts Department of Environmental Protection
Western Regional Office - Bureau of Resource Protection
436 Dwight Street
Springfield, Massachusetts 01103

and

Massachusetts Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608

PART G. STATE PERMIT CONDITIONS

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MassDEP pursuant to M.G.L. Chap. 21, §43.

Each Agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the Agency taking such action, and shall 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 shall 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 shall remain in full force and effect under State law as a permit issued by the Commonwealth of Massachusetts.

Summary of Required Report Submittals

This table is a summary of the reports required to be submitted under this NPDES permit as an aid to the permittee(s). If there are any discrepancies between the permit and this summary, the permittee(s) shall follow the permit requirements.

1 Environmental Protection Agency Water Technical Unit (SEW) P.O. Box 8127 Boston, MA 02114	2 MassDEP Division of Watershed Management Surface Water Discharge Permit Program 627 Main Street, 2nd Floor Worcester, MA 01608
3 MassDEP Western Regional Office - Bureau of Resource Protection 436 Dwight Street Springfield, Massachusetts 01103	

Required Report	Date Due	Submitted to:
The permittee anticipates replacing chlorine disinfection with ultraviolet (UV) disinfection during the effective period of this permit. [Footnote 5]	The permittee shall provide thirty (30) days notice in writing to both EPA and MasssDEP prior to switching over from chlorine to UV.	1, 2, 3
Toxicity test samples shall be collected during the months of July and October. [Part I.A.1]	Results shall be submitted by August 31 and November 30 of each year	1, 2, 3
If the average annual flow in any calendar year exceeds 80% of the facility's design flow, the permittee shall submit a report to MassDEP. [Part I.A.2.h.]	By March 31 of the following calendar year	1, 2, 3
The permittee shall implement a plan to control infiltration and inflow (I/I) to the separate sewer system. [Part I. C.3]	The updated plan shall be submitted to EPA and MassDEP within six (6) months of the effective date of this permit	1, 2, 3

Required Report	Date Due	Submitted to:
Annual I/I Summary Report [Part I. C.4]	Annually by March 31	1, 2, 3
Notification of Sanitary Sewer Overflows [Part I.D]	Within 24 hours of event SSO. A Reporting Form (which includes MassDEP Regional Office telephone numbers) for submittal of written report to MassDEP is available on-line at http://www.mass.gov/dep/water/approvals/surffms.htm#sso .	1, 2, 3
Annual Sludge Report [Part I.E.8]	Annually by July 1, beginning in 2010.	1, 2, 3
The permittee shall complete an evaluation of alternative methods of operating the existing wastewater treatment facility to optimize the removal of nitrogen. [PART E]	By July 1, 2010.	1, 2, 3
The permittee shall also submit a report that summarizes activities related to optimizing nitrogen removal efficiencies, documents the annual nitrogen discharge load from the facility, and tracks trends relative to the previous year. [PART E]	By February 1 each year,	1, 2, 3
Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s). [PART F]	DMRs shall be postmarked no later than the 15th day of the following month.	1, 2, 3

Required Report	Date Due	Submitted to:
Deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report. [Footnote 3]		1, 2, 3