



Co-Permittees and Deer Island NPDES Permit

MWRA Advisory Board
Operations Committee

April 13, 2023



EPA Presentation

- EPA Presentation March 28th
- Deer Island Treatment Plant NPDES Permit
- Co-Permittees and “CSO Responsible Co-Permittees”
- Requirements
- Next Steps



NPDES Permit - Process

- **Draft Permit** issued for public comment – this will be the first opportunity to see the specific details in the permit – **expected in May**
- **60 day public comment period** – this will include an Information Session and a Public Hearing
 - The longer than typical comment period (30 days is typical), information session, and public hearing are to accommodate environmental justice communities
 - This is also a large complicated permit
 - More time can be requested (may or may not be approved)



NPDES Permit - Process

- **After comment period** closes, EPA will develop a “Response to Comments” document, make any needed changes to the permit, and issue the FINAL permit. **This could take 1 year or more!**
- **Requirements of a new final permit** generally take effect within 2 months.

***Timing:** EPA has indicated a DRAFT permit will be released in mid-May. 60 day comment period (mid July). Then EPA will take time to respond to comments and finalize the permit – EPA has indicated this may be sometime in 2024.*



NPDES Permit Process – Appeals Process

- Within 30 days of issuing final permit, an Appeal can be filed with the Environmental Review Board (EAB).
- Only items for which comments were submitted can be appealed.
- Consider comments that affect community systems:
 - Responsibilities. Legal liabilities. Enforcement.
 - Duplicative or burdensome requirements
 - Review New permit language/requirements for “Major Storm Event Plans”
- Consider Town Meeting schedules, budget cycles, cost planning



Co-Permittees and “CSO-Responsible” co-permittees - overview

- EPA Region 1 adding satellite collection systems to all NPDES permits (Holyoke, Springfield, Lowell, Clinton, and so on).
- In general, requirements apply to 3 sections of the permit:
 - Unauthorized discharges (like SSOs)
 - Collection system mapping and O&M Plan
 - And NEW requirements for “Major Storm Event Plans”!
 - Alternate Power
- “CSO-Responsible” Co-permittees will also have their NPDES permits moved into this permit.



New - *Sewer System Major Storm and Flood Events Plan x 43!*

- Permittee and Co-permittee shall develop, submit and begin to implement a *Sewer System Major Storm and Flood Events Plan*. The Plan shall contain three components:
 - (1) an asset vulnerability evaluation,**
 - (2) a systemic vulnerability evaluation of the system and**
 - (3) an alternatives analysis.**

At a minimum, the Plan must take future conditions into consideration, specifically midterm (i.e., 20-30 years) and long-term (i.e., 80-100 years) and, in the case of sea level change, the plan must consider extreme sea level change. The Plan shall be updated every five (5) years from the effective date of this Permit.

(Northampton, Amherst, Westfield, Palmer, Montague, Holyoke, Williamstown, and Billerica recently issued draft permits have this new language)



How to Submit Comments to EPA and DEP

- During Public Hearing (verbal or written)
- During comment period – submit written comments
- Comments should:
 - explain rationale for the comment, possibly suggest alternate language
 - include a legal rationale, when applicable
 - identify any errors EPA may have made in calculations or confusing verbiage
- Comments should consider:
 - Responsibilities. Legal liabilities. Enforcement. Timing.
 - Duplicative or burdensome requirements
 - New permit language/requirements for “Major Storm Event Plans”



How to Submit Comments to EPA and DEP

- Important to read entire package – Permit, Fact Sheet.
- Devil is in the details!



- QUESTIONS?



Sample Comments / Responses

Comment A14: Weekends and Holidays.

Please add language that allows for reporting the following business day if the due date falls on a weekend or holiday.

Response A14: EPA believes that the time period between testing and report, which is at least one month, gives the permittee more than enough time to submit the whole effluent toxicity reports and toxicity DMRs. Therefore, it is not necessary to grant extensions to the reporting deadline to account for holidays or weekends. No change has been made to the permit.

Comment A16: Part I.C. Industrial Pretreatment Program. (Page 8 of 14).

Item 3. MWRA requests that the 120-day time frame for the preparation and submittal of the written technical evaluation be changed to 180 days. Three months is an extremely short time to gather data and prepare the technical analysis, and 180 days is the requirement in the existing permit. Also, the additional time is needed to determine the potential for source reduction of phosphorus.

Response A16: EPA has changed the time frame for submittal of the written technical evaluation to 180 days.

Comment A17: Part I.C. Industrial Pretreatment Program. (Page 9 of 14).

Item 4.b. MWRA requests that the requirement to "issue or renew industrial user control mechanism within 90 days" be extended to 120 days.

Response A17: The standard time frame for issuance or renewal of industrial user control mechanisms is 180 days for new significant industrial users and 90 days for industrial users whose control mechanisms have expired. In EPA's experience, this timeframe has proven adequate and has not posed a compliance concern. As MWRA has provided no specific information meriting an extension of this timeline, and EPA is not in experience aware of any such information, it remains unchanged.