Chlorination/Clean Water Act: Amherst Massachusetts POTW: U.S. EPA Environmental Appeals Board Challenge to NPDES Permit

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The Town of Amherst, Massachusetts ("Amherst"), filed a November 16th Request for Review before the United States Environmental Protection Agency ("EPA") Environmental Appeals Board ("EAB") challenging a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit.

The Request for Review provides that Amherst operates a wastewater treatment plant ("WWTP") that discharges wastewater into the Connecticut River.

The WWTP operates pursuant to an NPDES permit.

A draft NPDES permit renewal is stated to have been issued to Amherst on March 30th by EPA Region 1. Amherst is stated to have submitted written comments on the draft permit.

The Request for Review states that there was a change in the required e-coli monitoring and chlorination requirements in the final NPDES permit renewal that was issued. The previous NPDES permit is stated to have required chlorination and e-coli monitoring from April 1 through October 31st. The final NPDES permit changed April 1 to March 1.

The EPA Region 1 Response to Comments addressing the final NPDES permit is stated to indicate that Connecticut River Conservancy issued a comment letter.

EPA's response is stated to have put forth a rationale for the date change:

Based on this comment, EPA determined that the UMass Amherst rowing team appears to use the river for recreation beginning in the month of March. Therefore, the season has been extended to March 1 through October 3 1 in the final permit.

Amherst argues that portions of the Connecticut River are frozen in early March or have high flows due to the spring snow melt therefore indicating conditions are not conducive to water recreation.

The Request for Review also questions the start date because:

. . . if discharging unchlorinated treated wastewater effluent in the proximity of potential recreation was of concern then it is unclear why other wastewater treatment facilities have not seen their chlorination season extended. To our knowledge, the Northampton, Montague, Greenfield, Easthampton, South Hadley, Hadley, South Deerfield, Hatfield and Sunderland NPDES permits all require April 1 through

October 31 chlorination and E. coli monitoring. These wastewater treatment facilities all discharge within the area that UMass rowing uses during their rowing season.

Finally, Amherst also argues that it did not have an opportunity to comment on the change made in the final permit.

A copy of the Request for Review can be downloaded here.