TAUNTON RIVER WATERSHED ALLIANCE
A VOICE FOR THE RIVER SINCE 1988

November 23, 2020

Michael Andrus, PE
Project Manager
Beta Group, Inc.
MAndrus@BETA-Inc.com
Via email

Dear Mr. Andrus,

Thank you for your email of October 22, 2020 informing TRWA of the revised Final Environmental Impact Report and Comprehensive Wastewater Management Plan (FEIR) that you were submitting for review by MEPA, relevant state agencies and stakeholders.

TRWA would like to go on record as strongly in favor of this upgrade and for the state agencies providing a swift project review and approval. MassDEP continuous monitoring at two locations in Mount Hope Bay clearly demonstrates the need for this facility and the other wastewater treatment plant upgrades in the Taunton River watershed to address nutrient pollution. As indicated in our comments attached MassDEP continuous monitoring found that DO standards are violated 20 to 30% of the time even using a criterion less stringent than the current standard.

We believe this plant upgrade and sewer system capacity expansion is too important for further delay. Consequently, we offer the comments attached for clarification and summarization of our understanding of the report only. In the interest of time, we are not requesting that the report be revised. We do not want this project which is already projecting a Phase 1 (TN 5 mg/l) completion date of 7/01/2022 vs an NPDES permit compliance date of 7/01/2021 (i.e. one year behind schedule) to be delayed any further. Keeping the completion date for this upgrade as the Spring of 2022 will keep it consistent with the scheduled TN upgrades for other watershed WWTF upgrades (Brockton – 4/01/2022 and Bridgewater – 5/01/2022) resulting in the next increment of improvement in Taunton estuarine health.

Thank you for considering our comments.

Sincerely,

Joseph Callahan

Joseph Callahan
President, TRWA

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ATTACHMENTS - TRWA Comments and Summary of Final FEIR Highlights:

Final Environmental Impact Report (FEIR) and Final Comprehensive Wastewater Management Plan (CWMP) – City of Taunton, April 2020 Revised October 2020 prepared for the City of Taunton Department of Public Works by BETA Group, Inc.

The Taunton River Watershed Alliance (TRWA) appreciates the opportunity to comment on the FEIR and CWMP prepared by BETA Group, Inc. for the City of Taunton. TRWA strongly supports the City's efforts to upgrade the Taunton Wastewater treatment plant and expand the sewer systems capacity to convey wet weather flows to the treatment plant, reduce infiltration inflow, and reduce the frequency and volume of wet weather overflows of untreated wastewater to the Taunton River.

We believe this plant upgrade and sewer system capacity expansion is too important for further delay. Consequently, we offer the comments below for clarification and summarization of our understanding of the report **only**. In the interest of time, we are **not** requesting that the report be revised. We do not want this project which is already projecting a Phase 1 (TN 5 mg/l) completion date of 7/01/2022 vs an NPDES permit compliance date of 7/01/2021 (i.e. one year behind schedule) to be delayed any further.

Summary:

I. Page 5-1 Section 5 **Needs Analysis**

Wastewater Treatment Facility (WWTF) was built in 1950 with the last significant upgrades in 1978 and 2000. Due to the facilities age and the age of its equipment the WWTF is overdue for a major upgrade. The upgrade is needed to replace obsolete equipment, expand flow for wet weather and CSO abatement, and nitrogen removal.

II. Page 5-1 Section 5.2 **Discharge Permit**

This section of the report makes the following statement: "The City of Taunton is required by the permit to achieve an interim total nitrogen limit of 5 mg/l, with a final limit of 210 pounds per day (3 mg/l at a flow rate of 8.40 MGD). However, MassDEP is considering a revision to the salt water Dissolved Oxygen criteria established in the Massachusetts Surface Water Quality Standards (314 CMR). The current standard for dissolved oxygen for water with an SB classification is 5.0 mg/l. The proposed standard, which has been adopted by most states along the eastern seaboard, ranges from 2.9 mg/l to 4.6 mg/l depending on water body characteristics, and whether the condition is acute or chronic. This lower standard could result in a less stringent total nitrogen requirement in the permit. Should the standard be changed, the City will likely apply for a permit modification. In addition, in August 2019 a technical memorandum1 was issued by the University of Massachusetts School for Marine Science and Technology (SMAST). The memorandum provided updated information and analysis on the relationship between nitrogen discharged to the Taunton River and dissolved oxygen levels in the river and in Mount Hope Bay. The findings of this report could also result in a less stringent total nitrogen discharge requirement for the Taunton WWTF."

We believe the statement in quotes above is outdated and no longer accurate. The standards revision methodology cited above is over 20 years old and not recognized as protective of habitat, particularly foraging habitat for the Atlantic Sturgeon a federally listed endangered species or other sensitive species such as Winter Flounder and Sea Run Brook Trout which inhabit the Taunton estuary. MassDEP has been considering if it should revise the Commonwealth's salt water DO criteria, however, it has never considered a chronic criterion lower than the current DO criterion of 5.0 mg/l. Based on continuous monitoring in Mount Hope Bay from 2017 through 2018 (see Attachment A summary) MassDEP has advised the City of Taunton in letters of July 29, 2019 and November 23, 2018 that due to measured low DO levels

measured during weeks at a time, a significant change to less stringent DO criteria for Mount Hope Bay that would impact the City's effluent limits is unlikely. The information and analysis in the SMAST technical memorandum do not appear to be materially different than information already available in the Administrative record of the permit and the City's appeals to the EPA Environmental Appeals Board and First Circuit Court of Appeals and therefore does not appear to warrant a permit limitation change. According to the City's response to a Save the Bay request for information under the MA Public Records Act (M. G. L. Chapter 66, Section 10) dated September 30, 2019 the City spent over $700,000 on its permit appeal losing before both the EPA Environmental Appeals Board and First Circuit Court of Appeals (see link to First Circuit Decision and Important Quotes from the Judicial Decision included as Attachment B). At low flow (7-day 10-year low flow) the river at the point just below the City's WWTF discharge can be over 50% treated effluent (from Taunton and upstream WWTFs) hence it is unrealistic to speculate that there is a significant likelihood that the City's summer or dry weather effluent limitations will change in the future.

III. Page 6-14 **Recommendations**

Nitrogen Removal – Alternative 1; 4 stage Bardenpho
This is a standard treatment technology for achieving the effluent TN levels required by the City's permit
Total Capital Cost - 36,140,000
20-year, 0% loan (SFR loan rate for TN facilities) – Annual Cost 2,100,000 (includes added O and M)
After loan paid off added O and M is 300,000 per year

Cost to Upgrade Obsolete and Undersized Treatment Facilities
Total Capital Cost – 28,500,000
20-year, 2% loan (SRF loan rate for other needed facilities) – Annual Cost 1,742,966 per year
Additional O and M for new facilities 200,000 per year
Total Capital and O and M Annual Cost 1,942,966 per year

Total of new Annual WWTF Costs – 4,042,966 per year (52% TN related and 48% obsolete equipment upgrade/flow increase related)

Combined Sewer Overflows (CSOs)
- No overflow events in 2017
- 2 overflow events in 2018 (wet year)

CSO Abatement Plan is to upgrade WWTF flow capacity and Main lift station included in above and also continue I/I reduction program
- Pipes and manholes 3 M/year on-going existing program (part of I/I work)
- Upgrade 3 pump stations 1.5 M (total capital cost)
- Evaluate frequency of discharge and size of storm that triggers a CSO event after Main pump station and WWTF capacity upgrades are complete to see what, if any, further work is needed

Sewer System Expansion
- 26 miles, 1 pump station, 9 areas
- Total cost 59.3 M (if all done by 2037, most likely will be done over longer time period)
- Paid for by betterment charges when majority of residents in an area want sewer tie-in
- WWTF capacity expansion for increased flow and some additional pipeline and pump station capacity increases needed to accommodate increased flow from new areas are included in the current upgrade program cost estimate.

IV. **Upgrade schedule** Figure 7-1 of report

- Complete Phase 1 (meet 5 mg/l monthly average TN permit limit) **6/30/2022** (12 months later than original permit schedule date of 7/01/2021)
- Complete Phase 2 (meet final 12-month seasonal rolling average TN limit of 210 lbs/day) 12/31/2022 (3 ½ years earlier than original permit schedule date of 7/01/2026)
- Other watershed major dischargers have completed TN upgrades early or are on schedule:
    - Middleboro – completed 2/01/2018 (1 year ahead of schedule)
    - Mansfield/Norton/Foxboro – completed 12/01/2018 (1 year ahead of schedule)
    - Brockton – On schedule to meet TN limits of 450 lbs/day seasonal rolling average 4/01/2022
    - Bridgewater – On schedule to meet TN limits of 60 lbs/day seasonal rolling average 5/01/2022

The Taunton River and Mount Hope Bay are water quality limited waters where each major discharger has been given a TN wasteload allocation needed to meet water quality goals. A combined effort with all facilities meeting their effluent limitations is needed to restore the biological integrity of the river and estuary. Currently Taunton, Brockton and Bridgewater all scheduled for **completion in June 2022**.

V. Page 7-8 **Financial Plan** – Table 7-2 **User Fee Impacts – Average Single-Family Taunton Residence in Year 2026**

Single Family based on 76 HCF/year (7,600 cubic feet per year water use or 56,852 gal/year)

Based on current wastewater flows user communities will pay flow proportionate share of upgrade costs

- Raynham – 15.5%
- Norton – 7.1%
- Dighton – 0.6%

Total Paid by user communities – 23.2%

User Fee Impact **2026 for Taunton Resident** (cost above current user fee) based on Table 7-2 of FEIR

Project	Annual Total User Fee Impact	Monthly Total User Fee Impact
Improvements to Existing Sewers and Pump Stations	82	6.83
Sewer System Extension – Needs Areas	52	4.33
WWTF Upgrade		
• TN Related (52%)	131	10.92
• Equipment Rehab/Flow Increase (48%)	121	10.08
Total Cost	386	32.16

The estimated monthly user cost increase of $32 per month in 2026 is not excessive nor is the $11 per month attributed to TN removal costs.

VI. Page 6-22 **6.5 COMPLIANCE FOR FLOWS ABOVE 8.4MGD**
6.5.1 ANTI-DEGRADATION ANALYSIS

TRWA supports the City's proposal to conduct an antidegradation analysis to determine if flows greater than those currently permitted may be permitted during times of higher river flow and dilution (non-seasonal TN limit months)

without impairing water quality. Since this study includes ambient water quality monitoring TRWA believes that this study should only be conducted after the plant is upgraded and operating at a steady state meeting all effluent limitations. The analysis should include multi-year monitoring to assess effluent variability during dry and wet years.

Attachment A - MassDEP Mount Hope Bay Continuous Monitoring

Location and Parameters Measured at Mouth of Taunton and Cole Rivers

Taunton River
Class SB water: Continuous monitoring (every 15 minutes) for dissolved oxygen, nitrate-N, chlorophyll-a, blue green algae, temperature, pH, specific conductivity and salinity at 1 meter below the surface and 0.5 meter from the bottom.

Cole River
Class SA water: Continuous monitoring (every 15 minutes) for dissolved oxygen, nitrate-N, chlorophyll-a, blue green algae, temperature, pH, specific conductivity and salinity at 1 meter below the surface and 0.5 meter from the bottom.

Taunton River MassDEP Continuous Monitoring Results

Dry year (e.g. 2017) Dissolved Oxygen (DO) violates water quality standards (even the less stringent DO criteria MassDEP was considering) over 30% of time concurrent with high algae and chlorophyll-a levels.

Wet Year e.g. (2018) Dissolved Oxygen (DO) violates water quality standards over 20% of time concurrent with high algae and chlorophyll-a levels.

Per MassDEP Letters of:
July 29, 2019 https://savethetaunton.org/wp/wp-content/uploads/2019/08/MassDEP-Response-to-5-21-19-Letter-from-Taunton-WQS-Violated-in-2017-and-2018.pdf

November 23, 2018 https://savethetaunton.org/wp/wp-content/uploads/2019/04/MassDEP-Letter-of-11-13-2018-Not-Supporting-DO-Criteria-Revision.pdf

Google Map of MassDEP (gray tear drops) and TRWA (red tear drops) monitoring locations:
https://www.google.com/maps/d/u/0/viewer?amp%3Busp=sharing&mid=19sGW1ayfrkuE08cW9wmccZE3BLo&ll=41.879736585309885%2C-71.06071578301356&z=10

Other Monitoring Results

The Taunton River Watershed Alliance (TRWA) monitors approximately 20 locations throughout the Taunton River watershed once a month during the summer season. These results frequently measure levels of nitrate above EPA and MassDEP's target value for the waters of the watershed.

Taunton River Watershed Alliance (TRWA) monitoring results available at:
https://savethetaunton.org/

ATTACHMENT B - IMPORTANT QUOTES FROM THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT CITY OF TAUNTON V. EPA CASE NO. 16-2280

(For full decision see: https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/A568248B44D1C63785258053005AEDD0/$File/Opinion%207.9.2018%20(46%20pages).pdf)

After considering all of the City's challenges, both procedural and substantive in nature, we uphold the EPA's permitting decision.

NPDES permits "must control all pollutants or pollutant parameters" that the EPA "determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." 40 C.F.R. § 122.44(d)(1)(i). The EPA has interpreted "reasonable potential" to mean "some degree of certainty greater than a mere possibility." In re Upper Blackstone Water Pollution Abatement Dist., 14 E.A.D. 577, 599 n.29 (EAB 2010). "Narrative" water quality criteria are qualitative, rather than numerical, in nature. See 40 C.F.R. §§ 131.3(b), 131.11 (b).

Massachusetts classifies the Taunton Estuary and the eastern portion of Mount Hope Bay as "Class SB" waters. Per state regulations, Class SB waters "are designated as a habitat for fish, other aquatic life and wildlife . . . and for primary and secondary contact recreation." 314 Mass. Code Regs. § 4.05(4)(b). They "shall have consistently good aesthetic value." Id. Class SB waters must also meet the numeric water quality criterion of a minimum of 5.0 mg/l of dissolved oxygen. Id. § 4.05(4)(b)(1). So too must they satisfy the following narrative water quality criterion:

Unless naturally occurring, all surface waters shall be free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses . . . . Any existing point source discharge containing nutrients in concentrations that would cause or contribute to cultural eutrophication . . . shall be provided with the most appropriate treatment . . . to remove such nutrients to ensure protection of existing and designated uses. Id. §4.05(5)(c).

When issuing NDPES permits for states that employ narrative criteria, the EPA must translate those criteria into a "calculated numeric water quality criterion" that the EPA "demonstrates will attain and maintain applicable narrative water quality criteria and will fully protect the designated use." 40 C.F.R. § 122.44(d)(1)(vi)(A). The EPA may arrive at that numerical criterion by using "a proposed State criterion, or an explicit State policy or regulation interpreting [the State's] narrative water quality criterion, supplemented with other relevant information . . . ." Id. Massachusetts has not prescribed specific methodologies for deriving numeric nitrogen limitations that correspond to its narrative criteria. It therefore fell to the EPA to do so here.

The EPA may arrive at that numerical criterion by using "a proposed State criterion, or an explicit State policy or regulation interpreting [the State's] narrative water quality criterion, supplemented with other relevant information . . . ." Id. Massachusetts has not prescribed specific methodologies for deriving numeric nitrogen limitations that correspond to its narrative criteria. It therefore fell to the EPA to do so here. The EPA looked to an interim report prepared for the Massachusetts Department of Environmental Protection (MassDEP) known as the Critical Indicators Report." See Massachusetts Estuaries Project, Site-Specific Nitrogen thresholds for Southeastern Massachusetts Embayments: Critical Indicators, July 21, 2003, https://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/Verity%20View/DE93FF445FFADF1285257527005AD4A9/$File/Memorandum%20in%20Opposition%20...89.pdf nitroest.pdf (last visited June 14, 2018). As the EPA explained in the response to comments, "[w]hile MassDEP has not adopted the Critical Indicators Report as a specific policy, it has afforded the document technical and scientific weight, [and] has explicitly relied on the report" in other regulatory contexts.

The purpose of that report is to provide a "translator" between Massachusetts's narrative water quality standard and corresponding numeric nitrogen thresholds that would ensure compliance with those standards. Id. at 2. To that end, the Case: 16-2280 Document: 00117311567 Page: 26 Date Filed: 07/09/2018 Entry ID: 6182465 -27- report listed various criteria, or "indicators," to guide assessments of the present health of a given body of water, including the amount of oxygen, nitrogen, and chlorophyll present in that body. 12 Id. at 11. In this sense, those indicators" serve as factors to consider when assessing how healthy a body of water is. The interim report also provided what it describes as "straw man" threshold levels -- to be "further refined with the collection of additional data and modeling." Id. at 3. For example, per those thresholds, Class SB waters are not impaired when, among other things, "oxygen levels are generally not less than 5.0 mg/l," chlorophyll-a levels are between 3-5 µg/l, and nitrogen levels are between 0.39-0.50 mg/l. Id. at 22. "Moderately impaired" SB waters have oxygen levels that "generally do not fall below" 4.0 mg/l, chlorophyll levels that may reach 10 µg/l, and nitrogen concentrations above roughly 0.5 mg/l. Class SB waters are "significantly impaired," according to the report, at around 0.6-0.7 mg/l of nitrogen. Id.

The EPA then looked to data from a three-year water quality monitoring study that the School for Marine Sciences and Technology at University of Massachusetts Dartmouth (SMAST) had carried out. The study involved taking monthly water samples from 22 sites across the Taunton Estuary and Mount Hope Bay from 2004 to 2006. The study revealed that all of these sites were suffering from excessive algae growth; each site had an average chlorophylla concentration of over 10 µg/l during the study's three-year period. All 22 monitoring stations also had an average dissolved oxygen concentration below 5.0 mg/l during that period. And in the case of 16 monitoring stations, the average nitrogen concentration exceeded .5 mg/l -- where the Critical Indicators Report drew the line for "clearly impaired" waters. Those monitoring stations located in the Taunton River tended to have the highest nitrogen concentrations. The monitoring station closest to the Facility's discharge point showed a particularly high nitrogen concentration -- ranging from 0.66 to 0.99 mg/l during the course of the study.

The EPA also considered data from another monitoring station in Mount Hope Bay, operated by the Narragansett Bay Water Quality Network. That data showed that the dissolved oxygen Case: 16-2280 Document: 00117311567 Page: 28 Date Filed: 07/09/2018 Entry ID: 6182465
-29- concentration at that site fell below 4.8 mg/l on multiple occasions in 2005 and 2006. On two such occasions, the dissolved oxygen concentration remained below 2.9 mg/l for two days,
resulting in "hypoxic conditions," or "levels of dissolved oxygen below what is needed by aquatic organisms to breathe," Upper Blackstone, 690 F.3d at 12. The data also showed multiple events" of chlorophyll-a concentrations exceeding 20 µg/l. Moreover, the data from the monitoring station indicated that the site continued to suffer from elevated chlorophyll-a concentrations and persistent dissolved oxygen concentrations below 5 mg/l in 2010. The EPA then applied the SMAST and Mount Hope Bay data to the Critical Indicators Report. This led it to conclude that "cultural eutrophication due to nitrogen overenrichment in the Taunton River Estuary and Mount Hope Bay has reached the level of a violation of both Massachusetts and Rhode Island water quality standards for nutrients and aesthetics, and has also resulted in violations of the numeric [dissolved oxygen] standards." According to the City, this conclusion was the product of various errors.

We agree that the EPA did not use the Critical Indicators Report improperly. The City's objections to the EPA's reliance on the "straw man" thresholds in the Critical Indicators Report are ultimately inapposite, as the EPA relied not on those thresholds, but rather on the Report's indicators in reaching its conclusion about nutrient impairment. Of course, had the EPA been able to rely on threshold levels not subject to future refinement, then its analysis may have benefitted from greater scientific certainty. But, it was not required to delay its decision until such information became available, and its conclusions are not invalid because they are the product of employing the indicators set out in the Critical Indicators Report to analyze the SMAST data. "As in many science-based policymaking contexts, under the CWA the EPA is required to exercise its judgment even in the face of some scientific uncertainty." Upper Blackstone, 690 F.3d at 23. Using those indicators to determine that the Taunton Estuary was nutrient impaired for purposes of Massachusetts's narrative criteria, see 314 Mass. Code Regs. § 4.05(4)(b), comported with the regulations

that govern translating narrative criteria in the absence of an official state-sanctioned methodology, see 40 C.F.R. § 122.44(d)(1)(vi)(A), and was not arbitrary or capricious.

But, as the EAB correctly determined, the EPA did not need to show causation -- for example, through a statistical regression analysis -- to support its conclusion that the Taunton Estuary was nutrient impaired. Rather, the EPA needed only to conclude that the further discharge of nitrogen had the "reasonable potential to cause, or contribute to an excursion above any State water standard." 40 C.F.R. § 122.44(d)(1)(i) (emphasis added see also 314 Mass. Code Regs. § 4.05(4)(b)(1) (establishing the numeric criterion that Class SB waters have a minimum of 5.0 mg/l of dissolved oxygen), (5)(c) (establishing the narrative criterion for Class SB waters that "[u]nless naturally occurring, all surface waters shall be free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses"). We further note that the words "contribute to" also indicate that nitrogen need not be the sole cause of any potential violation of a state standard, further undercutting the suggestion that the EPA needed to prove causation. Moreover, in upholding the "reasonable potential" determination here, the EAB observed that under the NPDES regulations, the permitting authority has a "significant amount of flexibility in determining whether a particular discharge has a reasonable potential to cause an excursion above a water quality criterion." See also National Pollutant Discharge Elimination System, 54 Fed. Reg. 23,868, 23,873 (June 2, 1989). The City's arguments thus miss their mark; it is incorrect that the EPA needed to show a causal relationship between high concentrations of nitrogen and low concentrations of dissolved oxygen. The absence of an analysis of this sort from the EPA's "reasonable potential" determination, therefore, cannot have made that determination arbitrary or capricious.

To calculate that total nitrogen threshold, the EPA -- employing what is known as a "reference-based" approach -- looked to one of the monitoring stations in the SMAST study, MHB16, that "consistently met dissolved oxygen standards." As the EPA detailed in the response to comments, MHB16 was, among all of the unimpaired sites in the SMAST study, the site with the highest nitrogen concentration. The nitrogen concentration at MHB16, 0.45 mg/l, also fell within the range that the Critical Indicators Report held out as consistent with unimpaired conditions (0.35-0.5 mg/l). The EPA further explained in the fact sheet that this nitrogen threshold was consistent with "total nitrogen concentrations previously found to be protective of [acceptable dissolved oxygen levels] in other southeastern Massachusetts estuaries [which] have ranged between 0.35 and 0.55 mg/l." Mindful that all of the sites in the SMAST study with a nitrogen concentration above 0.45 mg/l suffered from nutrient impairment, the EPA explained in the response to comments that "there is simply no evidence that a higher target [total nitrogen] concentration would be sufficiently protective in the Taunton River Estuary." The EPA therefore selected 0.45 mg/l as the target nitrogen concentration that would serve as the basis for the effluent limitations the permit would impose on the Facility.

Our standard of review, once more, does not deputize us to second-guess the EPA's choice of data, so long as the agency acts "with a reasonable basis" in selecting and applying it. Upper Blackstone, 690 F.3d at 26. And here, as the EAB explained, the agency had good reason for relying on the SMAST data, which drew from 22 different monitoring stations: the more recent studies -- such as that of the Narragansett Bay Water Quality Network -- were "limited in terms of location and parameters monitored and thus were insufficient to form the basis for an alternative analysis of the Taunton Estuary." Moreover, the EPA did not ignore that recent data, but rather found that it was "consistent with [its] analysis of the SMAST data and indicated continued adverse water quality impacts."

Further, we have recognized that "neither the CWA nor EPA regulations permit the EPA to delay issuance of a new permit indefinitely until better science can be developed, even where there is some uncertainty in the existing data." Id. at 22; see also Massachusetts v. EPA, 549 U.S. 497, 534 (2007) (explaining that the EPA cannot avoid its statutory obligation to regulate greenhouse gases by "noting the uncertainty surrounding various features of climate change" when "sufficient information exists to make an endangerment finding"). Thus, we think that the EPA was well-entitled to use the SMAST data in the manner that it did here.

Having considered all of the City's protestations to the contrary, we find that in calculating the Permit's effluent limit, the EPA neither relied on impermissible factors nor failed to consider a crucial aspect of the problem, and that its explanation for that limit neither flaunted the evidence in the record nor is "so implausible that it could not be ascribed to a difference in view or the product of agency expertise." Motor Vehicle Mfrs. Ass'n, 463 U.S. at 43. As the EPA's detailed explanation of how it calculated the permit's nitrogen limit of 3.0 mg/l reveals, that limit falls within the "zone of reasonableness," and so we do not see fit to second-guess it. See Upper Blackstone, 690 F.3d at 28; see also Solite Corp. v. EPA, 952 F.2d 473, 488 (D.C. Cir. 1991). As a result, we leave undisturbed this well-reasoned exercise of the EPA's delegated authority to administer the CWA.

None of the City's procedural or substantive challenges having merit, the decision of the EAB is affirmed.