

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

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Secretary

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Commissioner

April 5, 2016

Mr. Bart Margheim
Camp Group, Mah-Kee-Nac Real Estate Co., LLC
4 New King Street
White Plains, NY 10604

RE: Public Comment Notice for Draft Individual Groundwater Discharge Permit
Camp Mah-Kee-Nac, 6 Hawthorne Road Stockbridge, MA 01262
MassDEP Transmittal Number X269309
Groundwater Discharge Permit Number MA-GW-2-681

Dear Mr. Margheim:

The Massachusetts Clean Water Act (M.G.L. c.21, s.21-53) was amended by Chapter 246 of the Acts of 1973 to authorize the Massachusetts Department of Environmental Protection (the MassDEP), to regulate discharges into all waters of the Commonwealth, including groundwaters. The MassDEP regulates discharges through the issuance of discharge permits, which impose limitations on the amount of pollutants that may be discharged in the effluent, together with monitoring and reporting requirements and other conditions to insure adequate treatment of all liquid wastes prior to discharge.

The MassDEP has completed its technical review of your application submitted on behalf of Camp Mah-Kee-Nac to discharge treated wastewater from the facility located at 6 Hawthorne Road to the ground, and has developed the conditions contained in the enclosed draft permit.

The proposed draft permit can only be considered in draft form because of provisions in the Law regulating public notice of the proposed issuance of the permit and opportunity for public comments and public hearing. Following receipt of comments on the public notice, and public hearing, if held, the MassDEP will issue its final determination to issue or deny the permit.

Enclosed herewith is a copy of the public notice for your groundwater discharge permit. The enclosed public notice should be published to start the thirty (30) day public comment period.

In accordance with 314 CMR 2.06(4) and M.G.L. c.30A, the applicant or permittee, as applicable, shall publish public notice of the permit proceedings in *The Environmental Monitor*, a

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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publication of the Massachusetts Executive Office of Energy and Environmental Affairs. For instructions on filing this notice with MEPA please refer to MEPA's website at <http://www.env.state.ma.us/mepa/submittinotices.htm>

The applicant or permittee shall submit to the Department a copy of the public notice as published in the *Environmental Monitor*, within seven days after the date of publication or at such other time as the Department requires. This information should be sent to the attention of Dan Kurpaska at the above letterhead address. The mandatory thirty day public comment period will commence with the date of publication of the public notice.

In addition, your permit contains "Special Effluent Limitations" pursuant to 314 CMR 5.10(9). Therefore in accordance with 314 CMR 2.06(4)(a) the applicant or permittee shall also publish public notice in at least one newspaper of general circulation in each city and town in which the permit does not require the groundwater to meet the more stringent of water quality or technology based effluent limitations as a result of the discharge.

It is the applicant's/permittee's responsibility to forward proof of the newspaper publication along with the name and address of the newspaper and the date that the notice appeared within seven days of the date of publication. This information should be sent to the attention of Dan Kurpaska at the above letterhead address.

If you have any questions on any of the information discussed in this letter, please contact the undersigned at (413) 755-2218 or Dan Kurpaska at (413) 755-2274.

Sincerely,



Paul J. Nietupski
Wastewater Section Chief
Bureau of Water Resources

Djk\djk

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Enclosures

cc: DEP WERO File (3)
DEP Boston MBC

Tri-Town Health District
45 Railroad Street
Lee, MA 01238

Mr. Fred Sears
Hill Engineers Architects and Planners
50 Depot Street
Dalton, MA 01226

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RESOURCE PROTECTION/WASTEWATER MANAGEMENT PROGRAM
436 WIGHT STREET
SPRINGFIELD, MA 01103
TEL#: 413-784-1100

Notice is hereby given that the following application for an Individual Groundwater Discharge Permit is being processed and the following actions being proposed thereon pursuant to Section 43 of Chapter 21 of the General Laws, and 314 CMR 5.00 and 2.06:

CITY/TOWN: Stockbridge
PROJECT NAME: Camp Mah-Kee-Nac
APPLICANT: Mr. Bart Margheim
FACILITY LOCATION: 6 Hawthorne Road Stockbridge, MA 01262
TYPE OF DISCHARGE: Treated wastewater
QUANTITY OF DISCHARGE: 20,198 Gallons Per Day
PERMIT NO: MA-GW-2-681
TRANSMITTAL NO: X269309
PROPOSED ACTION: Tentative determination to issue individual groundwater discharge permit

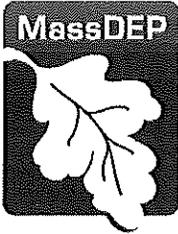
A copy of the application, draft permit, and statement of basis or fact sheet relative to the draft permit may be obtained from the MassDEP's Wastewater Management Program at the above address and telephone number or online at:

<http://www.mass.gov/eea/agencies/massdep/news/comment/>

Comments on the proposed action or requests for a public hearing thereon pursuant to 314 CMR 2.07 must be filed with MassDEP at the above address within thirty (30) days of this notice. For information on the process for formally intervening in adjudicatory proceedings, please refer to 310 CMR 1.00: Adjudicatory Proceedings, Section (7) Intervention and Participation.

<http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-1-00-adjudicatory-proceedings.html>.

Paul J Nietupski
Wastewater Section Chief
Bureau of Water Resources



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INDIVIDUAL GROUNDWATER DISCHARGE PERMIT

Name and Address of Applicant: Bart Margheim
Camp Group, Mah-Kee-Nac Real Estate Co., LLC
4 New King Street
White Plains, NY 10604

Date of Application: January 25, 2016
Application Number: X269309
Permit Number: MA-GW-2-681
Date of Issuance: DRAFT
Date of Expiration: DRAFT
Effective Date: 30 Days from issuance if comments; date of issuance if no comments

AUTHORITY FOR ISSUANCE

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, 314 CMR 2.00, and 314 CMR 5.00, the Massachusetts Department of Environmental Protection (the Department or MassDEP) hereby issues the following permit to:

Camp Group, Mah-Kee-Nac Real Estate Co.,
LLC
4 New King Street
White Plains, NY 10604

(hereinafter called "the Permittee") authorizing discharges to the ground seasonally, from June 1 through September 1 (Operating Season), from the onsite wastewater treatment facility located at:

Camp Mah-Kee-Nac
6 Hawthorne Road
Stockbridge, MA 01262

such authorization being expressly conditional on compliance by the Permittee with all terms and conditions of the permit hereinafter set forth.

Paul J Nietupski
Section Chief, Wastewater Management
Bureau of Water Resources

Date

I. SPECIAL CONDITIONS**A. EFFLUENT LIMITS**

1. The Permittee is authorized to discharge into the ground from the wastewater treatment plant (WWTP) for which this permit is issued a treated effluent whose characteristics shall not exceed the following values:

EFFLUENT CONSTITUENT	DISCHARGE LIMITATIONS
EFFLUENT FLOW RATE	20,195 GALLONS PER DAY
BIOCHEMICAL OXYGEN DEMAND, BOD ₅	30 MG/L
TOTAL SUSPENDED SOLIDS	30 MG/L
TOTAL NITROGEN CONCENTRATION IN POUNDS PER YEAR	854.4 (SEE SECTION I.C OF THIS PERMIT)
OIL AND GREASE	15 MG/L

- a. The pH of the effluent shall not be less than 6.5 SIU nor greater than 8.5 SIU at any time or not more than 0.2 standard units outside the naturally occurring range.
- b. The discharge of the effluent shall not result in any demonstrable adverse effect on the groundwater or violate any water quality standards that have been promulgated.
- c. The monthly average concentration of BOD and TSS in the discharge shall not exceed 15 percent of the monthly average concentrations of BOD and TSS in the influent into the Permittee's wastewater treatment facility.
- d. When the average annual flow exceeds 80 percent of the permitted flow limitations, the Permittee shall submit a report to the Department describing what steps the Permittee will take in order to remain in compliance with the permit limitations and conditions, inclusive of the flow limitations established in this permit.
- e. In the event that the soil absorption system becomes saturated in any part or effluent breaks out of any part of the soil absorption system, the Permittee shall prevent further dosing of the soil absorption system by pumping out the dosing tank(s). All effluent pumped from dosing tanks will be pumped by a locally licensed septage hauler.

B. MONITORING AND REPORTING

1. During the Operating Season, the Permittee shall monitor and record the quality of the **influent** and the quality and quantity of the **effluent** prior to discharge to the leaching facilities according to the following schedule and other provisions:

INFLUENT:

INFLUENT CONSTITUENT	MINIMUM FREQUENCY OF ANALYSIS	SAMPLE TYPE
BIOCHEMICAL OXYGEN DEMAND, BOD ₅	1 SAMPLE EVERY TWO WEEKS	8 HOUR COMPOSITE
TOTAL SUSPENDED SOLIDS (TSS)	1 SAMPLE EVERY TWO WEEKS	8 HOUR COMPOSITE

TOTAL SOLIDS (TS)	1 SAMPLE EVERY TWO WEEKS	8 HOUR COMPOSITE
AMMONIA NITROGEN (NH ₃ -N)	1 SAMPLE EVERY TWO WEEKS	8 HOUR COMPOSITE

EFFLUENT:

EFFLUENT CONSTITUENT	MINIMUM SAMPLING FREQUENCY	SAMPLE TYPE
EFFLUENT FLOW RATE	DAILY	MINIMUM, MAXIMUM, AND AVERAGE
BIOCHEMICAL OXYGEN DEMAND, BOD ₅	1 SAMPLE EVERY WEEK	8 HOUR COMPOSITE
TOTAL SUSPENDED SOLIDS	1 SAMPLE EVERY WEEK	8 HOUR COMPOSITE
TOTAL SOLIDS	1 SAMPLE EVERY TWO (2) WEEKS	8 HOUR COMPOSITE
TOTAL NITROGEN (NO ₃ -N + NO ₂ -N+TKN)	1 SAMPLE EVERY WEEK	8 HOUR COMPOSITE
PH	1 SAMPLE EVERY DAY	GRAB
OIL & GREASE	1 SAMPLE EVERY TWO (2) WEEKS	GRAB
VOLATILE ORGANIC COMPOUNDS (USEPA METHOD 624)	1 SAMPLE ANNUALLY	GRAB
TOTAL PHOSPHORUS	1 SAMPLE EVERY TWO (2) WEEKS	8 HOUR COMPOSITE
ORTHOPHOSPHATE	1 SAMPLE EVERY TWO (2) WEEKS	8 HOUR COMPOSITE

2. The Permittee shall monitor, record and report the quality of water in upgradient MW-3 and downgradient monitoring wells (MW-1 and MW-5) in accordance with the schedule below. Additionally, the static water level in MW-2 and each soil absorption monitoring well (MWG1, MWG2, MWS1, MWS2, MWT1 and MWT2) shall be monitored according to the following table. The locations of the monitoring wells are illustrated in plans submitted by Hill Engineers titled:

*Camp Mah-Kee-Nac
Overall System Components Plan
SPT-217-L1.DWG
Dated: 10-4-1999
Revised: 9-25-2000*

MONITORING WELL CONSTITUENT	SAMPLING FREQUENCY	CONCENTRATION LIMITS NOT TO BE EXCEEDED
STATIC WATER LEVEL OBSERVATIONS REQUIRED AT MONITORING WELLS MW-1, 2, 3 AND 5 AND ALL PIEZOMETERS IN AND NEAR THE SAS INCLUDING MWG1, MWG2, MWS1, MWS2, MWT1, MWT2	CONCURRENTLY WITH OTHER SAMPLING IN JUNE AND AUGUST, AND AGAIN IN FEBRUARY AND NOVEMBER	STATIC WATER LEVELS IN WELLS (ALL PIEZOMETERS IN AND NEAR THE SAS) SHALL NOT BE WITHIN 12-INCHES OF THE SURFACE OF THE GROUND.
pH	CONCURRENTLY WITH OTHER SAMPLING IN JUNE AND AUGUST, AND AGAIN IN FEBRUARY AND NOVEMBER	STANDARD DEVIATION FROM BACKGROUND

SPECIFIC CONDUCTANCE	CONCURRENTLY WITH OTHER SAMPLING IN JUNE AND AUGUST, AND AGAIN IN FEBRUARY AND NOVEMBER	STANDARD DEVIATION FROM BACKGROUND
TOTAL NITROGEN (NO ₃ -N+NO ₂ -N+TKN)	CONCURRENTLY WITH OTHER SAMPLING IN JUNE AND AUGUST, AND AGAIN IN FEBRUARY AND NOVEMBER	5 MG/L
TOTAL PHOSPHOROUS	JUNE AND AUGUST DURING THE OPERATING SEASON	STANDARD DEVIATION FROM BACKGROUND
ORTHOPHOSPHATE	JUNE AND AUGUST DURING THE OPERATING SEASON	STANDARD DEVIATION FROM BACKGROUND
VOLATILE ORGANIC COMPOUNDS	1 TIME ANNUALLY BY USEPA METHOD 624 TAKEN DURING THE LAST MONTH OF WWTP OPERATION	NO DETECTABLE VOCs

3. All sampling shall be representative of wastewater flow to and from the WWTP. Any grab sample or composite sample required to be taken less frequently than daily shall be taken during peak wastewater flows, and during the period of Monday through Friday inclusive. All composite samples shall be taken over the operating day during peak flow to the WWTP.
4. Static Water Level shall be expressed as an elevation and shall be referenced to the surveyed datum established for the site. It shall be calculated by subtracting the depth to the water table from the surveyed elevation of the top of the monitoring well's PVC well casing/riser.
5. The Permittee shall submit all monitoring reports within 30 days of the last day of the reporting month. Reports shall be on an acceptable form, properly filled and signed and shall be sent to: Wastewater Management Program, Bureau of Water Resources, Department of Environmental Protection, Western Regional Office, 436 Dwight Street, Springfield, MA 01103 and to the Department of Environmental Protection, Bureau of Water Resources, Wastewater Management Program, One Winter Street, 5th Floor, Boston, MA 02108, and to the Tri-Town Health District 45 Railroad Street, Lee, MA 01238

Submission of monitoring reports in electronic format is available through eDEP and serves as data submission to both the Regional and Boston offices. To register for electronic submission go to:

<http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html>

C. NUTRIENT LOADING LIMITATIONS

1. Pursuant to the Nutrient Loading Policy, both the Zone 1 and the IWPA for the Public Water Supply Well (PWSID 1283010) are considered nutrient sensitive areas. The Public Water System well source, Lake Mah-Kee-Nac, and the down-gradient property line are, by definition, nitrogen sensitive receptors. Accordingly, the Permittee shall comply with the following nutrient loading limitations:
 - a. The cumulative mass load of nitrogen discharged at the site from the soil absorption system and applied through other sources to the ground surface within the 41.9 acre property boundary, shall not **exceed 854.4 pounds of nitrogen per year**. This equates to an overall maximum concentration of 5.0 mg/L distributed over the entire property. The Recirculating Sand Filter (RSF) is predicted to discharge 255.9 lbs/year of NO₃-N (at 25 mg/L NO₃-N). The Permittee is allowed to apply up to 598.5 lbs/year of Nitrogen to the property for uses other than wastewater disposal (fertilizer etcetera), cumulating to a total acceptable load of 854.4 lbs NO₃-N per year;
 - b. Groundwater quality measured in the monitoring well at the down-gradient property boundary of the site and nearest sensitive receptor (MW-5; PWS Well IWPA and property line); as well as the PWS Zone I boundary (MW-1), **shall not exceed 5.0 mg/l total nitrogen**;
 - c. The following assumptions shall be utilized to quantify the nutrient loadings contributed by the site and the overall impact they have on groundwater and surface water quality. These are planning assumptions and do not constitute compliance points for purposes of this Permit. Any significant deviation from the planning assumptions realized may require a modification in accordance with 314 CMR 2.10 and 314 CMR 5.12.
 - (i) Wastewater:
 - Total Nitrogen Concentration of RSF Discharge = 25 mg/L NO₃-N;
 - Camp occupancy = 555 persons;
 - Wastewater flow per person per day = 35 gallons;
 - Seasonal campground operation for 17% of the year;
 - Annual NO₃-N/person = 35 Gallons Per Person Per Day x 25 mg/L x 17% x (365) = 0.461 lbs/person/year;
 - (ii) Fertilized Area:
 - Negligible; Camp management indicates that minor applications of fertilizer is applied on the athletic fields or during landscaping;
 - (iii) Stormwater:
 - Site impervious area runoff is not infiltrated on-site but runs off-site into Stockbridge Bowl. An insignificant amount of stormwater runs onto the site from adjacent property;

- (iv) Recharge:
 - Aggregate site impervious area percentage is 20%. Site pervious area contributes an estimated net amount of between 12 and 18-inches of infiltration per year, over 80% of the site;
 - In accordance with the Nutrient Loading Policy, water withdrawn from the public water supply on the site and recharged through the RSF shall not be considered for modeling purposes either as a loss of aquifer recharge due to the withdrawal, or as a source of dilutional recharge through the RSF.
 - d. In the event that the Department determines, based on an evaluation of the Annual Report or other information, that the nutrient loading assumptions have not been adhered to or otherwise realized by the Permittee, the Department may require the Permittee to undertake the contingency measures detailed below or modify the permit in accordance with 314 CMR 2.10 and 314 CMR 5.12.
 - (i) Install wastewater treatment technology to achieve an additional level of nutrient removal;
 - (ii) Decrease Facility occupancy to achieve reduction if nutrient mass load;
 - (iii) Reduce application of nutrients to the property.
2. The Permittee shall draft an annual report detailing the descriptions of its estimated actual cumulative nitrogen loadings. The annual report shall be certified as valid and stamped by a professional engineer registered in the Commonwealth of Massachusetts. The report shall be submitted to MassDEP WERO no later than January 31st annually. The report shall include the following information:
- a. PWS water meter readings for water use at Camp Mah-Kee-Nac for the preceding year, including the cumulative annual total(s);
 - b. A summary of the total directly connected impervious area (hereafter "DCIA") of the property (this will necessarily include the surface areas of buildings and parking lots that collect and transmit rainfall runoff);
 - c. The fertilizer application rates for the preceding year for all fertilized areas at Camp Mah-Kee-Nac;
 - d. A description quantifying any planned changes in the amount of applied fertilizers for the subsequent year;
 - e. A description of any planned construction for the subsequent year and an analysis of its contribution to the cumulative site loading and increase in DCIA;
 - f. A summary of the DMR data for the preceding year;
 - g. A summary of all completed and proposed Inflow and Infiltration work on the collection system as required at Section I.E.12 of this permit;

- h. Calculations evaluating compliance with the nutrient loading limitations of the permit including an estimate of the cumulative annual nitrogen loadings to the Camp Mah-Kee-Nac property for the preceding year.

D. SUPPLEMENTAL CONDITIONS

1. The Permittee shall notify the Department at least thirty (30) days in advance of the proposed transfer of ownership of the facility for which this permit is written. Said notification shall include a written agreement between the existing and new Permittee's containing a specific date for transfer of permit, responsibility, coverage and liability between them;
2. The Permittee shall notify the Department of any change in use of the Facility that would increase the flow to the treatment works and/or the soil absorption system or change the dates and duration that the camp is in operation. Current camp dates of operation are from June 1 through September 1.
3. A staffing plan for the facility shall be submitted to the Department once every two years and whenever there are staffing changes. The staffing plan shall include the following components:
 - a. The operator's names, operator grades and operator license numbers;
 - b. The number of operational days per week;
 - c. The number of operational shifts per week;
 - d. The number of shifts per day;
 - e. The required personnel per shift;
 - f. Saturday, Sunday and holiday staff coverage;
 - g. Emergency operating personnel.
4. The Permittee is responsible for the operation and maintenance of all sewers, pump stations, and treatment units for the permitted facility, which shall be operated and maintained under the direction of a properly certified wastewater operator.
5. Operation and maintenance of the proposed facility must be in accordance with 314 CMR 12.00, *"Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges"*, and, 257 CMR 2.00, *"Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities"*.
 - a. The facility has been rated (in accordance with 257 CMR 2.00), to be a Grade 4M facility. Therefore, the Permittee shall provide for oversight by a Massachusetts Certified Wastewater Treatment plant operator (Chief Operator) Grade 4M or higher. The Permittee will also provide for a backup operator who shall possess at least a valid Grade 3M license;
 - b. As a condition of this permit renewal, Camp Mah-Kee-Nac shall establish a sewn bound wastewater treatment plant inspection logbook. The logbook shall be maintained on location at the treatment facility. The date and time of the operator's inspection along with the operator's name and certification shall be recorded in the log book. All daily inspection logs consistent with the O&M Manual requirements shall be kept at the facility for a period of three (3) years;

- c. Records of operation of wastewater treatment facilities or disposal systems required by the Department shall be submitted on forms supplied by the Department or on other forms approved by the Department for such use. Monthly reports shall be certified by the wastewater treatment plant operator in charge and shall be included in the discharge monitoring reports submitted each month.
6. If the operation and maintenance of the facility is contracted to a private concern, the Permittee shall submit a copy of the contract, consistent with what is required by the approved Operation & Maintenance manual and signed only by the contractor, to the appropriate MassDEP Regional Office within thirty (30) days of permit issuance. Along with the contract, a detailed listing of all contract operation obligations of the proposed contractor at other facilities shall also be submitted.
7. Any additional connections to the sewer system must be approved by MassDEP prior to the connection.
8. All sampling, analytical determinations and quality assurance and quality controls (QA/QC) for compliance with these permit standards and requirements shall be completed using procedures found in the most recent version of 314 CMR 12.00 and 40 CFR 136. Any laboratory analysis not performed on site shall be conducted by a Massachusetts Certified Laboratory. All QA/QC shall be the responsibility of the Permittee;
9. The Permittee shall notify the appropriate MassDEP Regional Office, in writing, within thirty (30) days of the following events:
 - a. Annual date of WWTP start up;
 - b. Any interruption of the treatment system operation, other than routine maintenance;
 - c. Annual shutdown of the WWTP. The Permittee may submit this information concurrently or contained in the report required in Section I.C.2 of this permit.
10. The Permittee shall contract to have any and all solids and sludges generated by the treatment system for which this permit is issued removed off site by a properly licensed waste hauler for disposal at an EPA/MassDEP approved facility. The name and license number of the hauler along with the quantity of wastes removed and the date(s) of removal shall be reported by the Permittee in writing to MassDEP WERO. The Permittee may submit this information concurrently or contained in the report required in Section I.C.2 of this permit;
11. Within one (1) year from the effective date of this Permit, the Permittee shall submit two reports to MassDEP WERO for its review and approval as follows:
 - a. An engineering report, prepared by a Massachusetts registered professional engineer, that outlines in sufficient detail what modifications (if any) to the facility or other changes are required to insure that the facility can remain in compliance with its GWDP and other applicable requirements through the next 5 year permit term (year 2021) and beyond;
 - b. A financial plan that contains the cost estimates for implementing the facility modifications or other changes identified in the engineering report, and describes

and demonstrates, how and when the Permittee will finance the needed facility modifications or other changes.

12. In the event that effluent limits are not met, or the discharge is determined to impair groundwater quality in accordance with 314 CMR 5.16(1), the Permittee may be obligated to modify, supplement or replace the permitted treatment process so as to ensure that the discharge does not impair the ability of the groundwater to act as an actual or potential source of potable water;
13. To maintain compliance with this Permit, the Permittee shall develop and implement a written operation and maintenance plan to control inflow and infiltration in its collection system. The Permittee shall report all work completed as well as any proposed work on its collection system in the yearly report required at Section I.C.2 of this Permit.
14. Pursuant to M.G.L. Chapter 21A, section 18(a), and 310 CMR 4.03, holders of this Permit may be subject to annual compliance assurance fees as assessed each year on July 1st and invoiced by MassDEP. Failure of the Permit holder to pay applicable annual compliance assurance fees shall result in the automatic suspension of the permit by operation of law under the statute. If fee non-payment continues for sixty days or more, MassDEP has the statutory option of revoking the Permit, denying any other pending permit applications filed by the Permit holder or taking other enforcement action. Permit holders are required to notify MassDEP in writing if they wish to relinquish or transfer a permit. Failure to do so will result in the continued assessment of fees.

D. APPEAL RIGHTS

During the thirty (30) day period following issuance of this permit, a Notice of Claim for an Adjudicatory Appeal may be sent by any person aggrieved (the "Petitioner") by the issuance to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
One Winter Street/2nd Floor
Boston, MA 02108

310 CMR 1.01(6)(b) requires the Notice of Claim to: include sufficient facts to demonstrate aggrieved person status; state the facts which are grounds for the appeal specifically, clearly and concisely; and, state relief sought. The permit shall become or remain effective at the end of the 30 day appeal period unless the person filing the Notice of Claim requests, and is granted, a stay of its terms and conditions. If a permit is modified under 314 CMR 2.10, only the modified terms and conditions may be subject to an Adjudicatory Appeal. All other aspects of the existing permit shall remain in effect during any such Adjudicatory Appeal.

Per 310 CMR 4.06, the hearing request to the Commonwealth will be dismissed if the filing fee is not paid. Unless the Petitioner is exempt or granted a waiver, a valid check payable to the Commonwealth to Massachusetts in the amount of \$100.00 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The filing fee is not required if the Petitioner is a city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority effective January 14, 1994, or any municipal housing authority; or, per MGL 161A s. 24, the Massachusetts Bay Transportation Authority. The Department may waive the adjudicatory hearing filing fee for a Petitioner who shows that paying the fee will create an undue financial hardship. A Petitioner seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

II. GENERAL PERMIT CONDITIONS

The following conditions from 314 CMR 5.16 applies to all individual and general permits:

1. No discharge authorized in the permit shall cause or contribute to a violation of the Massachusetts Surface Water Quality Standards (314 CMR 4.00) or any amendments thereto. Upon promulgation of any amended standard, this permit may be revised or amended in accordance with such standard and 314 CMR 2.10 and 3.13 or 5.12. Except as otherwise provided in 314 CMR 5.10 (3)(c), 310 CMR 5.10(4)(a)2 and 314 CMR 5.10(9), no discharge authorized in the permit shall impair the ability of the ground water to act as an actual or potential source of potable water. Evidence that a discharge impairs the ability of the ground water to act as an actual or potential source of potable water includes, without limitation, analysis of samples taken in a downgradient well that shows one or more exceedances of the applicable water quality based effluent limitations set forth in 314 CMR 5.10. In those cases where it is shown that a measured parameter exceeds the applicable water quality based effluent limitations set forth in 314 CMR 5.10 at the upgradient monitoring well, evidence that a discharge impairs the ability of the ground water to act as an actual or potential source of potable water is deemed to exist if a measured parameter in any downgradient well exceeds the level of that same measured parameter in the upgradient well for the same sampling period. A statistical procedure approved by the Department shall be used in determining when a measured parameter exceeds the allowable level.
2. Duty to comply. The Permittee shall comply at all times with the terms and conditions of the permit, 314 CMR 5.00, M.G.L. c. 21, §§ 26 through 53 and all applicable state and federal statutes and regulations.
3. Standards and prohibitions for toxic pollutants. The Permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Federal Act, 33 U.S.C § 1317(a), for toxic pollutants 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 requirement.
4. Proper operation and maintenance. The Permittee shall at all times properly operate and maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the permit, and the regulations promulgated at 314 CMR 12.00 entitled "*Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges*", and 257 CMR 2.00, "*Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities*".
5. Duty to halt or reduce activity. Upon reduction, loss, or failure of the treatment facility, the Permittee shall, to the extent necessary to maintain compliance with its permit,

control production or discharges or both until the facility is restored or an alternative method of treatment is provided. 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 the permit.

6. Power Failure. In order to maintain compliance with the effluent limitations and prohibitions of this permit, the Permittee shall either:
 - a. Provide an alternative power source sufficient to operate the wastewater control facilities;
OR
 - b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
7. Duty to mitigate. The Permittee shall take all reasonable steps to minimize or prevent any adverse impact on human health or the environment resulting from non-compliance with the permit.
8. Duty to provide information. The Permittee shall furnish to the Department within a reasonable time as specified by the Department any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine whether the Permittee is complying with the terms and conditions of the permit.
9. Inspection and entry. The Permittee shall allow the Department or its authorized representatives to:
 - a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records required by the permit are kept;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and
 - d. Sample or monitor at reasonable times for the purpose of determining compliance with the terms and conditions of the permit.
10. The Permittee shall physically secure the treatment works and monitoring wells and limit access to the treatment works and monitoring wells to those personnel required to operate, inspect and maintain the treatment works and to collect samples.
11. The Permittee shall identify each monitoring well by permanently affixing to the steel protective casing of the well a tag with the identification number listed in the permit.
12. Monitoring. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures are specified in the permit.
13. Recordkeeping. 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 the permit, and all records of all data used to complete the application for the permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurement;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
14. Prohibition of bypassing. Except as provided in 314 CMR 5.16(13), bypassing is prohibited, and the Department may take enforcement action against a Permittee for bypassing unless:
- a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. 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 the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The Permittee submitted notice of the bypass to the Department:
 1. In the event of an anticipated bypass, at least ten days in advance, if possible; or
 2. In the event of an unanticipated bypass, as soon as the Permittee has knowledge of the bypass and no later than 24 hours after its first occurrence.
15. Bypass not exceeding limitations. The Permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if necessary for the performance of essential maintenance or to assure efficient operation of treatment facilities.
16. Permit actions. The permit may be modified, suspended, or revoked for cause. The filing of a request by the Permittee for a permit modification, reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.
17. Duty to reapply. If the Permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, 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 Department in writing.
18. Property rights. The permit does not convey any property rights of any sort or any exclusive privilege.

19. 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, and local laws and regulations.
20. Oil and hazardous substance liability. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under § 311 of the Federal Act, 33 U.S.C. § 1321, and M.G.L. c. 21E.
21. Removed substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in a manner consistent with applicable Federal and State laws and regulations including, but not limited to, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 and the Federal Act, ; 33 U.S.C. § 1251 *et seq.*, the Massachusetts Hazardous Waste Management Act, M.G.L. c. 21C, and the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*, 310 CMR 19.000 and 30.000, and other applicable regulations.
22. Reporting requirements.
 - a. Monitoring reports. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) at the intervals specified elsewhere in the permit. If the Permittee monitors any pollutant more frequently than required by the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - b. Compliance schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date.
 - c. Planned changes. The Permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility or activity which could significantly change the nature or increase the quantity of pollutants discharged. Unless and until the permit is modified, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.
 - d. Anticipated non-compliance. The Permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in non-compliance with permit requirements.
 - e. 24 hour reporting. The Permittee shall report any non-compliance 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 five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance, including exact dates and times, and if the non-compliance 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 non-compliance. The following shall be included as information which must be reported within 24 hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit.
 2. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
- f. Other non-compliance. The Permittee shall report all instances of non-compliance not reported under 314 CMR 5.16(20)(a), (b), or (e) at the time monitoring reports are submitted. The reports shall contain the information listed in 314 CMR 5.16(20)(e).
- g. Toxics. All manufacturing, commercial, mining, or silvicultural dischargers must notify the Department as soon as they know or have reason to believe:
1. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant listed in 314 CMR 3.17 which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - a. 100 micrograms per liter (100 ug/l);
 - b. 200 micrograms per liter (200 ug/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five times the maximum concentration value reported for that pollutant in the permit application; or
 2. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application
- h. Indirect dischargers. All Publicly Owned Treatment Works shall provide adequate notice to the Department of the following:
1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to § 301 or 306 of the Federal Act, 33 U.S.C. § 1311 or 1316, if it were directly discharging those pollutants; and
 2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- i. 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 Department, it shall promptly submit such facts or information.
23. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified in accordance with 314 CMR 3.15 and 5.14.
24. Severability. The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.
25. Reopener clause. The Department reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Massachusetts

Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 or the Federal Act, 33 U.S.C. §1251 *et seq* in order to bring all discharges into compliance with said statutes.

26. Approval of treatment works. All discharges and associated treatment works authorized herein shall be consistent with the terms and conditions of this permit. Any modification to the approved treatment works shall require written approval of the Department prior to the construction of the modification.
27. Transfer of Permits.
- a. RCRA facilities. Any permit which authorizes the operation of a RCRA facility which is subject to the requirements of 314 CMR 8.07 shall be valid only for the person to whom it is issued and may not be transferred.
 - b. Transfers by modification. Except as provided in 314 CMR 5.16(25)(a) and (c), a permit may be transferred by the Permittee to a new owner or operator provided that the permit has been modified or revoked and reissued or a minor modification is made to identify the new Permittee in accordance with 314 CMR 5.12(3) and (4).
 - c. Automatic transfers. For facilities other than Privately Owned Wastewater Treatment Facilities (PWTFs) that treat at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, and/or assisted living facilities, PWTFs that have been required to establish financial assurance mechanism(s) pursuant to 314 CMR 5.15(6), and RCRA facilities subject to the requirements of 314 CMR 8.07, a permit may be automatically transferred in accordance with 314 CMR 5.12(5).
28. Permit Compliance Fees and Inspection Information. Except as otherwise provided, any Permittee required to obtain a surface water or ground water discharge permit pursuant to M.G.L. c. 21, § 43 and 314 CMR 3.00 and 5.00, shall be required to submit the annual compliance assurance fee established in accordance with M.G.L. c. 21A, § 18 and 310 CMR 4.00 as provided in 314 CMR 2.12. The requirement to submit the annual compliance fee does not apply to any local government unit other than an authority. Any Permittee required to obtain a surface water or ground water discharge permit pursuant to M.G.L. c. 21, §43 and 314 CMR 3.00 and 5.00 may be required to submit inspection information annually as a condition of the permit as provided in 314 CMR 2.12.

