

**MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS**

In compliance with the provisions of the Massachusetts Clean Waters Act, as amended (M.G.L. Chap. 21, §§ 26 - 53) and the implementing regulations at 314 CMR 3.00 and 4.00,

Boston Ship Repair, LLC

is authorized to discharge from the facility located at

Boston Ship Repair, LLC  
32A Drydock Avenue  
Boston, MA 02210

to receiving water named

Boston Inner Harbor (MA70-02)  
Boston Harbor Watershed

in accordance with the following effluent limitations, monitoring requirements and additional conditions:

1. This permit is issued on May 2, 2021 and shall become effective on June 1, 2021.
2. This permit shall expire five years after the effective date.
3. This permit supersedes the permit issued on November 18, 2013.
4. This permit incorporates by reference Part IA., Effluent Limitations and Monitoring Requirements, Part IB., Unauthorized Discharges, Part IC., Special Conditions, Part ID. Reporting Requirements, and Part IIE., Standard Conditions, as set forth in the 2021 NPDES Permit No. MA0040142, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to Boston Ship Repair, LLC on March 22, 2021 (the 2021 NPDES Permit) and attached hereto as Appendix A; provided, however:
  - a. that the notification required by Part IA.8. shall also be provided to MassDEP;
  - b. that the reporting required by Part IB.1 shall be in accordance with 314 CMR 3.19(20)(e) (24 hour reporting);
  - c. that discharges of a new chemical or additive authorized under Part ID.4. are only authorized under this permit 30 days following written notification to MassDEP, unless otherwise notified in writing by MassDEP;
  - d. that a copy of the requests, reports, and information required by Part IE.3. to be submitted to EPA shall also be submitted to MassDEP electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov);
  - e. that, if there is a conflict between the definitions in 314 CMR 3.02 and/or 314 CMR 4.00 and the definitions in Part IIE, the definitions in 314 CMR 3.02 and/or 314 CMR 4.00 shall control, as applicable;
  - f. that the notifications required by 4.a. and 4.c. above shall be provided as follows:

Susannah King, NPDES Section Chief  
Division of Watershed Management  
Department of Environmental Protection  
1 Winter Street – 5<sup>th</sup> Floor  
Boston, MA 02108

5. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.

## 6. This permit includes the following additional conditions:

- a. Within six (6) months of the effective date of the permit, the permittee shall submit to MassDEP an evaluation of whether the facility uses any products containing any per- and polyfluoroalkyl substances (PFAS) and whether use of those products can be reduced or eliminated. The analysis shall be submitted electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov).
- b. Within six (6) months after EPA's multi-lab validated method for wastewater is made available to the public on EPA's Clean Water Act methods program website<sup>1</sup>, or two (2) years from the effective date of the NPDES permit, whichever is earlier, the permittee shall conduct monitoring of the effluent for PFAS compounds as detailed in the table below. If EPA has not issued a validated test method by twenty (20) months after the effective date of the NPDES permit, the permittee shall contact MassDEP ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) for guidance on an appropriate analytical method. Notwithstanding any other provision of the 2021 Federal NPDES permit to the contrary, monitoring results shall be reported to MassDEP electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov), or as otherwise specified, within 30 days after they are received. Those results do not need to be reported to EPA through NetDMR unless EPA establishes a requirement through a future permitting action.

**Effluent (Outfall 002)**

Parameter	Units	Measurement Frequency	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Quarterly <sup>2</sup>	Grab <sup>3</sup>
Perfluoroheptanoic acid (PFHpA)	ng/L	Quarterly	Grab
Perfluorononanoic acid (PFNA)	ng/L	Quarterly	Grab
Perfluorooctanesulfonic acid (PFOS)	ng/L	Quarterly	Grab
Perfluorooctanoic acid (PFOA)	ng/L	Quarterly	Grab
Perfluorodecanoic acid (PFDA)	ng/L	Quarterly	Grab

- c. After completing one year of monitoring, if four (4) consecutive samples are reported as non-detect for all six PFAS compounds, then the permittee may submit a request to discontinue PFAS monitoring. Any such request shall be made in writing and sent to: [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov). The permittee shall continue such monitoring pending written approval from MassDEP to discontinue it.

Signed this 30<sup>th</sup> day of April, 2021

<sup>1</sup> See <https://www.epa.gov/cwa-methods/other-clean-water-act-test-methods-chemical> and <https://www.epa.gov/cwa-methods>.

<sup>2</sup> Quarters are defined as January to March, April to June, July to September, and October to December. Samples shall be taken during the same month each quarter and shall be taken 3 months apart (e.g., an example sampling schedule could be February, May, August, and November).

<sup>3</sup> Effluent samples shall yield data representative of the discharge. Sampling for PFAS shall be conducted while a vessel is docked and repairs on the outside of such vessel are being conducted, such as abrasive blasting or welding.

A handwritten signature in black ink, appearing to read 'Lealdon Langley', with a stylized flourish at the end.

Lealdon Langley, Director  
Division of Watershed Management  
Department of Environmental Protection

**RESPONSE TO COMMENTS**

**MA Permit No. MA0040142  
Boston Ship Repair, LLC  
32A Drydock Ave, Boston, Massachusetts**

The Massachusetts Department of Environmental Protection (MassDEP or the “Department”) is issuing a Surface Water Discharge (SWD) Permit to the Boston Ship Repair, LLC (the Permittee) for the facility (the Facility) located in Boston, Massachusetts. The permit is being issued under the Massachusetts Clean Waters Act, as amended (M.G.L. Chap. 21, §§ 26 - 53) and the implementing regulations at 314 CMR 3.00 and 4.00.

In accordance with the provisions of 314 CMR 2.09, MassDEP is obligated to prepare a response to comments received on the draft SWD Permit No. MA0040142 (the “Draft Permit”). The Response to Comments explains and supports MassDEP’s determinations that form the basis of the final permit (the “Final Permit”). From January 12, 2021 through February 11, 2021, MassDEP solicited public comments on the Draft Permit for the (re)issuance of a permit to discharge stormwater, groundwater infiltration, and seawater from Outfall Serial Number 002 to the Boston Inner Harbor and the associated Draft WQC.

During the public comment period for the draft NPDES permit (January 12, 2021 through February 10, 2021), EPA received comments from:

1. Philip Giles, Vice President, Boston Ship Repair, dated February 1, 2021.

EPA’s Response to Comments is included as part of the final NPDES permit issuance. During the public comment period for the draft SWD Permit, MassDEP received comments from:

1. Philip Giles, Vice President, Boston Ship Repair, dated February 1, 2021.

MassDEP’s knowledge of the facility has benefited from the various comments and additional information submitted during the public comment period but the information and arguments presented did not raise any substantial new questions concerning the Permit that warranted MassDEP exercising the discretion to reopen the public comment period. MassDEP does, however, make certain clarifications in response to comments. Any improvements and changes are explained in this document and reflected in the Final Permit. Below, MassDEP provides a summary of the changes made in the Final Permit. The analyses underlying these changes are contained in the responses to individual comments that follow.

A copy of the Final Permit and this Response to Comments document will be posted on the MassDEP website.

A copy of the Final Permit may be also obtained by writing or calling Xiaodan Ruan, MassDEP, Surface Water Discharge Permitting Program, Bureau of Water Resources, 1 Winter Street – 5<sup>th</sup> Floor, Boston 02108; telephone: 617-654-6517; email: [xiaodan.ruan@mass.gov](mailto:xiaodan.ruan@mass.gov). During this current COVID-19 emergency, MassDEP is working remotely. As such, interested parties are strongly encouraged to email MassDEP Xiaodan Ruan if they wish to obtain a copy of the Final Permit.

**I. Summary of Changes to the Final Permit**

1. Paragraph 6.b., the Sample Type in the table has been modified from “24 – hour Composite” to “Grab”.
2. Paragraph 6.b. has been revised to clarify that results shall be reported through email, or otherwise specified, if MassDEP directs permittees to report through another mechanism.

**II. Responses to Comments**

Comments are reproduced below as received; they have not been edited, corrected or otherwise modified.

**A. Comments from Philip Giles, Vice President, Boston Ship Repair, LLC on February 1, 2021****Comment 1**

**Composite Sampling for Quarterly Effluent Testing** - The draft permit requires sampling of effluent quality at Outfall 002 for PFAS using a flow weighted composite sample based on eight samples collected over 24 hours. Such composite sampling of the effluent is very difficult and impractical due to the intermittent nature of the stripping pump operation that generates that effluent stream. Frequency and duration of stripping pump operation (and effluent flow) varies by docking, and a stripping pump could run from one to four times per day and seldom for a significant portion of the day. In 2017 and in 2019 the pumping logs show two different ships each year (total of four ships) for which stripping pump operation occurred only twice daily for approximate total durations of one to one and a half hours. In 2018/2019 there was one ship (different from the two 2019 ships mentioned previously) for which stripping pump operation occurred only twice daily for approximate durations of two to three hours. In addition, BSR contracts with laboratories to collect effluent samples, rather than collecting samples by employees. Having contract laboratory personnel travel to the facility in the middle of the night, consistent with composite samples collected over 24-hours, presents added logistical and safety challenges and expense. Given the expected uniform nature of the effluent, and due to the logistical challenges and potential expense, BSR request that a single grab sample be allowed for the quarterly PFAS testing.

**Response 1**

The comment is regarding Paragraph 6.b. in the draft SWD Permit.

The Permittee submitted a similar comment to EPA regarding the sampling type for the Whole Effluent Toxicity (WET) testing in EPA’s draft NPDES Permit. EPA stated in its response that “...over the course of a day, EPA expects that toxicity is likely greatest following vessel cleaning operations when solids generated from cleaning could accumulate in the drydock and be discharged through Outfall 002 if not properly managed by site BMPs. The quarterly grab sampling requirement in the 2013 Permit led to the detection of high copper concentrations indicating that grab sampling is sufficient to catch effluent toxicity peaks. EPA finds that grab sampling is appropriate for this Facility as long as sampling occurs during conditions where sources of potential toxicity are present.” (see Response to Comment II.A.2 in EPA’s Response to Comments document). EPA has modified the sampling type in the Final NPDES Permit from “Composite” to “Grab” with a footnote condition, “Sampling for WET testing and Total Copper

shall be conducted while a vessel is docked and repairs on the outside of such vessel are being conducted, such as abrasive blasting or welding.”

The comment to MassDEP explains that the stripping pump can run anywhere from one to four times per day for durations of one to three hours. MassDEP agrees that grab sampling is appropriate for the PFAS testing for the Facility following the similar condition that the sampling for PFAS shall be conducted while a vessel is docked and repairs on the outside of such vessel are being conducted, such as abrasive blasting or welding.

The State Final SWD Permit has been modified to add the above condition for PFAS testing and changed the sampling type from “24-hour Composite” to “Grab”.

## **Comment 2**

**Small Business Cumulative Cost Burden of Increased Sampling and Analysis** - BSR is classified as a small business by NACIS code 336611. BSR recognizes MassDEP’s interest in being thorough in its investigation of effluent characteristics. BSR recognizes that MassDEP has included a sunset period of one year (four sampling events) for the six regulated PFAS compounds. However, it is our understanding that PFAS is ubiquitous in the environment so achieving a non-detect for the purposes of the sunset clause may not be achievable even if no PFAS is used at BSR’s facility. Rather than a sunset based on four non-detects, we propose rather that the sunset be based on four sampling events that show 20 ng/L (ppt) or less. The 20 ppt threshold is consistent with the Massachusetts Maximum Contaminant level (MMCL) for drinking water, individually or for the sum of the six specific PFAS, and also with the GW-1 standard in the 310 CMR 40 Massachusetts contingency Plan.

## **Response 2**

The comment is regarding Paragraph 6.c. in the draft SWD Permit.

MassDEP acknowledges the comment that PFAS is ubiquitous in the environment, and that PFAS could be detected in the Facility’s effluent even the Facility does not use any products containing PFAS. It is possible that the PFAS in the effluent, if present, can be from the environment, including groundwater infiltration and seawater. Paragraph 6.a. requires the Permittee to submit the evaluation of whether the Facility uses any products containing PFAS to MassDEP for review. This evaluation can be used to demonstrate that chemicals used at the Facility do not contribute PFAS to the Facility’s effluent.

It is MassDEP’s understanding that the comment proposes that the Permittee may request to discontinue PFAS monitoring if four (4) consecutive samples are reported at or below 20 ng/L for the sum of 6 PFAS compounds, referencing the MMCL for drinking water. Given that PFAS does not only pose concerns for drinking water, MassDEP maintains that the permittee must meet the non detect threshold for four (4) consecutive samples in order to request elimination of the monitoring requirement. It is possible that MassDEP may develop thresholds for other environmental receptors in the future, thus it would be beneficial to have data even if it is below the MMCL.



Massachusetts Department of Environmental Protection  
One Winter Street, Boston MA 02108 • Phone: 617-292-5751

## Communication for Non-English Speaking Parties - 310 CMR 1.03(5)(a)



### 1 English:

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



### 2 Español (Spanish):

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, comuníquese con el Director de Diversidad de MassDEP a los números de teléfono que aparecen más abajo.



### 3 Português (Portuguese):

Este documento é importante e deve ser traduzido imediatamente. Se você precisa deste documento traduzido, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



### 4(a) 中國（傳統）(Chinese (Traditional)):

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與 MassDEP 的多元化總監聯繫。



### 4(b) 中国（简体中文）(Chinese (Simplified)):

本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与 MassDEP 的多元化总监联系。



### 5 Ayisyen (franse kreyòl) (Haitian) (French Creole):

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



### 6 Việt (Vietnamese):

Tài liệu này rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc Đa dạng của MassDEP theo các số điện thoại được liệt kê dưới đây.



### 7 ប្រទេសកម្ពុជា (Kmer (Cambodian)):

ឯកសារនេះគឺមានសារៈសំខាន់និងត្រូវបានបកប្រែភាសា ប្រសិនបើអ្នកត្រូវបានបកប្រែ ឯកសារនេះសូមទំនាក់ទំនងឆ្នោតជានាយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។



### 8 Kriolu Kabuverdianu (Cape Verdean):

*Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.*



### 9 Русский язык (Russian):

Это важный документ и он должен быть безотлагательно переведен. Если вам нужен перевод данного документа, пожалуйста, свяжитесь с директором по разнообразию компании MassDEP по телефону указанному ниже

**10 العربية (Arabic):**

هذه الوثيقة مهمة ويجب ترجمتها على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال بمدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.

**11 한국어 (Korean):**

이 문서는 중요하고 즉시 번역해야 합니다. 이 문서의 번역이 필요하시다면, 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.

**12 հայերեն (Armenian):**

Այս փաստաթուղթը շատ կարևոր է և պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորև.

**13 فارسی (Farsi [Persian]):**

این سند مهم است و باید فوراً ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.

**14 Français (French):**

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

**15 Deutsch (German):**

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Sofern Sie die Übersetzung von diesem Dokument benötigen, wenden Sie sich bitte an den Diversity Director MassDEP unter der unten aufgeführten Telefonnummer.

**16 Ελληνική (Greek):**

Το παρόν έγγραφο είναι σημαντικό και θα πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του παρόντος εγγράφου, παρακαλούμε επικοινωνήστε με τον Διευθυντή Διαφορετικότητας του MassDEP στους αριθμούς τηλεφώνου που αναγράφονται παρακάτω.

**17 Italiano (Italian):**

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare il Direttore di Diversità di MassDEP ai numeri di telefono elencati di seguito.

**18 Język Polski (Polish):**

Dokument ten jest ważny i powinien zostać natychmiast przetłumaczony. Jeśli potrzebujesz przetłumaczonej wersji dokumentu, prosimy o kontakt z dyrektorem ds. różnorodności MassDEP pod jednym z numerów telefonu wymienionych poniżej.

**19 हिन्दी (Hindi):**

यह दस्तावेज़ महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. यदि आपको इस दस्तावेज़ का अनुवाद करने की आवश्यकता है, तो कृपया नीचे सूचीबद्ध टेलीफोन नंबरों पर मासडेप्स डाइवर्सिटी के निदेशक से संपर्क करें।