



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

April 4, 2018

Ed Barber
Associate Director, Facilities
3057 Main Street,
Brewster, MA 02631

RE: BREWSTER – BRPWP79, Cape Cod Sea
Camps, 3057 Main Street, Brewster MA 02631.
Transmittal No. X274291
Permit No. 977 - 0

Dear Mr. Barber:

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 Cape Cod Sea Camps to discharge treated wastewater from the facility located on Cape Cod Sea Camps, 3057 Main Street, Brewster, Massachusetts to the ground, and has developed the conditions contained in the enclosed draft permit.

The Department received the following two comments from your engineer on the proposed permit:

1. A request that the monitoring frequency for effluent sampling be revised to 6 times per year (monthly during the operating season). The Department agrees and the draft permit has been changed to reflect this request.
2. A request that the monitoring well sampling schedule be revised to three times a year. In the Department's opinion quarterly monitoring is appropriate for this site. Therefore, the draft permit has not been changed.

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.

This information is available in alternate format. Call the MassDEP Diversity Office at 617-556-1139. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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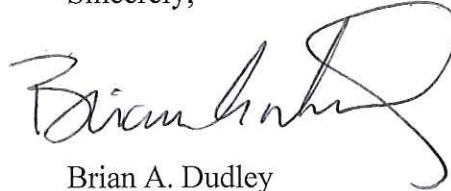
Enclosed herewith is a copy of the public notice for your groundwater discharge permit. If you have **no** comments concerning the draft permit, the enclosed public notice should be published to start the thirty (30) day public comment period.

In accordance with 314 CMR 2.06(4) and M.G.L. c.30A, the applicant or permittee, as applicable, shall publish a public notice of the permit proceedings in at least one newspaper of general circulation and *The Environmental Monitor*, a 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 Christos Dimisoris at the above letterhead address. The mandatory thirty day public comment period will commence with the date of publication of the public notice.

If you should have any questions on any information provided with this letter please contact Christos Dimisoris at (508) 946-2736.

Sincerely,



Brian A. Dudley
Bureau of Water Resources

D/AT/
Enclosure

cc: David Michniewicz
Coastal Engineering Co., Inc.
200 Cranberry Highway
Orleans, Massachusetts 02653
(with enclosure)

Nancy Ellis Ice
Brewster Board of Health
2198 Main Street,
Brewster, MA 02631
(with enclosure)

DEP/Boston

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER RESOURCES/WASTEWATER MANAGEMENT PROGRAM
20 RIVERSIDE DRIVE
LAKEVILLE, MASSACHUSETTS 02347
TEL#: (508) 946-2736

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:	Brewster
PROJECT NAME:	Cape Cod Sea Camps
APPLICANT:	Cape Cod Sea Camps
FACILITY LOCATION:	3057 Main Street
TYPE OF DISCHARGE:	Treated sanitary wastewater with special effluent limitations
QUANTITY OF DISCHARGE:	28,450 Gallons per day
PERMIT NO:	977 - 0
TRANSMITTAL NO:	X274291
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>

Brian A. Dudley
Bureau of Water Resources



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Individual Groundwater Discharge Permit **Fact Sheet**

I. APPLICANT, FACILITY INFORMATION, and DISCHARGE LOCATION

Name and Address of Applicant:

Cape Cod Sea Camps, 3057 Main Street, Brewster MA 02631

Name and Address of Facility where discharge occurs:

Cape Cod Sea Camps, 3057 Main Street, Brewster MA 02631

Discharge Information:

Groundwater Discharge Permit Number: 977 - 0

The Groundwater Discharge Permit will allow the applicant to discharge 28,450 gallons per day of treated sanitary wastewater. The proposed permit will allow the permittee to connect to the subsurface sewage disposal systems a seasonal facility open no more than six (6) months per year with 92 buildings onsite, including residential cabins, kitchen and dining halls, function and meeting halls, recreational buildings, shower rooms and bathroom facilities, staff housing, administrative offices and storage sheds. The discharge is not located in a sensitive area such as a Zone II wellhead protection area of a public water supply.

II. LIMITATIONS AND CONDITIONS

Discharge permit limitations are as listed in the ground water permit and are in conformance with 314 CMR 5.00, the Groundwater Discharge Permit Program.

III. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMITATIONS

An Individual Groundwater Discharge permit is required for this discharge in accordance with the Massachusetts Clean Water Act, M.G.L. c. 21, s. 26-53 and 314 CMR 5.03

This information is available in alternate format. Call the MassDEP Diversity Office at 617-556-1139. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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Effluent limitations are based upon the location of the discharge, the level of treatment, consideration of human health protection criteria and protection of the groundwaters of the Commonwealth.

IV. COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISIONS

The public comment period for this permit is thirty (30) days following public notice in *The Environmental Monitor*. The public notice for this Individual Groundwater Discharge Permit occurred on **DATE**.

In addition, this permit contains "Special Effluent Limitations" pursuant to 314 CMR 5.10(9). Therefore in accordance with 314 CMR 2.06(4)(a) public notice was also published in [newspaper] on [date].

Requests for an adjudicatory hearing must be submitted within thirty (30) days of the issuance/denial of the permit, by any person who is aggrieved by such issuance/denial.

A final decision on the issuance/denial of this permit will be made after the public notice period, and review of any comments received during this period.

V. STATE CONTACT INFORMATION

Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday excluding holidays, from:

Christos Dimisioris
DEP /SERO
20 Riverside Drive
Lakeville, MA 02347
(508) 946-2736

Brian A. Dudley
Bureau of Water Resources

Date

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GROUNDWATER DISCHARGE PERMIT

Name and Address of Applicant: **Cape Cod Sea Camps, 3057 Main Street, Brewster MA 02631**

Date of Application: **Oct 24, 2017**

Application/Permit No.: **977 - 0**

Date of Issuance: **DRAFT**

Date of Expiration: **DRAFT**

Effective Date: **DRAFT**

AUTHORITY FOR ISSUANCE

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, 314 CMR 2.00, 314 CMR 5.00, the Massachusetts Department of Environmental Protection (the Department or MassDEP) hereby issues the following permit with seasonal loading requirements to: **Cape Cod Sea Camps, 3057 Main Street, Brewster MA** (hereinafter called "the Permittee") authorizing discharges to the ground from the on site wastewater treatment facility located at: **Cape Cod Sea Camps, 3057 Main Street, Brewster MA 02631** (a seasonal summer camp for children with 92 multi-use buildings including an existing laundry facility) such authorization being expressly conditional on compliance by the Permittee with all terms and conditions of the enclosed permit.

Brian A. Dudley
Bureau of Water Resources

Date

I. SPECIAL CONDITIONS

The Permittee is authorized, pursuant to 314 CMR 5.10(9)(h) for seasonality loading requirements, to discharge effluent into the ground from twenty-nine (29) subsurface sewage disposal systems (SSDSs) serving 92 multi-use buildings and a laundry facility. The SSDSs will serve the buildings that generate wastewater, (hereinafter called "the Facility") with a total sewage design flow of 28,450 gpd. The total site is located on approximately 55 acres.

A. Treatment Facilities

1. The treatment process for each source of septic waste from the multi-use buildings is identical to that typically regulated under 310 CMR 15.000, Title 5 of the State Environmental Code. Treatment includes primary settling in septic tanks followed by aerobic filtration of tank supernatant as it passes through the in-situ, mixed-grain media of the soil absorption system (SAS). The location of each SSDS is indicated on the site plan provided with the initial permit application.

The method of treatment authorized by this Permit does not have prescribed intermediary or end-of-pipe effluent limits. However, due to the seasonal operation of the Facility the pollutant load will be less than if operated on a year round basis utilizing treatment technology designed for tertiary treatment standards. With the proper functioning of each component, such systems have been shown to regularly provide adequate removal and reduction of standard domestic-sourced, wastewater pollutants. Routine inspection and pumping of the septic tanks is critical to the proper functioning of each component, and to the overall efficiency of the SSDSs. Therefore, a maintenance and inspection program is required and is discussed in Section C below.

2. The treatment process for the laundry is a sand filter followed by infiltration structures.
3. Discharge of the effluent shall not result in any demonstrable adverse impact to the groundwater or violate any water quality standard that has been promulgated.
4. The Permittee shall take necessary measures to prevent, minimize or mitigate the impact of any discharge of effluent to the surface. Discharge includes, but is not limited to, breakout from an SAS, overflow of a septic tank, breakage of conveyance lines, any damage, misuse, or disrepair of an SSDS, or any damage, misuse, or disrepair of the laundry sand filter and infiltration structures, including any building sewer line(s).
5. The proper maintenance and inspection of the SSDSs (to include collection systems, treatment systems and facility grounds), sand filter and infiltration structures and the collection and analysis of groundwater samples collected from monitoring wells is required to protect public health and safety. The requirements for each are detailed below.
6. Any future SSDSs installed at the Facility shall incorporate pressure distribution in their design in accordance with the provisions of 310 CMR 15.000 or any other successor code.

B. Nutrient Loading

1. The cumulative load discharged at the Facility from the SSDSs shall not exceed **2,597 pounds per year of Biochemical Oxygen Demand (BOD₅), 2,597 pounds per year of Total Suspended Solids (TSS), 866 pounds per year of Nitrate Nitrogen (NO₃) and 866 pounds per year of Total Nitrogen (TN)** for the entire project. The permitted cumulative load is comprised of nitrogen, BOD and TSS derived from one (1) source. This source and its associated contribution is as follows:

<u>Source</u>	<u>Contaminant Contribution (lbs/year)</u>	
Wastewater (SSDSs)	BOD ₅	2597
	TSS	2597
	NO ₃	866
	TN	866

2. Several assumptions about land use and loading have been used to generate the maximum nutrient loading for this permit. These assumptions are based upon the use of the SSDSs and groundwater recharge due to precipitation.

Wastewater: Title 5 system: 35mg/l Total Nitrogen
Total wastewater flow: 28,450 gpd

Adherence to these planning assumptions is necessary to maintain compliance with the cumulative loading limitations listed above.

C. Effluent & Water Quality Limits

The permittee is authorized to discharge into the ground from the laundry sand filter for which this permit is issued a treated effluent whose characteristics within one month of start-up and continuing thereafter shall not exceed the following values:

Effluent Characteristics	Discharge Limitations
Oil & Grease	15 mg/l
Total Suspended Solids	30 mg/l
Downgradient Monitoring Well Water Quality Limitation	
Effluent Characteristics	Discharge Limitations
Surfactants	0.5 mg/l

(3) The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time. If under natural conditions, the pH of the receiving ground water is less than 6.5 or greater than 8.5, the pH of the effluent shall not vary from the naturally occurring pH by more than 0.2 units.

(4) The discharge of the effluent shall not interfere with the use of the ground water as an actual or potential source of potable water and the use of surface waters for their existing and designated uses. The discharge of effluent shall not cause or contribute to a violation of the Massachusetts Surface Water Quality Standards, 314 CMR 4.00.

D. Monitoring Requirements

The Permittee shall monitor the following:

1. Water Use Monitoring

The water meter readings from the facility shall be collected and reported to the Department consistent with the Reporting Requirements discussed in Section D, paragraph 2(b) below.

2. Septic Tank Pumping and General Visual Inspection

The Permittee shall contract to have any and all solids and sludge generated by the treatment system for which this Permit is issued removed off site by a properly licensed waste hauler for disposal at a permitted municipal wastewater treatment plant. The name and license number of the hauler, the quantity of wastes removed, and the date(s) of removal, shall be reported by the Permittee, in writing to the Department, with the quarterly monitoring reports. The Permittee shall maintain and report on a regular cycle of septic tank pumping, at an interval no longer than five (5) years between pump-out of each tank. The first pumping shall occur on or before five (5) years from the effective date of this Permit and at least once every five (5) years thereafter. In accordance with 310 CMR 15.351, the condition of the septic tanks shall be noted on the inspection forms submitted to the Department.

3. Formal Inspection of Subsurface Sewage Disposal Systems (SSDS) and Laundry Sand Filter

The SSDSs and laundry sand filter shall be formally inspected in accordance with the Department's Regulations at 310 CMR 15.302 (2) (a), (b), (c), (d), (e), (f) and (g) at least once every five (5) years. The first inspection of the SSDSs shall occur on or before five (5) years from the effective date of this permit and at least once every five (5) years thereafter. A formal inspection of the SSDSs shall be conducted if and when the systems are shown to be in failure. In the event of a system failure, design and construction of a replacement SSDS shall be performed in compliance with 310 CMR 15.000, Title 5 and 314 CMR 5.00, the Ground Water Discharge Permit Program. All permit application shall be submitted to the Department for approval.

4. Laundry Effluent:

During the six months the laundry facility is in operation, the permittee shall monitor and record the quality and quantity of effluent from the laundry facility prior to discharge to the leaching facilities for the period in which the facility is in use according to the following schedule and other provisions:

Parameter	Minimum Frequency of Analysis	Sample Type
Flow	Daily	Meter reading Report: Min – Max – Average
pH	Daily	Grab
Total Suspended Solids	Monthly	Grab
Oil & Grease	Monthly	Grab
Surfactants	Monthly	Grab
Volatile Organic Compounds ¹	Annually	Grab

¹USEPA Method #624

5. Groundwater Monitoring

The Permittee shall sample the upgradient monitoring wells MW-1 and CCSC-1, downgradient monitoring wells MW-4, MW-5 and proposed MW-7 as shown on the approved plan titled "SITE PLAN FOR HYDROGEOLOGIC EVALUATION", Figure GW-1, prepared by Coastal Engineering Co., dated February 2, 2017.

The permittee shall install the approved monitoring wells no later than 90 days from the effective date of this permit. Labels identifying each monitoring well's identification in accordance with the above-referenced approved plan shall be affixed to the steel protective casing of each monitoring well. The Permittee shall monitor, record and report the quality of water in the monitoring wells according to the following schedules:

Parameter	Frequency of Analysis
Static Water Level	Quarterly
Specific Conductance	Quarterly

pH	Quarterly
Total Nitrogen (NO ₂ +NO ₃ +TKN)	Quarterly
Nitrate-Nitrogen	Quarterly
Total Phosphorus (as P)	Quarterly
Orthophosphate (as P)	Quarterly
Surfactants	Quarterly
Volatile Organic Compounds ¹	Annually

¹ USEPA Method #624

- a) 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.
- b) After one full year of monitoring the Total Phosphorus and Orthophosphate results, the Department may determine, upon the request of the permittee, that the frequency of monitoring may be reduced if, in the judgment of the Department, the results of the sampling indicate that existing phosphorus levels will not adversely impact downgradient receptors. If the Department reduces the frequency of monitoring for Total Phosphorus and Orthophosphate, the Department reserves the right to resume more frequent monitoring if the Department determines that phosphorus levels are impacting downgradient receptors.

E. Reporting Requirements

1. Monthly Reporting Requirements

Any grab sample or composite sample required to be taken less frequently than daily shall be taken during the period of Monday through Friday inclusive. All composite samples shall be taken over the operating day. 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: the Deputy Regional Director, Bureau of Water Resources, Department of Environmental Protection, Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347, 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 Brewster Board of Health, 2198 Main Street, Brewster, MA 02631

2. Quarterly Reporting Requirements

The Permittee shall submit tank pumping reports, results of any formal inspections conducted, monitoring well testing results, and data related to loading limitations in summary form on a quarterly basis, properly filed and signed, on the fifteenth day of the month following the last day of the quarter to:

Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347

Watershed Permitting Program
Department of Environmental Protection
One Winter Street
Boston, Massachusetts 02108

and

Brewster Board of Health
2198 Main Street,
Brewster, MA 02631

Submission of monitoring reports in electronic format is available through eDEP and serves as data submission to both the Regional and Boston offices. Effective December 2, 2017, all discharge monitoring reports must be submitted through eDEP. To register for electronic submission go to: <http://www.mass.gov/edep-online-filing>

3. Septic tank/composter pumping reports shall be included in the first quarterly report following the date of pumping. These reports shall be accompanied by a receipt from a certified septage hauler. The SSDS inspection reports shall be properly completed and signed by a Professional Engineer and submitted in the first quarterly report following the inspection. The monitoring well reports shall be prepared under the direction of a certified laboratory, or a Professional Engineer registered by the Commonwealth of Massachusetts and submitted in the first quarterly report following the sampling and monitoring.

4. Annual Reporting Requirements

By December 31 of each year, the Permittee shall submit an annual report describing the cumulative loadings achieved as compared to the cumulative loading limit set in section I.B.1. of the permit to the Department for review. The annual report shall contain the following information:

- (a) A summation and discussion about the individual nutrient sources and how cumulatively they compare with the permit limit set in section I.B.1.
- (b) Metered water use for the facility.
- (c) Days of operation

- (d) All monitoring well data must be compiled in accordance with Section C, Paragraph 4 above.
- (e) The annual report shall be certified as valid and stamped by a Professional Engineer registered in the Commonwealth of Massachusetts. The report shall contain a certification statement signed in accordance with 314 CMR 5.14.

5. Reporting of Emergency Repairs

For emergency work, the Permittee shall report by telephone or fax to the Department, within 72 hours of an unscheduled pumping or inspection. The Permittee shall follow-up with a written description of the observed problem, the immediate response and mitigating action taken and the proposed long-term solution. This narrative shall be included in the quarterly report to the Department.

F. Nutrient Loading Limitations

The cumulative load of contaminants discharged on the site from wastewater and other sources shall not exceed the values listed in Section I.B.1. of this permit for the entire project.

G. 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 permittees containing a specific date for transfer of permit, responsibility, coverage and liability between them.
2. 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 modify the Permit in accordance with 314 CMR 2.10 and 314 CMR 5.12 and/or to install wastewater treatment technology to achieve an additional level of nutrient removal.
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)'s name(s), operator grade(s) and operator license number(s);
 - 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 2 facility. Therefore, the permittee shall provide for oversight by a Massachusetts Certified Wastewater Treatment plant operator (Chief Operator) Grade 2 or higher. The permittee will also provide for a backup operator who shall possess at least a valid Grade 2 license.
 - b) The date and time of the operator's inspection along with the operator's name and certification shall be recorded in the log book on location at the treatment facility. 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 to be 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. The Permittee shall notify the Department of any change in use of the Facility that would increase flow to the treatment works and/or the SSDSs, or alter the characteristics of the waste conveyed.
8. Any upgrade made to the SSDS from the effective date of this permit must include installation of a pressure distribution system.
9. All tests or analytical determinations to determine compliance with permit standards and requirements shall be done using tests and procedures found in the most recent version of *Standard Methods for the Examination of Water and Wastewater* and shall be performed by a Massachusetts Certified laboratory.

10. The permittee shall notify the appropriate MassDEP Regional Office, in writing, within thirty (30) days of the following events:
 - a) Any interruption of the treatment system operation, other than routine maintenance.
 - b) Final shutdown of the treatment system.
11. 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 the appropriate MassDEP Regional Office.
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. 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 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.

H. 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

5.16: General Conditions

The following conditions apply to all individual and general permits:

(1) No discharge authorized in the permit shall cause or contribute to a violation of 314 CMR 4.00: *Massachusetts Surface Water Quality Standards*. Upon promulgation of any amended standard, the permit may be modified to comply with such standard in accordance with the procedures in 314 CMR 2.10: *Modification, Suspension, Revocation and Renewal of Permits and General Permit Coverage* and 314 CMR 5.12. Except as otherwise provided in 314 CMR 5.10(3)(c), 5.10(4)(a)2. and 5.10(9), no discharge authorized in the permit shall impair the ability of the ground water to serve as an actual or potential source of potable water. Evidence that a discharge impairs the ability of the ground water to serve as an actual or potential source of potable water includes, without limitation, analysis of samples taken in a downgradient well that demonstrates 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 serve 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 to determine 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 by § 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, 314 CMR 12.00: *Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges*, and 257 CMR 2.00: *Certification of Operators of Wastewater Treatment Facilities*. All equipment shall be maintained in an acceptable condition for its intended use.

(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, discharges, or both, until the facility is restored or an alternative method of treatment is provided. A permittee may not raise as a defense 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 the 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 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. Additionally, the permittee shall take all necessary steps to prevent an operational upset of the PWTF or POTW.

(8) Duty to Provide Information. The permittee and any operator of the permitted facility 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, suspending, 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.

(9A) The permittee shall physically secure the treatment works and monitoring wells and limit access to the treatment works and monitoring wells only to those personnel required to operate, inspect and maintain the treatment works and to collect samples.

(9B) 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.

(10) 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.

(11) 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 five 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 without limitation:

- (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.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) Property Rights. The permit does not convey any property rights of any sort or any exclusive privilege.

(17) 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, or local law, or regulation.

(18) Oil and Hazardous Substance Liability. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee of 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.

(19) 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: *Solid Waste Management* and 310 CMR 30.000: *Hazardous Waste*.

(20) Reporting Requirements.

(a) Monitoring Reports. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) at the intervals specified in the permit. If a 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. Beginning on December 2, 2017, a permittee shall submit all DMRs electronically, using the electronic reporting system designated by the Department. A permittee may seek a waiver of this requirement by submitting a written request for the Department's approval.

(b) Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on interim and final requirements contained in any compliance schedule in 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 communicated orally within 24 hours of 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; and
2. Any violation of a maximum daily discharge limitation for any of the pollutants required by 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, that would result in the discharge of any toxic pollutant listed in 314 CMR 3.17: *Appendix B - Toxic Pollutants* not limited by 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 a 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 the relevant facts or correct information.

(j) The permittee shall notify the Department in writing within seven days of any change in contract operators.

(21) Signatory Requirement. All applications, reports, or information submitted to the Department shall be signed and certified in accordance with 314 CMR 5.14 and 5.15.

(22) Severability. The provisions of the permit are severable. 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.

(23) Reopener Clause. The Department reserves the right to make appropriate revisions to the permit to establish any appropriate effluent limitations, schedules of compliance, or other provisions, as authorized by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, or the Federal Act, 33 U.S.C. § 1251 *et seq.*, to bring all discharges into compliance with

these statutes.

(24) Approval of Treatment Works. All discharges and associated treatment works authorized in 314 CMR 5.00 shall remain in compliance with the terms and conditions of the permit. Any modification of the approved treatment works shall require written approval of the Department prior to the construction of the modification.

(25) Transfer of Permits.

(a) RCRA Facilities. Any permit which authorizes the operation of a RCRA facility subject to the requirements of 314 CMR 8.07: *Standards for all other RCRA Facilities* 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 permittee if the permit has been modified or revoked and reissued in accordance with 314 CMR 5.12(2), 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 (PWTs) that treat at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, PWTs that have been required to establish, fund and maintain financial assurance mechanism(s) pursuant to 314 CMR 5.15(6), and RCRA facilities subject to the requirements of 314 CMR 8.07: *Standards for all other RCRA Facilities*, a permit may be automatically transferred in accordance with 314 CMR 5.12(5).

(26) Permit Compliance Fees and Inspection Information. Except as otherwise provided, any permittee required to obtain a ground water discharge permit pursuant to M.G.L. c. 21, § 43, and 314 CMR 5.00 shall submit the annual compliance assurance fee established in accordance with M.G.L. c. 21A, § 18 and 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, as provided in 314 CMR 2.12: *Applications, Fees and Inspection Information*. 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 ground water discharge permit pursuant to M.G.L. c. 21, § 43 and 314 CMR 5.00, may be required to submit inspection information annually, as provided in 314 CMR 2.12.