



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

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Secretary

Martin Suuberg  
Commissioner

February 1, 2019

Joseph Yetman  
Mass Dept. of Conservation and Rec.  
241 Causeway Street, Suite 700  
Boston, MA 02114-2119

RE: WESTPORT: Public Comment Notice for  
Draft Individual Groundwater Discharge Permit  
Horseneck Beach State Reservation,  
John Reed Road,  
MassDEP Transmittal No.X276510  
Groundwater Discharge Permit No. SE# 849-1

Dear Mr. Yetman:

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 the Massachusetts Department of Conservation and Recreation to discharge treated wastewater from the facility located on John Reed Road, Westport, MA 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. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://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/submittingnotices.htm>

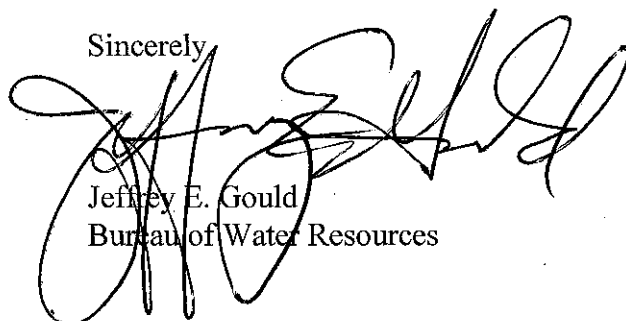
The applicant or permittee shall submit to the Department a copy of the public notice as published in the Environmental Monitor, within seven days after the date of publication or at such other time as the Department requires. This information should be sent to the attention of Martha Sullivan at the 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 Martha Sullivan at the above letterhead address.

If you have any questions on any of the information discussed in this letter, please contact Martha Sullivan at (508)946-2732.

Sincerely



Jeffrey E. Gould  
Bureau of Water Resources

JG/mks

Enclosures – Draft Permit, Fact Sheet, Public Notice

ecc: John Swartz, Westport Board of Health: [health@westport-ma.gov](mailto:health@westport-ma.gov)  
Peter Georgetti, P.E., Pare Corporation: [pgeorgetti@parecorp.com](mailto:pgeorgetti@parecorp.com)  
Joseph Yetman, Mass Dept. of Cons and Rec: [Joseph.Yetman@MassMail.State.MA.US](mailto:Joseph.Yetman@MassMail.State.MA.US)  
DEP/BWR/Wastewater Management Program/Boston  
Sandra Rabb, MassDEP-BOSTON  
Julianne Ture, MassDEP-BOSTON  
Brett Rowe, MassDEP-SERO

PUBLIC NOTICE  
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER RESOURCES/WASTEWATER MANAGEMENT PROGRAM  
SOUTHEAST REGIONAL OFFICE  
20 RIVERSIDE DRIVE,  
LAKEVILLE, MASSACHUSETTS 02347  
TELEPHONE (508) 946-2750

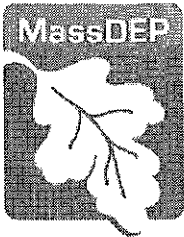
Notice is hereby given that the following application for an Individual Groundwater Discharge Permit is being processed and the following actions being proposed thereon pursuant to Section 43 of Chapter 21 of the General Laws, and 314 CMR 5.00 and 2.06:

CITY/TOWN:	Westport, Massachusetts
PROJECT NAME:	Horseneck Beach State Reservation
APPLICANT:	Mass. Department of Conservation and Recreation
FACILITY LOCATION:	John Reed Road
TYPE OF DISCHARGE:	Treated Sanitary Wastewater
QUANTITY OF DISCHARGE:	27,460 Gallons per day
PERMIT NO:	SE# 849-1
TRANSMITTAL NO:	X276510
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>

Jeffrey Gould  
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:**

Massachusetts Department of Conservation and Recreation  
Joseph Yetman  
241 Causeway Street, Suite 700  
Boston, MA 02114-2119

##### **Name and Address of Facility where discharge occurs:**

Horseneck Beach State Reservation  
John Reed Road  
Westport, MA 02791

##### **Discharge Information:**

Groundwater Discharge Permit Number: SE# 849-1

The Groundwater Discharge Permit will allow the applicant to continue to discharge 27,460 gallon per day from the Horseneck Beach State Reservation, John Reed Road, Westport, MA 02791 into the ground from three (3) existing subsurface sewage disposal systems (SSDSs). The Horseneck Beach State Reservation consists of the Main Beach Complex, Horsebarn (permitted January 30, 1995) and the Campground, with sewage design flows of 8,160gpd, 700gpd and 9,000gpd, respectively. Each of the proposed Bathhouses will have sand rinse stations with a design water use of 4,800gpd. The Main Beach Complex is comprised of a Beach Services Building and two (2) Bathhouses and the Campground Facility has a total of 100 campsites. The total site is located on 560 acres. The site is not located within a Zone II.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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## **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.

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, for a permit that contains "Special Effluent Limitations" pursuant to 314 CMR 5.10(9): Special Effluent Limitations, 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.

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.

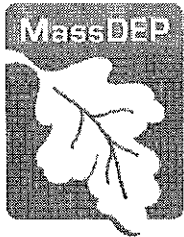
## **V. STATE CONTACT INFORMATION**

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:

Martha Sullivan  
Bureau of Water Resources  
Massachusetts Department of Environmental Protection  
20 Riverside Drive  
Lakeville, Massachusetts 02347  
(508) 946-2732  
martha.sullivan@mass.gov

Jeffrey E. Gould  
Bureau of Water Resources

DATE



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### GROUNDWATER DISCHARGE PERMIT

Name and Address of Applicant: **Massachusetts Department of Conservation and Recreation,  
251 Causeway Street, Suite 700, Boston, Massachusetts 02114**

Date of Application: **October 20, 2017**

Application/Permit No.: **849-1**

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, and the Department's Interim Policy entitled *Nutrient Loading Approach to Wastewater Permitting and Disposal* (August 20, 1999) the following permit is hereby issued to: **Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 700, Boston, Massachusetts 02114** (hereinafter called "the Permittee") authorizing discharges to the ground from the onsite subsurface sewage disposal systems located at: Horseneck Beach State Reservation, off John Reed Road, Westport, Massachusetts 02790. The Horseneck Beach State Reservation consists of the Main Beach complex, two (2) Bath houses, Horsebarn and a 100 site Campground. The Bath houses incorporate the use of compost toilet technology for black water disposal with the sink waste being discharged at the Main Beach complex's septic system. In addition, each of the Bath houses has a sand rinse station that discharges onsite. Including the rinse stations the total flow being discharged is 27,460 gallons per day.

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

\_\_\_\_\_  
Jeffrey E. Gould,  
Bureau of Water Resources

\_\_\_\_\_  
Date

## I. SPECIAL CONDITIONS

The Permittee is authorized, pursuant to the Department's Interim Policy entitled *Nutrient Loading Approach to Wastewater Permitting and Disposal* and dated August 20, 1999 (the "NLA Policy"), to discharge effluent into the ground from three (3) existing subsurface sewage disposal systems (SSDSs). The SSDSs will serve the Main Beach Complex, Horsebarn and the Campground, (hereinafter called "the Facility") with sewage design flows of 8,160gpd, 700gpd and 9,000gpd, respectively. The Bathhouses have sand rinse stations with a design water use of 4,800gpd. The total flow for the Facility is 27,460gpd. The Main Beach Complex is opened year round while the Campground is opened seasonally (April – October). The entire Horseneck State Beach Reservation is located on 560 acres.

### A. Treatment Facilities

1. The treatment process for each source of septic waste 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 treatment provided includes septic tanks equipped with effluent tee filters. In addition, the Main Beach Complex will use compost technology in the Bathhouses and Beach Services Building greatly reducing the amount of wastewater generated. The blackwater from the toilets and urinals will be tanked in the basement until disposed of off site. The location of each SSDS are 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, 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 and composters 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. 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.
3. 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 a SAS, overflow of a septic tank, breakage of conveyance lines, or any damage, misuse, or disrepair of a SSDS, including the building sewer line.
4. The proper maintenance and inspection of the SSDSs (to include collection systems, treatment systems and facility grounds), 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.

**B. Nutrient Loading**

1. In accordance with the NLA Policy, the cumulative load of nitrogen discharged at the Facility from wastewater and other sources shall not exceed **1,937 pounds per year of nitrogen** for the entire project. The permitted cumulative load is comprised of nitrogen derived from five (5) sources. These sources and their associated nitrogen contributions are the following:

<u>Source</u>	<u>Nitrogen Contribution (lbs/year)</u>
Wastewater (Main Beach Complex)	396.77
Wastewater (Campground)	957.28
Wastewater (Horsebarn)	74.5
Groundwater Recharge	114.23
Impervious Area	394.00
Sand Rinse Stations	0.0
<b>TOTAL</b>	<b>1,936.78 lbs/year</b> <b>(rounded to 1,937 lbs/year)</b>

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 Compost technology serving the Facility and groundwater recharge due to precipitation. Additionally, the Facility has 29 acres of impervious area.

<b>Wastewater:</b>	<ul style="list-style-type: none"> <li>• Main Beach Title 5 system – 16 mg/l NO<sub>3</sub></li> <li>• Campground Title 5 system – 35mg/l NO<sub>3</sub></li> <li>• Horsebarn Title 5 system – 35mg/l NO<sub>3</sub></li> <li>• Sand Rinse Stations – 0.0 mg/l NO<sub>3</sub></li> </ul>
	<ul style="list-style-type: none"> <li>• Total wastewater flow – 8,160gpd + 9,000gpd + 700gpd + 9,600gpd = 27,460gpd</li> </ul>
<b>Recharge:</b>	<ul style="list-style-type: none"> <li>• Runoff recharge – 1.5 mg/l NO<sub>3</sub></li> <li>• Precipitation recharge – 0.05 mg/l NO<sub>3</sub></li> </ul>
<b>Land Use Areas:</b>	<ul style="list-style-type: none"> <li>• Natural Area, Dune (acres) – 531</li> <li>• Impervious Area (acres)– 29</li> </ul>

Adherence to these planning assumptions is necessary to maintain compliance with the cumulative loading limitation of **1,937** pounds per year nitrogen.



### C. Nutrient Loading Limitations

The Facility shall comply with the following nutrient loading limitations:

- (a) In accordance with the NLA Policy, the **cumulative load of nitrogen** discharged on the site from wastewater and other sources shall not exceed **1,937 pounds per year of nitrogen** for the entire project.
- (b) The **nitrate-nitrogen concentration** in the down gradient property line monitoring wells shall not exceed **10 mg/l**.

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 undertake the measures detailed below:

- (a) Install wastewater treatment technology to achieve an additional level of nutrient removal.

### D. Monitoring Requirements

The Permittee shall continue to monitor and record the quantity of water use at the Facility. The Permittee shall visually inspect the existing SSDSs, compost toilets and shall have formal inspections of each. In addition, all monitoring wells shall be tested in accordance with the requirements of this Permit.

#### 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 and composters for whom this Permit is issued removed off site by a properly licensed waste hauler for disposal at a permitted wastewater treatment plant. The disposal of the compost material shall be at an approved landfill or other approved site. 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, consistent with the reporting requirements discussed in Section E, Paragraph 1 below. The Permittee shall maintain and report on a regular cycle of septic tank pumping once every permit cycle. In accordance with 310 CMR 15.351, the condition of the septic tanks shall be noted on the inspection forms submitted to the Department. In addition, all of the composters shall be pumped out in accordance with the manufactures recommendations (as provided in the Operations and Maintenance Manual).

### 3. Formal Inspection of Subsurface Septic Disposal Systems (SSDS)

A Formal Inspection is an inspection conducted in accordance with the applicable requirements of 310 CMR 15.300 of Title 5. The Permittee shall have the SSDSs formally inspected at least once every permit cycle by a Massachusetts Registered Professional Engineer who is approved in Massachusetts as a Title 5 System Inspector. Additionally, a formal inspection of any individual SSDS shall be conducted if and when a system is shown to be in failure as defined by Title 5. In the event of a system failure, design and construction of an upgraded SSDS shall be performed in compliance with 310 CMR 15.000, Title 5, and reviewed and approved by the Department. Inspections of all compost units and related equipment shall be in accordance with the operation and maintenance manual provided by the manufacturer.

### 4. Groundwater Monitoring

The Permittee shall sample monitoring wells B-1 (DG), B-10 (UG) and WS-3 (DG) for the Main Beach Complex SSDS as shown on the approved plan entitled Horseneck Beach State Reservation – Site Utilities, sheet C-5, prepared by Weston & Sampson Engineers, Inc., dated September 17, 2007. The Permittee shall also sample monitoring wells MW-C1 (UG), MW-C3 (DG) and MW-C2 (DG) for the Campground as shown in Figure 2 of the Supplemental Hydrogeologic Report, dated October 2, 2007, prepared by Weston & Sampson Engineers, Inc. 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:

#### Distinct Samples from all Wells

Parameter	Frequency of Analysis
Static Water level	Quarterly
pH	Quarterly
Specific conductance	Quarterly
Nitrate-nitrogen	Quarterly
Total nitrogen ( $\text{NO}_2 + \text{NO}_3 + \text{TKN}$ )	Quarterly
Total phosphorus	Quarterly
Orthophosphate	Quarterly
Volatile Organic Compounds	Annually

- 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. Quarterly Reporting Requirements**

The Permittee shall submit tank pumping reports, results of all formal Title 5 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 thirtieth day of the month following the last day of the quarter to MassDEP using the eDEP data submission system and a hard copy to the Westport Board of Health, 856 Main Street, Rehoboth, MA 02790.

**To register for electronic submission go to:**

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

Septic tank 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 approved as a Title 5 System Inspector 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.

### **2. Annual Reporting Requirements**

One year from the date of Permit issuance, and each year thereafter on the anniversary of the date of Permit issuance, the Permittee shall submit an annual report describing the cumulative loadings achieved as compared to the cumulative loading limit of 1,937 pounds 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 of 1,937 pounds per year.
- (b) Metered water use for the Main Beach Complex, Bathhouses and Campground.

- (c) All monitoring well data must be compiled in accordance with Section D, Paragraph 4 above.
- (d) 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.

### 3. 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. Supplemental Conditions

1. The Permittee shall notify the Department prior to a transfer of ownership of the Facility for which this Permit is written. Said notification shall include a written agreement between the existing Permittee and the new Permittee(s) containing a specific date for transfer of Permit, responsibility, coverage and liability between them.
2. A notification shall be submitted to the Department prior to any change of engineer or company contracted to obtain, test, and report on the monitoring well samples.
3. 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 the latest EPA analytical procedures and shall be performed by a Massachusetts certified laboratory.
4. 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.

### G. 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/2<sup>nd</sup> 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 (PWTFs) that treat at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, PWTFs 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.



**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.



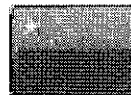
**2 Español (Spanish):**

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



**3 Português (Portuguese):**

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, 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Mass DEP的多樣性總監聯繫。



**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Mass DEP的多样性总监联系。



**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 là 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 MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.



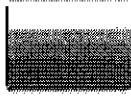
## 7 ព្រះសកម្មភាព (Kmer (Cambodian):

ឯកសារនេះគឺមានសារៈសំខាន់ដ៏ធំធេងត្រូវបានបកប្រែភាសាខ្មែរ។ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងផ្នែកឯកសារ MassDEP ទៅសេចក្តីស្នើសុំផែនការការពារខ្លួនអ្នក។



## 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):

Этот документ является важным и должно быть переведено сразу. Если вам нужен этот документ переведенный, пожалуйста, свяжитесь с директором разнообразия MassDEP по адресу телефонных номеров, указанных ниже.



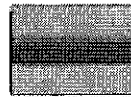
## 10 العربية (Arabic):

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. اذا كنت بحاجة الى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.



## 11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.



## 12 հայերեն (Armenian):

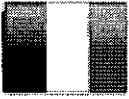
Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորեւ.



## 13 فارسی (Farsi (Persian):

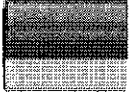
این سند مهم است و باید فوراً ترجمه شده است.

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. Wenn Sie dieses Dokument übersetzt benötigen, wenden Sie sich bitte Diversity Director MassDEP die in den unten aufgeführten Telefonnummern.



#### **16 Ελληνική (Greek):**

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.



#### **17 Italiano (Italian):**

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



#### **18 Język Polski (Polish):**

Dokument ten jest ważny i powinien być natychmiast przetłumaczone. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.



#### **19 हिन्दी (Hindi):**

यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.