



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

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Secretary

Martin Suuberg  
Commissioner

**May 26, 2020**

**Town of Townsend  
Board of Health  
272 Main Street  
Townsend, MA 01469**

**RE: Public Comment Notice for  
Draft Individual Groundwater Discharge Permit  
Facility Name, Address, Town/City  
MassDEP Transmittal No. X274398  
Groundwater Discharge Permit No. 949-1**

Dear **Ms. Hitzenbuhler**,


The Massachusetts Clean Waters Act (M.G.L. c.21, s.26-53) 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 **Townsend Municipal Landfill** to continue to discharge treated wastewater from the facility located on **33 Greenville Road** in **Townsend, 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.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.magnet.state.ma.us/dep>

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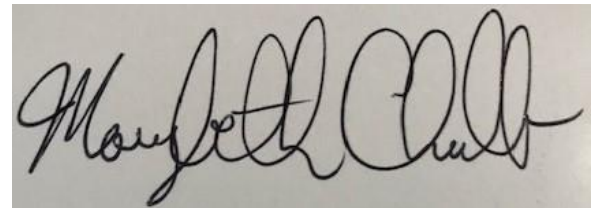
Enclosed herewith is a copy of the public notice for your groundwater discharge permit. The enclosed public notice should be published to start the thirty (30) day public comment period.

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 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.mass.gov/eea/agencies/mepa/submitting-notice-to-the-environmental-monitor.html>

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 **Mr. Harshraj Thakor** 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 have any questions on any of the information discussed in this letter, please contact **Harshraj Thakor** at **617-292-5790**.

Sincerely,

A handwritten signature in black ink, appearing to read "Marybeth Chubb", is written over a light gray rectangular background.

**Marybeth Chubb, Section Chief  
Wastewater Management Program  
Bureau of Water Resources**

Enclosures

cc:   • Townsend Board of Health  
      • Harshraj Thakor  
      • DEP/BWR/Wastewater Management Program/Boston  
      • DEP/BAW/CRO

PUBLIC NOTICE  
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER RESOURCES/WASTEWATER MANAGEMENT PROGRAM  
One Winter Street,  
Boston, MA, 02108  
TEL#: (508) 292-5790

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: TOWNSEND

PROJECT NAME: TOWNSEND MUNICIPAL LANDFILL

APPLICANT: TOWNSEND BOARD OF HEALTH

FACILITY LOCATION: 33 GREENVILLE ROAD, TOWNSEND, MA

TYPE OF DISCHARGE: TREATED LANDFILL LEACHATE

QUANTITY OF DISCHARGE: 260,000 GALLONS PER YEAR

PERMIT NO: 949-1

TRANSMITTAL NO: X274398

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>

Marybeth Chubb, Section Chief  
Wastewater Management Program  
Bureau of Water Resources



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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### **FINAL GROUNDWATER DISCHARGE PERMIT**

#### **Name And Address Of Permittee:**

Town of Townsend  
Board of Health  
272 Main Street  
Townsend, MA 01469

**Date of Application:** July 10, 2017

**Transmittal No.** X274398

**Groundwater Discharge Permit No.** 949-1

**Date of Issuance:** **DRAFT**

**Date of Expiration:** *[Maximum of 5 years from Date of issuance]*

**Effective Date:** *[30 days from date of issuance if comments are received; Date of Issuance if no comments rec'd]*

### **AUTHORITY FOR ISSUANCE**

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, 314 CMR 2.00, and 314 CMR 5.00, the Massachusetts Department of Environmental Protection (the Department or MassDEP) hereby issues the following permit to the **Town of Townsend, Board of Health** (hereinafter called "the permittee"). authorizing discharges to the ground from the lagoons of **Townsend Municipal Landfill** located at **33 Greenville Road** in **Townsend, MA** such authorization being expressly conditional on compliance by the permittee with all terms and conditions of the permit hereinafter set forth.

DRAFT \_\_\_\_\_

**Marybeth Chubb**  
**Section Chief**

**Wastewater Management Program**

\_\_\_\_\_ DRAFT \_\_\_\_\_

**Date**

## **I. SPECIAL CONDITIONS**

### **A. Effluent Limits, Monitoring Requirements and Analytical Procedures:**

The permittee is hereby authorized by this permit to discharge wastewater effluent from its municipal landfill leachate treatment facility to the groundwater through a ground surface infiltration basin. The treatment system consists of a leachate collection lagoon and four aeration lagoons (with three overflow lagoons). The lagoons are discharged after 2-3 months of aeration, followed by sampling, to the soils in the dry infiltration basin via distribution pipes.

The concentration of listed contaminants in the treated wastewater shall not exceed the specified limits expressed below. If a contaminant exceeds a specified parameter, the permittee shall continue to aerate and sample the leachate until compliance with the limits is achieved prior to discharge.

The permittee shall measure and record the quantity and quality of effluent discharged to the ground surface disposal system according to the following schedule and other provisions.

#### **1. Effluent Limits**

<u>Parameter</u>	<u>Limit</u>	<u>Sample Type</u>	<u>Sample Frequency</u>
Flow, GPD	100,000	Calculation (see 1.b)	Per Discharge Event
BOD 5-day, mg/l	30	Grab	"
Total Suspended Solids, mg/l	30	"	"
Nitrate as N, mg/l	10	"	"
Oil and Grease, mg/l	15	"	"
Fluoride, mg/l	4.0	"	"
Arsenic, mg/l	0.01	"	"
Barium, mg/l	2.0	"	"
Cadmium, mg/l	0.005	"	"
Chromium (Tot), mg/l	0.1	"	"
Lead, mg/l	0.015	"	"
Copper, mg/l	1.0	"	"
Iron, mg/l	0.3	"	"
Manganese, mg/l	0.05	"	"
Sulfate, mg/l	250	"	"
Zinc, mg/l	5.0	"	"
Chlorides, mg/l	250	"	"
Mercury, mg/l	0.002	"	Annual
Silver, mg/l	0.1	"	"

Endrin, mg/l	0.002	"	"
Lindane, mg/l	0.0002	"	"
Methoxychlor, mg/l	0.04	"	"
Toxaphene, mg/l	0.003	"	"
Chlorophenoxy, mg/l	0.07	"	"
2-4-5 TP Silvex, mg/l	0.05	"	"
1,4- Dioxane	0.0003	"	"
VOCs, mg/l		"	"

(a) The sample locations shall be the aeration lagoons prior to discharge to the infiltration basin. No leachate shall be added to an aeration lagoon after the leachate has been sampled and before it is has been discharged.

(b) The flow estimate from each aeration lagoon shall be based on the volume of leachate pumped divided by the amount of time pumping. The volume of leachate shall be determined by basin size and/or pump capacity.

(c) The sample type for the parameters having a Per Discharge Event sampling frequency shall be a representative grab sample of the treated leachate to be discharged.

(d) The sample type for the parameters having an Annual sampling frequency shall be a representative, composite grab sample of the treated leachate in all four treatment lagoons.

(e) For VOCs all contaminant listed in 310 CMR 22.07B(1) will be tested and reported.

(e) With the exceptions of iron, manganese, chlorides, phenol and methylene chloride, all limits are based on the "Standards and Guidelines for Contaminants in Massachusetts Drinking Waters" (dated Winter 2020). The standards for iron, manganese and chlorides are considered to be secondary drinking water standards and thus MassDEP has agreed to limit these parameters for the subject discharge to existing groundwater background levels.

## **2. Groundwater Monitoring Requirements**

The permittee shall comply with the Solid Waste Management Regulations set forth in 310 CMR 19.132 and 19.142 and shall sample groundwater monitoring wells identified as MW-2S, MW-2D, MW-2BR, MW-3, MW-101, MW-201, P-202, TW-1, TW-2, TW-AS, TW-AD, TW-BS, TW-BD, TW-D and TW-E to check for specific parameters at the specified frequencies.

## **3. Approved Analytical Procedures**

All tests or analytical determinations to determine compliance with permit standards and requirements:

- a) Effluent samples shall be collected, transported and stored in accordance with *Standard Methods for the Examination of Water and Wastewater*;
- b) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other methods are approved by the Department; and,
- c) Samples shall be analyzed by a Massachusetts Certified laboratory unless otherwise approved by the Department.

**B. Operation and Maintenance**

The permittee shall develop and maintain an operations and maintenance manual that includes a copy of this permit and describes in detail the procedures for treating, discharging and sampling the leachate, as well as the maintenance requirements for the associated equipment and lagoons, including but not limited to the disposal of dredged solids material from the lagoons.

**C. Reporting**

The permittee shall submit sampling and discharge results on an acceptable form properly completed and signed as part of the Semi-annual Environmental Monitoring Report, which is required by the facility's Post-Closure Monitoring and Maintenance Plan and the Solid Waste Management Regulations at 310 CMR 19.000.

The permittee shall submit all monitoring reports within 30 days of the last day of the reporting month to MassDEP and a copy retained with the Board of Health. All discharge monitoring reports submitted to MassDEP must be submitted through eDEP.

To register for electronic submission go to:

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

Copy of all the monitoring reports will be retained with BOH at:

Town of Townsend  
Board of Health  
272 Main Street  
Townsend, MA 01469

**D. Appeal Rights**

During the thirty (30) day period following issuance of this permit, a Notice of Claim for an

Town of Townsend  
Board of Health  
Groundwater Discharge Permit Renewal # 949-1  
Transmittal No. X274398

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Adjudicatory Appeal may be sent by any person aggrieved (the “Petitioner”) by the issuance to:

Case Administrator  
Office of Appeals and Dispute Resolution  
Massachusetts 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 CONDITIONS 314 CMR 5.16**

### **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.