

PUBLIC NOTICE

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP), under authority granted by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 – 53, is proposing to: (1) issue a federal Clean Water Act (CWA) section 401 certification for the U.S. Environmental Protection Agency's (EPA) proposed 2023 Draft NPDES Permit (Federal Permit) (MA Permit No. MA0101711) to the Billerica Wastewater Treatment Facility for the facility's pollutant discharges to the Concord River (MA82A-08); and (2) issue the 2023 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharge pursuant to the Massachusetts Clean Waters Act. The facility is located at 70 Letchworth Avenue in Billerica. The proposed section 401 certification, proposed State Permit, and proposed Federal Permit are all available at <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>. Alternatively, a copy of the documents can be obtained by contacting Jennifer Wood, MassDEP Surface Water Discharge Program, at 617-835-9886 or at jennifer.wood@mass.gov. Written comments on both the proposed section 401 certification and the proposed State Permit will be accepted until 5:00 p.m. on May 5, 2023. MassDEP strongly encourages written comments to be submitted by email to massdep.npdes@mass.gov; subject line: Billerica Wastewater Treatment Facility. If not possible, please contact Jennifer Wood at 617-835-9886.

Following the close of the comment period, MassDEP will issue a final CWA section 401 certification and final State Permit and forward copies to the applicant and each person who has submitted written comments or requested notice.

For special accommodations, please call the MassDEP Diversity Office at 617-292-5751. TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request.

By Order of the Department

Bonnie Heiple, Commissioner

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

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

Town of Billerica
365 Boston Road
Billerica, MA 01821

is authorized to discharge from the facility located at

Billerica Wastewater Treatment Facility
70 Letchworth Avenue
Billerica, MA 01862

to receiving water named

Concord River
SuAsCo Watershed

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

1. This permit shall become effective on [DATE].¹
2. This permit shall expire five years after the effective date.
3. This permit supersedes the permit issued on April 23, 2014.
4. This permit incorporates by reference Part IA., Effluent Limitations and Monitoring Requirements, Part IB., Unauthorized Discharges, Part IC., Operation and Maintenance of the Treatment and Control Facilities, Part ID. Alternate Power Source, Part IE. Industrial Users and Pretreatment Program, Part IF., Sludge Conditions, Part IG., Special Conditions, Part IH., Reporting Requirements, and Part II, Standard Conditions, as set forth in the 2023 Draft NPDES Permit No. MA0101711, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the Town of Billerica on April 6, 2023 (the 2023 Draft NPDES Permit) and attached hereto by reference as Appendix A and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-draft-individual-npdes-permits>; provided, however:
 - a. that the notification required by Part IA.8 shall also be provided to MassDEP;
 - b. that the reporting required by Part IB.1 shall be in accordance with 314 CMR 3.19(20)(e) (24 hour reporting);
 - c. that a copy of the requests, reports, and information required by Part IH.4 to be submitted to EPA shall also be submitted to MassDEP electronically to massdep.npdes@mass.gov;
 - d. that, if there is a conflict between the definitions in 314 CMR 3.02 and/or 314 CMR 4.00 and the definitions in Part II.E, the definitions in 314 CMR 3.02 and/or 314 CMR 4.00 shall control, as applicable;

¹ If no comments objecting to the issuance or terms of the permit were received by the Department during the public comment period, then this permit shall be effective upon issuance. If comments objecting to the issuance or the terms of the permit are received by the Department during the public comment period, then this permit shall become effective 30 days after issuance.

- e. that the notification required by 4.a. above shall be provided to massdep.npdes@mass.gov, or as otherwise specified.
5. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
6. The permittee shall commence annual monitoring of all Significant Industrial Users^{2,3} discharging into the POTW using Draft Method 1633 within six (6) months of the effective date.
7. Notwithstanding any other provision of the 2023 Draft Federal NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the 2023 Draft Federal NPDES permit) shall be reported to MassDEP via the eDEP portal, or as otherwise specified, within 30 days after the permittee receives the sampling results, in addition to the 2023 Draft Federal NPDES Permit reporting requirements. Information regarding the submittal of data via eDEP may be found at <https://www.mass.gov/how-to/submit-wastewater-residuals-pfas-data-via-edep>.
8. On or before January 31, 2024, the permittee shall submit to MassDEP at massdep.npdes@mass.gov a listing of all industrial dischargers and their addresses to be sampled in accordance with both the 2023 Draft Federal NPDES Permit and this permit and shall include:
- a. All industries included in the categories listed Part IE. Industrial Users, Paragraph 3 of the 2023 Draft Federal NPDES Permit; and
 - b. All Significant Industrial Users as required by Paragraph 5 of this permit.
- The listing shall be maintained by the permittee and updated with any changes. Whenever necessary, a copy of the updated listing reflecting changes shall be forwarded to MassDEP at massdep.npdes@mass.gov on or before the next January 31.

In addition, the permittee is responsible for all public notifications, public health warnings and all other applicable requirements of 314 CMR 16.00 as they relate to their own collection systems including any approved CSO Notification Plans and/or SSO Notification Plans.

Signed this ____ day of _____, 20__

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

² Significant Industrial User (SIU) is defined at 40 CFR part 403: All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subpart N; **and** any other industrial user that: discharges an average of 25,000 GPD or more of process wastewater to the POTW, contributes a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW, or designated as such by the POTW on the basis that the industrial users has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement.

³ This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

FACT SHEET SUPPLEMENT

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

MA PERMIT NUMBER: MA0101711

NAME AND MAILING ADDRESS OF APPLICANT:

Town of Billerica
365 Boston Road
Billerica, MA 01821

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Billerica Wastewater Treatment Facility
70 Letchworth Avenue
Billerica, MA 01862

RECEIVING WATER AND CLASSIFICATION:

Concord River (MA82A-08), SuAsCo Watershed, Class B

PER – AND POLYFLUROALKYL SUBSTANCES

MassDEP is implementing a number of actions to address the potential health effects of exposure to per- and polyfluoroalkyl substances (PFAS).¹ According to the United States Environmental Protection Agency (EPA),² PFAS are a group of man-made chemicals that includes perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), GenX, and many other chemicals. PFAS have been manufactured and used in a variety of industries around the globe, including in the United States since the 1940s. PFOA and PFOS have been the most extensively produced and studied of these chemicals. Both chemicals are very persistent in the environment and in the human body – meaning they do not break down and they can accumulate over time. There is evidence that exposure to PFAS can lead to adverse human health effects.

PFAS can be found in:

- **Food** packaged in PFAS-containing materials, processed with equipment that used PFAS, or grown in PFAS-contaminated soil or water.
- **Commercial household products**, including stain- and water-repellent fabrics, nonstick products, polishes, waxes, paints, cleaning products, and fire-fighting foams (a major source of groundwater contamination at airports and military bases where firefighting training occurs).

¹ To learn more about Per- and polyfluoroalkyl substances (PFAS) in the environment and what Massachusetts is doing to address them, go to: <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>.

² For basic information on PFAS provided by EPA, go to: <https://www.epa.gov/pfas/basic-information-pfas>

- **Workplace**, including production facilities or industries (e.g., chrome plating, electronics manufacturing or oil recovery) that use PFAS.
- **Drinking water**, typically localized and associated with a specific facility (e.g., manufacturer, landfill, wastewater treatment plant, firefighter training facility).
- **Living organisms**, including fish, animals and humans, where PFAS have the ability to build up and persist over time.

Certain PFAS chemicals are no longer manufactured in the United States as a result of phase-outs including the PFOA Stewardship Program, in which eight major chemical manufacturers agreed to eliminate the use of PFOA and PFOA-related chemicals in their products and as emissions from their facilities. Although PFOA and PFOS are no longer manufactured in the United States, they are still produced internationally and can be imported into the United States in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber and plastics.

Scientific information and regulatory actions on PFAS are rapidly evolving. Currently, there are no enforceable federal standards for these substances in public drinking water. However, in May 2016, EPA issued a lifetime drinking water Health Advisory (HA) of 70 nanograms per liter (70 ng/L, which equals 70 parts per trillion or ppt) for any combination of PFOA and PFOS. In June 2018, MassDEP extended this advisory to include three additional related PFAS chemicals - perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS) and perfluoroheptanoic acid (PFHpA). This Massachusetts value, called a MassDEP Office of Research and Standards Guideline (ORSG), is a maximum recommended level for drinking water. It is set to be protective against adverse health effects for all people consuming the water for a lifetime and also applies to shorter-term exposures of weeks to months during pregnancy and breast-feeding.

In December 2019, MassDEP promulgated final regulations at 310 CMR 40.0000 establishing groundwater and soil limits at waste cleanup sites for 6 PFAS compounds - PFOS, PFOA, PFHxS, PFNA, PFHpA, and perfluorodecanoic acid (PFDA). In January 2020, MassDEP updated the ORSG, which is now 20 ng/L for the sum of the concentrations of the same six PFAS compounds included in the waste site clean up regulations. The updated ORSG replaces the June 2018 guideline for PFAS in drinking water. See the updated ORSG and technical support document here: <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas#health-advisories-and-downloadable-fact-sheets->

Based on the current ORSG, MassDEP recommends that:

- 1) consumers in sensitive subgroups (pregnant women, nursing mothers, and infants) not consume water when the level of the six PFAS substances, individually or in combination, is above 20 ppt; and,
- 2) public water suppliers take steps expeditiously to lower levels of the six PFAS, individually or in combination, to below 20 ppt for all consumers.

In October 2020, MassDEP promulgated revisions to the Massachusetts drinking water regulations that established a regulatory drinking water standard or Massachusetts Maximum Contaminant Level (MMCL) for PFAS. These revisions established a MMCL of 20 ng/L (or parts per trillion) for the sum of the concentrations of the same six PFAS included in the waste site

clean up regulations and the ORSG. The proposed standard is supported by recent scientific developments in understanding the health effects of PFAS and is aligned with PFAS cleanup standards promulgated by the Waste Site Cleanup Program. For information on the MMCL see: <https://www.mass.gov/regulations/310-CMR-22-the-massachusetts-drinking-water-regulations>.

Given that PFAS are persistent in the environment and may lead to adverse human health and environmental effects, MassDEP has identified a comprehensive approach for addressing PFAS in wastewater discharges. Additionally, based on review of recent data for residuals produced from wastewater treatment and other processes, MassDEP has concerns regarding the levels of PFAS in residuals land applied in Massachusetts. All residuals products sold, distributed, and applied in Massachusetts are subject to an Approval of Suitability (AOS), which classifies residuals for different uses based on the chemical quality and treatment to reduce pathogens. Therefore, MassDEP began including a requirement for PFAS testing in all new or renewed AOSs in January 2019, and as of July 2020, MassDEP began requiring all AOS holders to test their products for PFAS on a quarterly basis.

MassDEP is also concerned about the potential impacts PFAS discharges from wastewater treatment plants may have on downstream drinking water, recreational, and aquatic life uses. The Massachusetts Surface Water Quality Standards do not include numeric criteria for PFAS. However, the narrative criterion for toxic pollutants at 314 CMR 4.05(5)(e) states:

All surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

In addition, this narrative criterion is further elaborated on at 314 CMR 4.05(5)(e)2 which states:

Human Health Risk Levels. Where EPA has not set human health risk levels for a toxic pollutant, the human health-based regulation of the toxic pollutant shall be in accordance with guidance issued by the Department of Environmental Protection's Office of Research and Standards. The Department's goal is to prevent all adverse health effects which may results from the ingestion, inhalation or dermal absorption of toxins attributable to waters during their reasonable use as designated in 314 CMR 4.00.

To assess whether PFAS discharges from the Amherst Wastewater Treatment Plant are occurring and whether they may be contributing to a violation of the narrative toxics criteria, MassDEP is including conditions in the Massachusetts Surface Water Discharge Permit for the permittee to monitor for PFAS and to monitor its Significant Industrial Users' discharges for PFAS.

DRAFT

Section 401 Water Quality Certification
For the Proposed 2023 NPDES Permit
For the Billerica Wastewater Treatment Facility
Permit No. MA0101711

The Massachusetts Department of Environmental Protection (MassDEP), having examined the Town of Billerica's National Pollutant Discharge Elimination System (NPDES) permit application for the Billerica Wastewater Treatment Facility, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2023 NPDES permit for the Billerica Wastewater Treatment Facility (Permit No. MA0101711), issued April 6, 2023 ("2023 NPDES permit"), and having considered the public comments received on MassDEP's draft Section 401 Water Quality Certification for the draft NPDES Permit for the Billerica Wastewater Treatment Facility, and in consideration of the relevant water quality considerations, hereby certifies:

1. that subject to the following conditions, together with the terms and conditions contained in the 2023 NPDES permit for the Billerica Wastewater Treatment Facility, the proposed discharge will comply with the applicable provisions of the Federal Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law, including, without limitation, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53, and the Massachusetts Surface Water Quality Standards published at 314 CMR 4.00:
 - a. Pursuant to M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including 314 CMR 3.11 (2)(a)6., and in order to ensure the maintenance of surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, in accordance with 314 CMR 4.05(5)(e), MassDEP has determined that it is necessary that beginning six (6) months after the effective date of the 2023 NPDES permit, the permittee shall commence annual monitoring of all Significant Industrial Users^{1,2} discharging into the POTW using Draft Method 1633. Notwithstanding any other provision of the 2023 NPDES permit to the contrary, PFAS monitoring results for the 2023 NPDES permit and for the 2023 Massachusetts Surface Water Discharge ("SWD") Permit shall be reported to MassDEP's electronic database (eDEP) in accordance with the information available at the following website: the <https://www.mass.gov/how-to/submit-wastewaterresiduals-pfas-data-via-edep>., or as otherwise specified, within 30 days after the permittee receives the sampling results.
 - b. On or before January 31, 2024, the permittee shall submit to MassDEP at massdep.npdes@mass.gov a listing of all industrial dischargers with their addresses to

¹ Significant Industrial User (SIU) is defined at 40 CFR part 403: All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subpart N; **and** any other industrial user that: discharges an average of 25,000 GPD or more of process wastewater to the POTW, contributes a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW, or designated as such by the POTW on the basis that the industrial users has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement.

² This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

be sampled in accordance with both the 2023 NPDES permit and the 2023 SWD and shall include:

- i. All industries included in the categories listed in the 2023 NPDES permit Section IE, Industrial Users, Paragraph 6; and
 - ii. All Significant Industrial Users as required by Paragraph 6 of the 2023 SWD.
- The listing shall be maintained by the permittee and updated with any changes. Whenever necessary, a copy of the updated listing reflecting changes shall be forwarded to MassDEP at massdep.npdes@mass.gov on or before the next January 31.

- 2. that there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable state water quality standards.

To meet the requirements of Massachusetts laws, each of the conditions cited in the draft 2023 NPDES permit and this certification shall not be made less stringent unless new data or other information is presented and MassDEP determines modification of this certification is appropriate in consideration of the relevant water quality considerations.

If any condition in the draft 2023 NPDES permit for the Billerica Wastewater Treatment Facility is changed during EPA's review in any manner inconsistent with this certification, the Department reserves the right to modify this certification to ensure that the discharge(s) will comply with all applicable federal and state laws and regulations. In addition, the Department reserves the right to modify this certification if there is a change in the Massachusetts laws or regulations upon which this certification is based, or if a court of competent jurisdiction or the MassDEP Office of Appeals and Dispute Resolution stays, vacates or remands this certification, as provided by 40 C.F.R. § 124.55.

Signed this ____ day of _____, 2023

Lealdon Langley, Director
Massachusetts Department of Environmental Protection
Bureau of Water Resources
Division of Watershed Management