

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 2024 Draft NPDES Permit (Federal Permit) (MA Permit No. MA0100382) to Fall River Wastewater Treatment Plant and its 18 Combined Sewer Overflow (CSO) Outfalls for its facility's pollutant discharges to Mount Hope Bay (MA61-06) – WWTF and 7 CSOs, Taunton River (MA62-04) – 4 CSOs, and Quequechan River (MA61-05) – 7 CSOs; and (2) issue the 2024 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharges pursuant to the Massachusetts Clean Waters Act. The Fall River Wastewater Treatment Plant is located at 1979 Bay Road in Fall River. 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 Claire Golden, MassDEP Surface Water Discharge Program, at 617-997-8874 or at claire.golden@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 April 1, 2024. MassDEP strongly encourages written comments to be submitted by email to massdep.publiccommentnpdes@mass.gov; subject line: Fall River WWTF. If not possible, please send by mail to Claire Golden, MassDEP, 150 Presidential Way, Woburn, MA 01801.

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,

City of Fall River Sewer Commission
One Government Center
Fall River, MA 02722

is authorized to discharge from the facility located at

Fall River Wastewater Treatment Plant
1979 Bay Street
Fall River, MA 02724

and 18 combined sewer overflow (CSO) outfalls

to receiving waters named

Mount Hope Bay (MA61-06); Class SB - CSO [Outfall 001 and 7 CSOs];
Taunton River (MA62-04); Class SB - CSO [4 CSOs];
Quequechan River (MA61-05); Class B – Warm Water Fishery and CSO [7 CSOs]

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

1. The issuance date of this permit is the date it is signed by the Massachusetts Department of Environmental Protection (MassDEP).¹
2. This permit shall become effective on [DATE].²
3. This permit shall expire five years after the effective date.
4. This permit supersedes the permit issued on December 7, 2000.
5. 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., Combined Sewer Overflows (CSOs); Part II, Reporting Requirements; and Part II, Standard Conditions, as set forth in the 2024 Draft NPDES Permit No. MA0100382, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the City of Fall River Sewer Commission on February 1, 2024 (the 2024 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:

¹ Any person aggrieved by the issuance of this permit may file an appeal within 30 days of the issuance date. See Attachment A for further details on appeal rights and how to file an appeal.

² According to 314 CMR 2.08(1), if no comments objecting to the issuance or terms of the permit were received by the Department during the public comment period, then the permit shall be effective upon issuance. If comments objecting to the issuance or the terms of the permit were received by the Department during the public comment period, then the permit shall become effective 30 days after issuance.

- a. that the notification required by Part IA.8 shall also be provided to massdep.npdes@mass.gov, or as otherwise specified;
 - 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 II.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 IIE, the definitions in 314 CMR 3.02 and/or 314 CMR 4.00 shall control, as applicable;
 - e. that the notification required by 5.a. above shall be provided to massdep.npdes@mass.gov, or as otherwise specified.
6. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
 7. A year after the 2024 Final NPDES Permit effective date, the permittee shall commence annual monitoring of all Significant Industrial Users^{3,4} discharging into the POTW using Method 1633.
 8. Notwithstanding any other provision of the 2024 Draft NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the 2024 Draft 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 2024 Draft NPDES Permit reporting requirements. Information regarding the submittal of data via eDEP may be found at <https://www.mass.gov/how-to/submit-wastewaterresiduals-pfas-data-via-edep>.
 9. On or before January 31, 2025, 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 2024 Draft NPDES Permit and this permit and shall include:
 - a. All industries included in the categories listed Part IE. Industrial Users and Pretreatment Program, Paragraph 6 of the 2024 Draft NPDES Permit; and
 - b. All Significant Industrial Users as required by Paragraph 7 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.

The Towns of Freetown, MA, Westport, MA and Tiverton, RI are co-permittees for Part IB., Unauthorized Discharges; and Part IC., Operation and Maintenance of the Treatment and Control Facilities, as set forth in the 2024 Draft NPDES Permit. In addition, these sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the Towns of Freetown, MA, Westport, MA and Tiverton, RI.

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the terms and conditions of Part IB., Part IC., and Part ID. of the 2024 Draft NPDES permit. The Permittee and co-permittee are severally liable under Part IB., Part IC., and Part ID. for their own activities and required reporting with respect to the portions of the collection system that

³ 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.

⁴ This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

they own or operate. They are not liable for violations of Part IB., Part IC., and Part ID. committed by others relative to the portions of the collection system owned and operated by others. Nor are they responsible for any reporting that is required of other Permittees under Part IB., Part IC., and Part ID. The responsible Town departments are:

Town of Freetown
Water and Sewer Commission
Freetown Town Hall
3 North Main Street
P.O. Box 438
Assonet, MA 02702

Town of Westport
Westport Town Hall
816 Main Road
Westport, MA 02790

Tiverton Wastewater District
400 Fish Road
Tiverton, RI 02878

In addition, the permittee and the co-permittees are 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.

Issued on this ____ day of _____, 20__

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

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

FACT SHEET

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

MA PERMIT NUMBER: MA0100382

NAME AND MAILING ADDRESS OF APPLICANT:

City of Fall River Sewer Commission
One Government Center
Fall River, MA 02722

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Fall River Wastewater Treatment Plant
1979 Bay Street
Fall River, MA 02724
and 18 combined sewer overflow (CSO) outfalls

RECEIVING WATER AND CLASSIFICATION:

Mount Hope Bay (MA61-06); Class SB - CSO [Outfall 001 and 7 CSOs]
Taunton River (MA62-04); Class SB - CSO [4 CSOs]
Quequechan River (MA61-05); Class B – Warm Water Fishery and CSO [7 CSOs]

This Fact Sheet incorporates by reference the entire Fact Sheet for the 2024 draft NPDES Permit No. MA0100382, issued by the United States Environmental Protection Agency (EPA), Region 1, to the City of Fall River Sewer Commission on February 1, 2024, including all attachments and appendices to the Fact Sheet. In addition to the information contained in the EPA Fact Sheet incorporated herein by reference, MassDEP includes the supplemental information that follows.

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

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>

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).
- **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 Fall River 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 (SWDP) for the permittee to monitor for PFAS and to monitor its Significant Industrial Users' discharges for PFAS.

CO-PERMITTEES

Through incorporation of terms and conditions of EPA's Draft Permit into the Draft Surface Water Discharge Permit (SWDP), MassDEP is adding three co-permittees to the Draft SWDP. The Towns of Freetown and Westport, Massachusetts and Tiverton, Rhode Island own and operate sanitary wastewater collection systems that discharge flows to the Fall River WWTP. These municipalities are co-permittees for certain activities pertaining to proper operation and maintenance of their respective collection systems (See Part I.C. and I.D of EPA's Draft Permit). Adding them to the Draft SWDP ensures that they will comply with requirements to operate and maintain the collection systems to avoid discharges of sewage from the collection systems. These co-permittees did not submit permit applications to MassDEP and were sent, prior to publication of the public notice in the newspaper, written notification that MassDEP waived the application requirements for them prior to the beginning of the public notice and comment period. 314 CMR 3.03(1) provides legal authority for including the co-permittees to the SWDP. This regulation prohibits any person from operating or maintaining a treatment works without a SWDP. The definition of Treatment Works at 314 CMR 3.02 includes sewage collection systems that convey wastewater to a treatment plant.

DRAFT

Section 401 Water Quality Certification
For the Proposed 2024 NPDES Permit
Fall River Wastewater Treatment Plant
and 18 Combined Sewer Overflow (CSO) outfalls
Permit No. MA0100382

The Massachusetts Department of Environmental Protection (MassDEP), having examined the City of Fall River's National Pollutant Discharge Elimination System (NPDES) permit application for the Fall River Wastewater Treatment Plant and 18 Combined Sewer Overflow (CSO) outfalls, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2024 NPDES permit for the Fall River Wastewater Treatment Plant (Permit No. MA0100382), issued February 1, 2024 ("2024 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 Fall River Wastewater Treatment Plant, 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 2024 NPDES permit for the Fall River Wastewater Treatment Plant, 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 the first full calendar year after the effective date of the 2024 NPDES permit, the permittee shall commence annual monitoring of all Significant Industrial Users^{1,2} discharging into the POTW using Method 1633. Notwithstanding any other provision of the 2024 NPDES permit to the contrary, PFAS monitoring results for the 2024 NPDES permit and for the 2024 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.

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.

- b. On or before January 31, 2025, the permittee shall submit to MassDEP at massdep.npdes@mass.gov a listing of all industrial dischargers with their addresses to be sampled in accordance with both the 2024 NPDES permit and the 2024 SWD and shall include:
 - i. All industries included in the categories listed in the 2024 NPDES permit Section IE, Industrial Users and Pretreatment Program, Paragraph 6; and
 - ii. All Significant Industrial Users as required by Paragraph 7 of the 2024 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 2024 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 2024 NPDES permit for the Fall River Wastewater Treatment Plant 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 _____, 20__

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



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

February 14, 2024

Robert S. Parker, Chairman (waterdept@freetownma.gov)

Water and Sewer Commission
Freetown Town Hall
3 North Main Street
P.O. Box 438
Assonet, MA 02702

Re: Waiver of Permit Application and Signatory Requirements for Town of Freetown, Municipal
Satellite Sewage Collection System to the Fall River Wastewater Treatment Plant

Dear Mr. Parker:

Your municipality's sewage collection system sends wastewater collected within your municipal boundaries to a Publicly Owned Treatment Works (POTW) separately owned and operated by the City of Fall River. The Massachusetts Department of Environmental Protection's (MassDEP's) regulation at 314 CMR 3.03(2) requires all Publicly Owned Treatment Works (POTWs) to obtain a Surface Water Discharge Permit (SWDP). Additionally, 314 CMR 3.03(1) prohibits any person from operating or maintaining a treatment works without a SWDP. The definition of a Treatment Works at 314 CMR 3.02 includes sewage collection systems that convey wastewater to a treatment plant. MassDEP has authority to require satellite sewage collection systems sending wastewater to treatment plants owned and operated by another municipality to obtain a separate SWDP. MassDEP has determined that the most efficient way to regulate your municipality's collection system is to include the Freetown Water and Sewer Commission as a co-permittee on the renewal SWDP to be issued for Fall River's POTW treatment plant.

314 CMR 3.10(1) provides that any person required to obtain a SWDP must complete and submit the appropriate application form. MassDEP has determined to waive the SWDP permit application and signatory requirements applicable to your satellite sewage collection system because a single permit application executed by the Fall River's POTW treatment plant should provide the same information and will be more efficient than requiring separate applications from each municipal satellite collection system owner sending wastewater to the treatment

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

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MassDEP Website: www.mass.gov/dep

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plant. Municipal satellite collection system owners are expected to consult and coordinate with the POTW treatment plant receiving their wastewater to ensure that any information provided to MassDEP about their respective entities is accurate and complete. 314 CMR 3.03(1) authorizes MassDEP to require permit applicants to provide information MassDEP considers necessary to determine whether the applicant complies with applicable regulations. In the event that MassDEP requires additional information regarding your municipal satellite collection system, it may use this authority to obtain it. This notice reflects MassDEP's determination based on the specific facts and circumstances in this case. It is not intended to bind the agency in future determinations where a separate permit for municipal satellites would not be duplicative or immaterial.

If you have any questions or would like to discuss this decision, please contact David Boyer at david.boyer@mass.gov or at 774-239-7060.

Sincerely,

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

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

cc: Paul Ferland, Fall River Director of Community Utilities (pferland@fallriverma.gov)
Michael Cobb, EPA (cobb.michael@epa.gov)



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

February 14, 2024

Jim Hartnett, Town Administrator (hartnettj@westport-ma.gov)
Westport Town Hall
816 Main Road
Westport, MA 02790

Re: Waiver of Permit Application and Signatory Requirements for Town of Westport, Municipal
Satellite Sewage Collection System to the Fall River Wastewater Treatment Plant

Dear Mr. Hartnett:

Your municipality's sewage collection system sends wastewater collected within your municipal boundaries to a Publicly Owned Treatment Works (POTW) separately owned and operated by the City of Fall River. The Massachusetts Department of Environmental Protection's (MassDEP's) regulation at 314 CMR 3.03(2) requires all Publicly Owned Treatment Works (POTWs) to obtain a Surface Water Discharge Permit (SWDP). Additionally, 314 CMR 3.03(1) prohibits any person from operating or maintaining a treatment works without a SWDP. The definition of a Treatment Works at 314 CMR 3.02 includes sewage collection systems that convey wastewater to a treatment plant. MassDEP has authority to require satellite sewage collection systems sending wastewater to treatment plants owned and operated by another municipality to obtain a separate SWDP. MassDEP has determined that the most efficient way to regulate your municipality's collection system is to include Town of Westport as a co-permittee on the renewal SWDP to be issued for Fall River's POTW treatment plant.

314 CMR 3.10(1) provides that any person required to obtain a SWDP must complete and submit the appropriate application form. MassDEP has determined to waive the SWDP permit application and signatory requirements applicable to your satellite sewage collection system because a single permit application executed by the Fall River's POTW treatment plant should provide the same information and will be more efficient than requiring separate applications from each municipal satellite collection system owner sending wastewater to the treatment plant. Municipal satellite collection system owners are expected to consult and coordinate with the POTW treatment plant receiving their wastewater to ensure that any information provided to MassDEP about their respective entities is accurate and complete. 314 CMR 3.03(1)

authorizes MassDEP to require permit applicants to provide information MassDEP considers necessary to determine whether the applicant complies with applicable regulations. In the event that MassDEP requires additional information regarding your municipal satellite collection system, it may use this authority to obtain it. This notice reflects MassDEP's determination based on the specific facts and circumstances in this case. It is not intended to bind the agency in future determinations where a separate permit for municipal satellites would not be duplicative or immaterial.

If you have any questions or would like to discuss this decision, please contact David Boyer at david.boyer@mass.gov or at 774-239-7060.

Sincerely,

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

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

cc: Paul Ferland, Fall River Director of Community Utilities (pferland@fallriverma.gov)
Michael Cobb, EPA (cobb.michael@epa.gov)



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

February 14, 2024

Leroy Kendricks, P.E., Chairman (leroy@twwd.org)
Tiverton Wastewater District
400 Fish Road
Tiverton, RI 02878

Re: Waiver of Permit Application and Signatory Requirements for Town of Tiverton, RI,
Municipal Satellite Sewage Collection System to the Fall River, MA Wastewater Treatment
Plant

Dear Mr. Kendricks:

Your municipality's sewage collection system sends wastewater collected within your municipal boundaries to a Publicly Owned Treatment Works (POTW) separately owned and operated by the City of Fall River, MA. The Massachusetts Department of Environmental Protection's (MassDEP's) regulation at 314 CMR 3.03(2) requires all Publicly Owned Treatment Works (POTWs) to obtain a Surface Water Discharge Permit (SWDP). Additionally, 314 CMR 3.03(1) prohibits any person from operating or maintaining a treatment works without a SWDP. The definition of a Treatment Works at 314 CMR 3.02 includes sewage collection systems that convey wastewater to a treatment plant. MassDEP has authority to require satellite sewage collection systems sending wastewater to treatment plants owned and operated by another municipality to obtain a separate SWDP. MassDEP has determined that the most efficient way to regulate your municipality's collection system is to include Tiverton, RI Wastewater District as a co-permittee on the renewal SWDP to be issued for Fall River's POTW treatment plant.

314 CMR 3.10(1) provides that any person required to obtain a SWDP must complete and submit the appropriate application form. MassDEP has determined to waive the SWDP permit application and signatory requirements applicable to your satellite sewage collection system because a single permit application executed by the Fall River's POTW treatment plant should provide the same information and will be more efficient than requiring separate applications from each municipal satellite collection system owner sending wastewater to the treatment plant. Municipal satellite collection system owners are expected to consult and coordinate with the POTW treatment plant receiving their wastewater to ensure that any information provided

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

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to MassDEP about their respective entities is accurate and complete. 314 CMR 3.03(1) authorizes MassDEP to require permit applicants to provide information MassDEP considers necessary to determine whether the applicant complies with applicable regulations. In the event that MassDEP requires additional information regarding your municipal satellite collection system, it may use this authority to obtain it. This notice reflects MassDEP's determination based on the specific facts and circumstances in this case. It is not intended to bind the agency in future determinations where a separate permit for municipal satellites would not be duplicative or immaterial.

If you have any questions or would like to discuss this decision, please contact David Boyer at david.boyer@mass.gov or at 774-239-7060.

Sincerely,

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

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

cc: Paul Ferland, Fall River Director of Community Utilities (pferland@fallriverma.gov)
Michael Cobb, EPA (cobb.michael@epa.gov)