

## 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, and the implementing regulations at 314 CMR 3.00 and 4.00, is proposing to: (1) issue a federal Clean Water Act Section 401 Water Quality Certification (WQC) for the U.S. Environmental Protection Agency's (EPA) proposed 2025 Draft NPDES Permit (Federal Permit) (MA Permit No. MA0040193) to Aquaria Water LLC for the Taunton River Desalination Plant for their facility's pollutant discharges to the Taunton River (MA 62-02); and (2) issue the 2025 Draft Massachusetts Surface Water Discharge Permit (SWDP) for the same discharge pursuant to the Massachusetts Clean Waters Act. Aquaria Water LLC and the Taunton River Desalination Plant are located at 170 Aquaria Drive, North Dighton, MA. The proposed WQC, proposed SWDP, and proposed Federal Permit are all available at <https://www.mass.gov/info-details/massdep-permits-approvals-for-comment>. Alternatively, a copy of the documents can be obtained by contacting Xiaodan Ruan, MassDEP Surface Water Discharge Program, at 857-256-4172 or at [xiaodan.ruan@mass.gov](mailto:xiaodan.ruan@mass.gov).

Written comments on both the proposed WQC and the proposed SWDP will be accepted until 5:00 p.m. on April 3, 2025. MassDEP strongly encourages written comments to be submitted by email to [massdep.publiccommentnpdes@mass.gov](mailto:massdep.publiccommentnpdes@mass.gov); subject line: Aquaria Water LLC. If not possible, please send by mail to MassDEP NPDES Program, C/o Xiaodan Ruan, 100 Cambridge Street, Suite 900, Boston, MA 02114.

Following the close of the comment period, MassDEP will issue a final WQC and final SWDP and forward copies to the applicant and each person who has submitted written comments or requested notice. The final determination will contain information regarding the opportunity to file an adjudicatory appeal pursuant to 310 CMR 1.01. Information regarding intervention and participation can be found at 310 CMR 1.01(7).

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,

Aquaria Water LLC  
170 Aquaria Drive  
P.O. Box 1000  
North Dighton, MA 02764

is authorized to discharge from the facility located at

Taunton River Desalination Plant  
170 Aquaria Drive  
North Dighton, MA 02764

to receiving waters named

Taunton River (Segment ID MA62-02), Class SB  
Taunton River Watershed

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).<sup>1</sup>
2. This permit shall become effective on [DATE].<sup>2</sup>
3. This permit shall expire five years after the effective date.
4. This permit supersedes the permit issued on November 30, 2006 (jointly with the NPDES permit issued by EPA).
5. Pursuant to MassDEP's authority under M.G.L. c. 21, §§26-53, 314 CMR 3.00, and 314 CMR 4.00, this permit incorporates by reference: Part IA., Effluent Limitations and Monitoring Requirements; Part IB., Unauthorized Discharges; Part IC., Special Conditions; Part ID., Reporting Requirements; and Part II, Standard Conditions, as set forth in the 2025 draft NPDES Permit No. MA0040193,<sup>3</sup> issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the Aquaria Water LLC ("Permittee") on March 4, 2025 (the 2025 draft NPDES Permit) and attached hereto by reference as

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<sup>1</sup> Any person aggrieved by the issuance of this permit may file an appeal within 30 days of the issuance date. Further details on appeal rights will be attached to the final permit.

<sup>2</sup> 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.

<sup>3</sup> This draft Mass DEP permit references the 2025 draft EPA NPDES Permit. The final version of this MassDEP permit will reference the final version of the EPA NPDES Permit. The final version of this MassDEP permit may reflect changes between the 2025 draft EPA Permit and the final version of that EPA NPDES permit.

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.2. shall also be provided to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov);
  - 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 discharges of a new chemical or additive authorized under Part IC.3 are only authorized under this permit 30 days following written notification to MassDEP electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov), and only if not otherwise notified in writing by MassDEP;
  - d. that a copy of the requests, reports, and information required by Part ID.3. to be submitted to EPA shall also be submitted to MassDEP electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov); and
  - e. 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.
6. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
  7. Notwithstanding any other provision of the final NPDES permit to the contrary, all PFAS monitoring results shall be reported to MassDEP via the eDEP portal, or as otherwise specified in writing by MassDEP to the Permittee, within 30 days after the Permittee receives the sampling results, in addition to the final 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>.
  8. In order to ensure that the discharge will not violate applicable state water quality standards, pursuant to M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including 314 CMR 3.11(3), 314 CMR 3.19(1), and 314 CMR 4.05:
    - a. The discharge shall be free from pollutants in concentrations or combinations that settle to form objectionable deposits; float as debris, scum or other matter to form nuisances; produce objectionable odor, color, taste or turbidity; or produce undesirable or nuisance species of aquatic life.
    - b. The discharge shall be free from pollutants in concentrations or combinations that adversely affect the physical or chemical nature of the bottom, interfere with the propagation of fish or shellfish, or adversely affect populations of non-mobile or sessile benthic organisms.
    - c. The discharge shall be free from floating, suspended and settleable solids in concentrations and combinations that would impair any use assigned to the receiving water, that would cause aesthetically objectionable conditions, or that would impair the benthic biota or degrade the chemical composition of the bottom.
    - d. The discharge shall be free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the receiving water.
    - e. The discharge shall be free from oil, grease and petrochemicals that produce a visible film on the surface of the receiving water, impart an oily taste to the edible portions of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.

- f. The discharge shall be free from taste and odor in such concentrations or combinations that are aesthetically objectionable, that would impair any use assigned to the receiving water, or that would cause tainting or undesirable flavors in the edible portions of aquatic life.
- g. The discharge shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

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:** MA0040193

**NAME AND MAILING ADDRESS OF APPLICANT:**

Aquaria Water LLC  
170 Aquaria Drive  
P.O. Box 1000  
North Dighton, MA 02764

**NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:**

Taunton River Desalination Plant  
170 Aquaria Drive  
North Dighton, MA 02764

**RECEIVING WATER AND CLASSIFICATION:**

Taunton River (Segment ID MA62-02), Class SB  
Taunton River Watershed

**PUBLIC NOTICE DETAILS:**

Public comment time period: March 4, 2025 – April 3, 2025

Address where comments can be received:

Via email: [massdep.publiccommentnpdes@mass.gov](mailto:massdep.publiccommentnpdes@mass.gov) or to the below mailing address

Include the following subject line: Aquaria Water LLC

**MASSDEP CONTACT:**

Person to contact for additional information:

Xiaodan Ruan, 857-256-4172, [xiaodan.ruan@mass.gov](mailto:xiaodan.ruan@mass.gov)

**MAILING ADDRESS:**

MassDEP NPDES Program, C/o Xiaodan Ruan, 100 Cambridge Street, Suite 900, Boston, MA 02114.

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This Fact Sheet for the above-referenced draft MassDEP Surface Water Discharge Permit (SWDP) incorporates by reference the entire Fact Sheet for the 2025 draft NPDES Permit No. MA0040193 issued by the United States Environmental Protection Agency (EPA), Region 1, to the Aquaria Water LLC on March 4, 2025, 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 information that follows.

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### **NARRATIVE EFFLUENT LIMITATIONS**

The 2025 draft Aquaria Water LLC NPDES Permit does not include certain narrative effluent limitations included in the previous discharge permit issued jointly by MassDEP and EPA to Aquaria Water LLC. In order to ensure that the discharge does not cause or contribute to a violation of the Massachusetts Surface Water Quality Standards set forth in 314 CMR 4.00, MassDEP has included appropriate narrative effluent limitations in its draft Surface Water Discharge Permit (SWDP) and draft Water Quality Certification (WQC). These effluent limitations are included pursuant to MassDEP's authority under M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including but not limited to 314 CMR 3.11(3), 314 CMR 3.19(1), and 314 CMR 4.05.

### **PER – AND POLYFLUROALKYL SUBSTANCES (PFAS)**

MassDEP is concerned about the potential impacts that PFAS in wastewater discharges 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.e. which states:

*Unlisted Pollutants; Combinations of Pollutants. Any pollutant or combination of pollutants within the meaning of 314 CMR 4.05(5)(e) for which 314 CMR 4.05(5)(e)1. does not establish a generally applicable criterion shall not be discharged to surface waters in a quantity or manner that would: i. exceed safe exposure levels for aquatic life as determined by toxicity testing using methods approved by MassDEP pursuant to 314 CMR 4.03(6); or ii. cause adverse human health effects due to the ingestion, inhalation or dermal absorption of such toxins attributable to such waters during their reasonable use as designated in 314 CMR 4.00; or iii. result in a human health excess lifetime cancer risk level greater than 10 for -6 individual carcinogens.*

To assess whether PFAS is in wastewater discharges and whether PFAS may be contributing to a violation of the narrative toxics criteria, MassDEP requires that all Massachusetts Surface Water Discharge Permit and NPDES permit PFAS and Adsorbable Organic Fluorine (AOF) monitoring results be submitted to the MassDEP electronic database referred to as eDEP. This will provide a means for MassDEP to better access all the data relative to its water quality standards.

Information about submitting data to eDEP is available at the following website:

<https://www.mass.gov/how-to/submit-wastewater-residuals-pfas-data-via-edep>. Also, data is

available for review by the public at the following website:

<https://eeaonline.eea.state.ma.us/portal#!/search/npdes>.

### **REQUEST FOR A PUBLIC HEARING**

According to 314 CMR 2.07(1), the applicant or permittee for a surface water discharge permit can request a public hearing, or the Department can determine a public hearing is in the public interest. In either case, the Department shall schedule and conduct such hearing in a community within the area(s) affected by the facility or discharge which is the subject of the permit. The

Department may satisfy a public hearing requirement through a public hearing jointly held with EPA.

DRAFT

Clean Water Act Section 401 Water Quality Certification  
For the 2025 Proposed NPDES Permit  
For the Aquaria Water LLC Taunton River Desalination Plant  
Permit No. MA0040193

The Massachusetts Department of Environmental Protection (MassDEP), having examined Aquaria Water LLC's ("Permittee") National Pollutant Discharge Elimination System (NPDES) permit application for the Taunton River Desalination Plant to discharge to Taunton River (MA62-02), and having reviewed the United States Environmental Protection Agency (EPA) – Region 1's 2025 draft NPDES permit for the Taunton River Desalination Plant (Permit No. MA0040193), issued March 4, 2025 ("2025 draft NPDES Permit"), hereby certifies that there is a reasonable assurance that the proposed discharge will not violate applicable Massachusetts water quality requirements, if made in accordance with the provisions of the 2025 draft NPDES Permit and the conditions set forth below, and provided that the 2025 draft NPDES Permit is not modified in a manner inconsistent with this certification:

The following conditions, together with the terms and conditions contained in the 2025 draft NPDES permit for the Taunton River Desalination Plant are necessary to ensure that 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. Notwithstanding any other provision of the final NPDES Permit to the contrary, all PFAS monitoring results shall be reported to MassDEP via the eDEP portal, or as otherwise specified in writing by MassDEP to the Permittee, within 30 days after the Permittee receives the sampling results, in addition to the final 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>.
- b. Pursuant to M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including 314 CMR 3.11(3), 314 CMR 3.19(1), and 314 CMR 4.05, MassDEP has determined that it is necessary to include the following conditions:
  - i. The discharge shall be free from pollutants in concentrations or combinations that settle to form objectionable deposits; float as debris, scum or other matter to form nuisances; produce objectionable odor, color, taste or turbidity; or produce undesirable or nuisance species of aquatic life.
  - ii. The discharge shall be free from pollutants in concentrations or combinations that adversely affect the physical or chemical nature of the bottom, interfere with the propagation of fish or shellfish, or adversely affect populations of non-mobile or sessile benthic organisms.
  - iii. The discharge shall be free from floating, suspended and settleable solids in concentrations and combinations that would impair any use assigned to the receiving water, that would cause aesthetically objectionable conditions, or



that would impair the benthic biota or degrade the chemical composition of the bottom.

- iv. The discharge shall be free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the receiving water.
- v. The discharge shall be free from oil, grease and petrochemicals that produce a visible film on the surface of the receiving water, impart an oily taste to the edible portions of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.
- vi. The discharge shall be free from taste and odor in such concentrations or combinations that are aesthetically objectionable, that would impair any use assigned to the receiving water, or that would cause tainting or undesirable flavors in the edible portions of aquatic life.
- vii. The discharge shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

To meet the requirements of Massachusetts laws, each of the conditions in the 2025 draft 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.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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