

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. MA0101010) to the City of Brockton for the Brockton Advanced Water Reclamation Facility for the facility's pollutant discharges to the Salisbury Plain River (MA62-06); and (2) issue the 2025 Draft Massachusetts Surface Water Discharge Permit (SWDP) for the same discharge pursuant to the Massachusetts Clean Waters Act. The City of Brockton is located at 45 School Street, Brockton, MA. The Brockton Advanced Water Reclamation Facility is located at 303 Oak Hill Way, Brockton, 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 Jennifer Wood, MassDEP Surface Water Discharge Program, at 617-835-9886 or at jennifer.wood@mass.gov.

Written comments on both the proposed WQC and the proposed SWDP will be accepted until 5:00 p.m. on February 21, 2025. MassDEP strongly encourages written comments to be submitted by email to massdep.publiccommentnpdes@mass.gov; subject line: Brockton Advanced Water Reclamation Facility. If not possible, please send by mail to MassDEP NPDES Program, c/o Jennifer Wood, 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,

City of Brockton
45 School Street
Brockton, MA

is authorized to discharge from the facility located at

Brockton Advanced Water Reclamation Facility
303 Oak Hill Way
Brockton, MA

to receiving waters named

Salisbury Plain River (Segment MA62-06)

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 1/11/2017.
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., 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 2025 draft NPDES Permit No. MA0101010,³ issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the City of Brockton ("Permittee") on January 22, 2025 (the 2025 draft NPDES Permit) and attached hereto by reference as Appendix 1 and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-draft-individual-npdes-permits>; provided, however:
 - a. that the reporting required by Part IB.1 shall be in accordance with 314 CMR 3.19(20)(e) (24-hour reporting); and

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.

³ This draft Mass DEP permit references the 2024 draft EPA Permit. The final version of this MassDEP permit will reference the final version of the EPA Permit. The final version of this MassDEP permit may reflect changes between the 2024 draft EPA Permit and the final version of that EPA permit.

- b. 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. Beginning the first full calendar quarter following 6 months after the final NPDES Permit effective date, the Permittee shall commence annual monitoring of all Significant Industrial Users^{4,5} discharging into the Permittee's Publicly Owned Treatment Works (POTW) using Method 1633.
8. Notwithstanding any other provision of the final NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the final NPDES permit) and Adsorbable Organic Fluorine 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>.
9. 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.

⁴ 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.

⁵ This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

- g. The discharge shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

The Towns of Abington and Whitman are Co-permittee(s) for Part IB., Unauthorized Discharges; and Part IC., Operation and Maintenance of the Sewer System; and Part ID, Alternate Power Source as set forth in the 2025 draft NPDES Permit. These sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the Brockton Advanced Water Reclamation Facility.

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 2025 draft NPDES permit. The Permittee and Co-permittees 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 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 the Permittee and other Co-permittees under Part IB., Part IC., and Part ID. The responsible town departments are:

Town of Abington
Sewer Department
350 Summer Street
Abington, MA 02351

Town of Whitman
Department of Public Works
100 Essex Street, P.O. Box 454
Whitman, MA 02382

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: MA0101010

NAME AND MAILING ADDRESS OF APPLICANT:

City of Brockton
45 School Street
Brockton, MA

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Brockton Advanced Water Reclamation Facility
303 Oak Hill Way
Brockton, MA

RECEIVING WATER AND CLASSIFICATION:

Salisbury Plain River (Segment MA62-06)

PUBLIC NOTICE DETAILS:

Public comment time period: January 22, 2025 – February 21, 2025

Address where comments can be received:

Via email: massdep.publiccommentnpdes@mass.gov or to the below mailing address

Include the following subject line: Brockton Advanced Water Reclamation Facility

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MASSDEP CONTACT:

Person to contact for additional information: Jennifer Wood, MassDEP Surface Water Discharge Program, at 617-835-9886 or at jennifer.wood@mass.gov.

MAILING ADDRESS:

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

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. MA0101010, issued by the United States Environmental Protection Agency (EPA), Region 1, to the City of Brockton on January 22, 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.

NARRATIVE EFFLUENT LIMITATIONS

The 2025 draft Brockton Advanced Water Reclamation Facility NPDES Permit does not include certain narrative effluent limitations included in the previous Brockton Advanced Water

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Reclamation Facility discharge permit issued jointly by MassDEP and EPA. 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 POLYFLUOROALKYL SUBSTANCES (PFAS)

Like EPA, MassDEP is concerned about the potential impacts that PFAS in 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.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 discharges from the wastewater treatment plants 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 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>

To support the MassDEP to further assess where PFAS in wastewater influent originates, beyond the industrial testing requirements of the NPDES permit, MassDEP is requiring that the permittee test effluent from all Significant Industrial Users (SIU) for PFAS. Consistent with the NPDES permit, this PFAS testing requires the use of the multi-lab validated Method 1633.

This method tests for a variety of PFAS types, including the types regulated by MassDEP in its drinking water regulations (310 CMR 22.00) and waste site cleanup regulations (310 CMR 40.0000).

CO-PERMITTEE(S)

Through incorporation of terms and conditions of EPA's draft NPDES Permit into the draft Surface Water Discharge Permit (SWDP), and as set forth in the draft SWDP, MassDEP is adding 2 co-permittee(s) to the draft SWDP. The Towns of Abington and Whitman own and operate sanitary wastewater collection systems that discharge flows to the Brockton Advanced Water Reclamation Facility. These municipalities are co-permittees for certain activities pertaining to proper operation and maintenance of their respective collection systems (See Parts I.B., 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. 314 CMR 3.03(1) provides legal authority for including the co-permittees in 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. These co-permittees did not submit permit applications to MassDEP pursuant to 314 CMR 3.10(1) but were sent, prior to publication of the public notice for this SWDP, written notification that MassDEP had waived the application requirements for them. A list of addresses for the responsible municipal departments for the co-permittees is provided in the draft SWDP.

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REQUEST FOR A PUBLIC HEARING

According to 314 CMR 2.07(1), applicants or permittees 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.

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Clean Water Act Section 401 Water Quality Certification
For the 2025 Proposed NPDES Permit
For the Brockton Advanced Water Reclamation Facility
Permit No. MA0101010

The Massachusetts Department of Environmental Protection (MassDEP), having examined the City of Brockton's ("Permittee") National Pollutant Discharge Elimination System (NPDES) permit application for the Brockton Advanced Water Reclamation Facility to discharge to Salisbury Plain River (Segment MA62-06), and having reviewed the United States Environmental Protection Agency (EPA) – Region 1's 2025 draft NPDES permit for the Brockton Advanced Water Reclamation Facility (Permit No. MA0101010), issued January 22, 2025 ("2025 draft NPDES Permit"), and having presented for public notice from January 22, 2025 through February 21, 2025 MassDEP's proposed Clean Water Act Section 401 Water Quality Certification for the draft 2025 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 Brockton Advanced Water Reclamation Facility, 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. 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 quarter following 6 months after the effective date of the final version of the 2025 draft NPDES Permit ("final NPDES Permit"), the Permittee shall commence annual monitoring of all Significant Industrial Users^{1,2} discharging into the Brockton Advanced Water Reclamation Facility Publicly Owned Treatment Works ("POTW") using Method 1633.
- b. Notwithstanding any other provision of the final NPDES Permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the final NPDES permit) and Adsorbable Organic Fluorine monitoring results shall be reported to MassDEP via the eDEP portal, or as otherwise specified in

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.

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>.

- c. 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.

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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____

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