

**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 Erving  
12 East Main Street  
Erving, MA 01344

is authorized to discharge from the facility located at

Erving POTW #1  
16 Public Works Boulevard  
Village of Millers Falls  
Erving, MA 01344

to receiving water named

Millers River (MA35-05)  
Millers River Watershed

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

1. This permit shall become effective on December 1, 2021.
2. This permit shall expire five years after the effective date.
3. This permit supersedes the permit issued on September 29, 2008.
4. This permit incorporates by reference Part IA., Effluent Limitations and Monitoring Requirements, Part IB., Unauthorized Discharges, Part IC., Operation and Maintenance of the Sewer System, Part ID. Alternate Power Source, Part IE. Industrial Users, Part IF. Sludge Conditions, Part IG. Special Conditions, Part IH. Reporting Requirements, and Part II, Standard Conditions, as set forth in the 2021 NPDES Permit No. MA0101516, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to Town of Erving on June 23, 2021 (the 2021 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](mailto: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 4.a. above shall be provided as follows:

Susannah King, NPDES Section Chief  
 Division of Watershed Management  
 Department of Environmental Protection  
 1 Winter Street – 5<sup>th</sup> Floor  
 Boston, MA 02108

5. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
6. This permit includes the following additional conditions:
- Beginning six (6) months after the permittee has been notified by EPA of a multi-lab validated method for wastewater, or two (2) years after the effective date of the 2021 Federal NPDES permit, whichever is earlier, the permittee shall conduct monitoring of the influent, effluent, and sludge for PFAS compounds as detailed in the tables below. If EPA's multi-lab validated method is not available by twenty (20) months after the effective date of the 2021 Federal NPDES permit, the permittee shall contact MassDEP ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) for guidance on an appropriate analytical method. Notwithstanding any other provision of the 2021 Federal NPDES permit to the contrary, monitoring results shall be reported to MassDEP electronically, at [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov), or as otherwise specified, within 30 days after they are received.

#### Influent and Effluent (Outfall 001)

| Parameter                            | Units | Measurement Frequency  | Sample Type       |
|--------------------------------------|-------|------------------------|-------------------|
| Perfluorohexanesulfonic acid (PFHxS) | ng/L  | Quarterly <sup>1</sup> | 24-hour Composite |
| Perfluoroheptanoic acid (PFHpA)      | ng/L  | Quarterly              | 24-hour Composite |
| Perfluorononanoic acid (PFNA)        | ng/L  | Quarterly              | 24-hour Composite |
| Perfluorooctanesulfonic acid (PFOS)  | ng/L  | Quarterly              | 24-hour Composite |
| Perfluorooctanoic acid (PFOA)        | ng/L  | Quarterly              | 24-hour Composite |
| Perfluorodecanoic acid (PFDA)        | ng/L  | Quarterly              | 24-hour Composite |

#### Sludge

| Parameter                            | Units | Measurement Frequency | Sample Type <sup>2</sup> |
|--------------------------------------|-------|-----------------------|--------------------------|
| Perfluorohexanesulfonic acid (PFHxS) | ng/g  | Quarterly             | Grab/Composite           |
| Perfluoroheptanoic acid (PFHpA)      | ng/g  | Quarterly             | Grab/Composite           |
| Perfluorononanoic acid (PFNA)        | ng/g  | Quarterly             | Grab/Composite           |
| Perfluorooctanesulfonic acid (PFOS)  | ng/g  | Quarterly             | Grab/Composite           |
| Perfluorooctanoic acid (PFOA)        | ng/g  | Quarterly             | Grab/Composite           |
| Perfluorodecanoic acid (PFDA)        | ng/g  | Quarterly             | Grab/Composite           |

- Beginning six (6) months after the permittee has been notified by EPA of a multi-lab validated method for wastewater, or two (2) years after the effective date of the 2021 Federal NPDES permit, whichever is earlier, the permittee shall commence annual

<sup>1</sup> Quarters are defined as January to March, April to June, July to September, and October to December. Samples shall be taken during the same month each quarter and shall be taken 3 months apart (e.g., an example sampling schedule could be February, May, August, and November).

<sup>2</sup> Sludge sampling shall be as representative as possible based on guidance found at <https://www.epa.gov/sites/production/files/2018-11/documents/potw-sludge-sampling-guidance-document.pdf>.

monitoring of all Significant Industrial Users<sup>3,4</sup> discharging into the POTW. Monitoring shall be in accordance with the table below. If EPA's multi-lab validated method is not available by twenty (20) months after the effective date of the 2021 Federal NPDES permit, the permittee shall contact MassDEP ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) for guidance on an appropriate analytical method. Notwithstanding any other provision of the 2021 Federal NPDES permit to the contrary, monitoring results shall be reported to MassDEP electronically at [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov), or as otherwise specified, within 30 days after they are received.

| Parameter                            | Units | Measurement Frequency | Sample Type       |
|--------------------------------------|-------|-----------------------|-------------------|
| Perfluorohexanesulfonic acid (PFHxS) | ng/L  | Annual                | 24-hour Composite |
| Perfluoroheptanoic acid (PFHpA)      | ng/L  | Annual                | 24-hour Composite |
| Perfluorononanoic acid (PFNA)        | ng/L  | Annual                | 24-hour Composite |
| Perfluorooctanesulfonic acid (PFOS)  | ng/L  | Annual                | 24-hour Composite |
| Perfluorooctanoic acid (PFOA)        | ng/L  | Annual                | 24-hour Composite |
| Perfluorodecanoic acid (PFDA)        | ng/L  | Annual                | 24-hour Composite |

Signed this 1<sup>st</sup> day of November, 2021



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

<sup>3</sup> 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.

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

**RESPONSE TO COMMENTS****MA Permit No. MA0101516****Erving POTW #1****16 Public Works Boulevard, Village of Millers Falls, Erving, MA 01344**

The Massachusetts Department of Environmental Protection (MassDEP or the “Department”) is issuing a Surface Water Discharge (SWD) Permit to the Town of Erving Board of Selectmen (the Permittee) for the facility (the Facility) located in Boston, Massachusetts. The permit is being issued under 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.

In accordance with the provisions of 314 CMR 2.09, MassDEP is obligated to prepare a response to comments received on the draft SWD Permit No. MA0101516 (the “Draft Permit”). The Response to Comments explains and supports MassDEP’s determinations that form the basis of the final permit (the “Final Permit”). From June 23, 2021 through August 5, 2021, MassDEP solicited public comments on the Draft Permit for the reissuance of a permit to discharge municipal wastewater from Outfall Serial Number 001 to the Millers River and the associated Draft WQC.

During the public comment period for the draft NPDES permit (June 23, 2021 through August 5, 2021), EPA received comments from:

1. Bryan Smith, Town Administrator, Town of Erving, dated August 4, 2021
2. Jennifer Perry, Director, Water Planning and Management Division, Connecticut Department of Energy and Environmental Protection, dated July 19, 2021
3. Andrea F. Donlon, River Steward, Connecticut River Conservancy, dated July 21, 2021

During the public comment period for the draft SWD Permit, MassDEP received identical comments from:

1. Bryan Smith, Town Administrator, Town of Erving, dated August 4, 2021

MassDEP has reviewed EPA’s Response to Comments, issued concurrent with the final NPDES permit on September 14, 2021, and concurs with their responses and the associated adjustments made to the final NPDES permit. MassDEP hereby incorporates by reference EPA’s Response to Comments and is not adding any additional responses on the comments received.

A copy of the Final Permit and this Response to Comments document will be posted on the MassDEP website at <https://www.mass.gov/orgs/massachusetts-department-of-environmental-protection>.

A copy of the Final Permit may be also obtained by writing or calling Claire Golden, MassDEP, Surface Water Discharge Permitting Program, 205 B Lowell Street, Wilmington, MA 01887; telephone: 617-997-8874; email: [claire.golden@mass.gov](mailto:claire.golden@mass.gov). Currently, MassDEP is working remotely. As such, interested parties are strongly encouraged to email Claire Golden if they wish to obtain a copy of the Final Permit.