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 Templeton Board of Selectmen 690 Patriots Rd P.O. Box 250 Templeton, MA 01468

is authorized to discharge from the facility located at

Templeton Wastewater Treatment Plant (WWTP) 33 Reservoir Rd Baldwinville, MA 01436

to receiving water named

Otter River Millers River Watershed

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

- 1. This permit shall become effective on April 1, 2021.
- 2. This permit shall expire five years after the effective date.
- 3. This permit supersedes the permit issued on September 28, 2005.
- 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 IIE., Standard Conditions, as set forth in the 2020 draft NPDES Permit No. MA0100340, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to Templeton WWTP on July 17, 2020 (the 2020 Draft NPDES Permit) and attached hereto as Appendix A; 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;
 - 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 – 5th 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:
 - a. If the permittee has not been notified by EPA of the multi-lab validated method for wastewater by two (2) years from the effective date of the NPDES permit, the permittee shall conduct monitoring of the effluent for PFAS compounds as detailed in the table below using a method specified by MassDEP. If EPA has not issued a validated test method by twenty (20) months after the effective date of the NPDES permit, the permittee shall contact MassDEP (massdep.npdes@mass.gov) for guidance on an appropriate analytical method. If the permittee begins monitoring for PFAS before the EPA method is available, results shall be reported to MassDEP electronically at massdep.npdes@mass.gov, or as otherwise specified, within 30 days after they are received.

Effluent (Outfall 001)

Parameter	Units	Measurement Frequency	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Quarterly ¹	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

b. Beginning 6 months after the permittee has been notified by EPA that the multi-lab validated method is available, or two (2) years from the effective date of the federal 2021 NPDES permit, whichever is earlier, the permittee shall commence annual monitoring of all Significant Industrial Users²³ discharging into the POTW. Monitoring shall be in accordance with the table below. If EPA has not issued a validated test method by twenty (20) months after the effective date of the 2021 Federal NPDES permit, the permittee shall contact MassDEP (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, or as otherwise specified, within 30 days after they are received.

¹ 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).

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.

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 2nd day of March, 2021

Lealdon Langley, Director

Division of Watershed Management

Department of Environmental Protection

RESPONSE TO COMMENTS

MA Permit No. MA MA0100340 Town of Templeton Templeton Wastewater Treatment Plant 33 Reservoir Rd, Templeton, Massachusetts

The Massachusetts Department of Environmental Protection (MassDEP or the "Department") is issuing a Surface Water Discharge (SWD) Permit to the Town of Templeton (the Permittee) for the facility (the Facility) located in 33 Reservoir Rd, Templeton, 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. MA MA0100340 (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 July 23, 2020 through August 22, 2020, MassDEP solicited public comments on the Draft Permit for the (re)issuance of a permit to discharge treated effluent from Outfall Serial Number(s) 001 to the Otter River and the associated Draft WQC.

During the public comment period for the draft NPDES permit (July 17, 2020 through August 15, 2020), EPA received comments from:

- 1. Bob McDonald, Superintendent, Town of Templeton, dated August 15, 2020
- 2. Joshua Schimmel, Executive Director, Springfield Water and Sewer Commission, dated August 28, 2020
- 3. Jennifer Pederson, Executive Director, Massachusetts Water Works Association, dated August 13, 2020
- 4. Philip Guerin, President & Chairman, Massachusetts Coalition for Water Resources Stewardship, dated August 14, 2020
- 5. Andrea Donlon, River Steward, Connecticut River Conservancy, dated August 17, 2020

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

- 1. Bob McDonald, Superintendent, Town of Templeton, date August 28, 2020
- 2. Joshua Schimmel, Executive Director, Springfield Water and Sewer Commission, dated August 28, 2020
- 3. Philip Guerin, President & Chairman, Massachusetts Coalition for Water Resources Stewardship, dated August 21, 2020
- 4. Andrea Donlon, River Steward, Connecticut River Conservancy, dated August 17, 2020

The comments MassDEP received from Connecticut River Conservancy (CRC) and Springfield Water and Sewer Commission (SWSC) were identical to those received by EPA. The comments MassDEP received from Massachusetts Coalition for Water Resources Stewardship (MCWRS) included all of the comments that EPA received from MCWRS, as well as one additional comment only for MassDEP. As it pertains to the comments from SWSC, CRC, and MCWRS, MassDEP has reviewed EPA's Response to Comments issued concurrent with the final NPDES permit on January 27, 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 into this Response. Responses to the comments from Town of Templeton and the additional comment from MCWRS are provided below.

MassDEP's knowledge of the facility has benefited from the various comments and additional information submitted during the public comment period but the information and arguments presented did not raise any substantial new questions concerning the Permit that warranted MassDEP exercising the discretion to reopen the public comment period. MassDEP does, however, make certain clarifications in response to comments. Any improvements and changes are explained in this document and reflected in the Final Permit. Below, MassDEP provides a summary of the changes made in the Final Permit. The analyses underlying these changes are contained in the responses to individual comments that follow.

A copy of the Final Permit and this Response to Comments document will be posted on the MassDEP website.

A copy of the Final Permit may be also obtained by writing or calling Jennifer Wood, MassDEP, Surface Water Discharge Permitting Program, 1 Winter Street, Boston, MA 02108; telephone: 617-654-6536; email: jennifer.wood@mass.gov. During this current COVD-19 emergency, MassDEP is working remotely. As such, interested parties are strongly encouraged to email Jennifer Wood if they wish to obtain a copy of the Final Permit.

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I. Summary of Changes to the Final Permit

- 1. Paragraphs 6.a. and 6.b. have been revised to be consistent with EPA NPDES Permit requirements related to PFAS to note that EPA will notify the permittee when EPA's multi-lab validated method for wastewater is available.
- 2. Paragraph 6.a. has been revised to clarify how permittees will report results if monitoring begins before EPA's validated method is available.
- 3. Paragraph 6.b. has been revised to include a definition for Significant Industrial Users. See Response #5.
- 4. Paragraph 6.b. has been revised to clarify that results shall be reported through email, or otherwise specified, if MassDEP directs permittees to report through another mechanism.

1. Responses to Comments

Comments are reproduced below as received; they have not been edited, corrected or otherwise modified.

A. Comments from Bob McDonald, Superintendent, Town of Templeton, dated August 28, 2020

Comment 1

The draft permit for the Town includes quarterly monitoring and reporting requirements for Perand polyfluoroalkyl substances (PFAS) including the followings:

Perfluorohexanesulfonic acid (PFHxS) Perfluoroheptanoic acid (PFHpA) Perfluorononanoic acid (PFNA) Perfluorooctanesulfonic acid (PFOS) Perfluorooctanoic acid (PFOA) Perfluorodecanoic acid (PFDA)

As provided in the Fact Sheet MassDEP states that the purpose of this monitoring and reporting requirement is to better understand potential discharges of PFAS from this facility and to inform

future permitting decisions, including the potential development of water quality based effluent limits on a facility-specific basis.

The Town takes exception to this monitoring requirement for the following reasons:

a) Requiring PFAS monitoring is premature. The Permit Factsheet cited Massachusetts narrative criterion for toxic substances at 314 CMR 4.05(5)(e) as "All surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife." However, neither MassDEP nor EPA have established toxicity risk level of PFAS in the surface water for human, aquatic life or wildlife.

Even if Massachusetts passes a revision to 310 CMR 22.00: Drinking Water Regulation that set a new PFAS Maximum Contaminant Level (MCL) of 20 ppt (ng/L) for the sum of the concentrations of six PFAS compounds, we believe that requiring monitoring of PFAS is premature at this time.

Response 1

MassDEP has broad authority under the Surface Water Discharge regulations at 314 CMR 3.11 to prescribe the collection of data and reporting requirements in Surface Water Discharge Permits. Imposing these requirements does not necessitate a determination of reasonable potential to violate water quality standards or the existence of an impairment. MassDEP notes that the Draft Permit does not establish PFAS limits, and MassDEP agrees that further evaluation is necessary before requiring permit limits to protect designated uses related to toxicity from PFAS contamination.

The purpose of this monitoring and reporting requirement is to better understand potential discharges of PFAS from this facility in a comprehensive fashion and to inform future permitting decisions. These may include whether there is reasonable potential to cause or contribute to a violation of the Massachusetts water quality standards, and if there is, whether to apply numeric effluent limits or pollutant minimization practices, or some combination. The expectation underlying this requirement is that by the time the permit is reissued, the uncertainties raised by the commenter regarding the evolving science will have been answered through the efforts of EPA, MassDEP, and others. In the meantime, the monitoring provisions do not take effect until the first full calendar quarter beginning at least 6 months after EPA notifies the Permittee of promulgation of a multi-lab validated method, or two years after the effective date of the permit, whichever is sooner. Therefore, the monitoring requirements will remain in the Final Permit.

Comment 2

b) Inconsistency between MassDEP and EPA on annual monitoring requirement of industrial users:

Both the State Permit and NPDES permit require annual monitoring for a limited group of industrial users:

- The State Permit require testing of discharges from Significant Industrial Users (SIU).
- EPA require the following types of industrial discharges:
 - o Platers/Metal Finishers
 - o Paper and Packaging Manufacturers
 - o Tanneries and Leather/Fabric/Carpet Treaters
 - o Manufacturers of Parts with Polytetrafluroethlylene (PTFE) or teflon type coatings
 - o (i.e. bearings)
 - o Landfill Leachate
 - o Centralized Waste Treaters
 - o Contaminated Sites
 - o Fire Fighting Training Facilities

The inconsistency of this requirement creates unnecessary burden for the Town on development and execution of industrial discharge program.

Request: The Town requests that MassDEP to revise the requirement for the following types of Significant Industrial Users:

- o Platers/Metal Finishers
- o Paper and Packaging Manufacturers
- o Tanneries and Leather/Fabric/Carpet Treaters
- o Manufacturers of Parts with Polytetrafluroethlylene (PTFE) or teflon type coatings
- o (i.e. bearings)
- o Landfill Leachate
- o Centralized Waste Treaters
- o Contaminated Sites
- o Fire Fighting Training Facilities

Response 2

Given that PFAS has found to be ubiquitous in the environment, the MassDEP requirement for all Significant Industrial Users to test for PFAS is essential to get a comprehensive understanding of the sources of PFAS in industrial wastewater. While the specific categories that EPA has included are expected to be the most likely to contain PFAS, there may be other unexpected sources of PFAS. In the event that PFAS is detected in the facility's influent and/or effluent, it will be beneficial to have data from all industrial users to help identify the sources entering the treatment plant. Therefore, the monitoring requirement for all industrial users will remain in the Final Permit. For the next permit reissuance, MassDEP will consider whether it is necessary to continue monitoring for all industrial users or to reduce the requirement to specific sectors.

Comment 3

c) Approved standard testing method: In the Draft NPDES Permit, EPA imposes sampling requirements for PFAS compounds in wastewater and sludge. EPA has not yet approved any

analytical methods for PFAS in those media. Therefore, EPA provides a compliance schedule, so that the testing requirements do not apply until "6 months after EPA's multi-lab validated method for wastewater and biosolids is made available to the public on EPA's CWA methods program websites." This requirement is problematic, because it is not tied to actual formal EPA approval of the analytical methods. The act of EPA making a method "available to the public" on its website is not sufficient to make that method legally enforceable. The Agency needs to issue a formal proposal to approve the method under 40 CFR 136, take public comments, and then make a considered decision as to whether that method should be approved as having met all of the requirements of 40 CFR 136. Until that process has been completed, the Agency cannot require the permittee to start monitoring, using an unapproved method. The Agency tries to justify this requirement by citing to a provision in its regulations that allows EPA to require monitoring using a method specified in the permit. That provision applies when the Agency actually specifies a specific method in the permit. It does not apply here, where the Draft Permit does not specify a particular method, because no method exists that is ready to require in permits. EPA cannot, after the permit is issued, mention a method on its website and then claim that that method was somehow incorporated in the permit that was issued earlier. To address this problem, EPA should simply amend the Draft Permit to clarify that the PFAS testing requirements will not become effective until after EPA has formally approved applicable test methods under 40 CFR 136.

Request: The Town requests that MassDEP to require quarterly PFAS monitoring of WWTP effluent and annual monitoring from industrial users within six (6) months after EPA has formally approved applicable test methods under 40 CFR 136.

Response 3

MassDEP cannot speak to EPA's authority related to test methods, but can provide information on its own authority. As stated in the Standard Permit Conditions at 314 CMR 3.19(10), "Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures are specified in the permit." The permit specifies that EPA's multi-lab validated method is to be used once it is available. The permit also specifies if EPA's multi-lab validated method for wastewater and biosolids is not available by two years after the effective date of the permit, the permittee shall contact MassDEP for guidance on an appropriate analytical method.

The MassDEP wastewater program has been working with the MassDEP Office of Research and Standards to approve individual laboratories and to provide MassDEP required laboratory procedures for testing of PFAS in residuals. This information is available at the following website: https://www.mass.gov/info-details/testing-of-pfas-in-wastewater-and-residuals. Once it is available, MassDEP intends to include additional information under "Testing of PFAS in Wastewater" to assist permittees. Therefore, the monitoring requirements will remain unchanged in the Final Permit.

Comment 4

In addition, the Town requests that if the permit is administratively continued after the five-year term expires, that the PFAS reporting requirement be discontinued as MassDEP and EPA will have collected sufficient data for any future permitting requirements.

Response 4

As MassDEP does not yet have any data regarding PFAS in discharges from the Templeton Wastewater Treatment Plant, it would be premature to determine that sufficient data will have been collected by the end of the 5 year permit term. With science and methodologies continuing to evolve on PFAS, it is reasonable to assume that continued data collection may be necessary to fully inform future permitting decisions.

B. Comments from Philip Guerin, President & Chairman, Massachusetts Coalition for Water Resources Stewardship, dated August 21, 2020

Comment 5

The MassDEP Draft Permit, at 6b, requires annual monitoring for PFAS of all Significant Industrial Users discharging into the POTW. A definition of Significant Industrial Users is not provided. The EPA Draft NPDES Permit has a similar requirement but offers a list of the specific types of industrial discharges to be monitored. It is not clear if that list and the Significant Industrial Users noted in the MassDEP Permit are the same. Please clarify what type of facilities need to be monitored.

Response 5

The definition of Significant Industrial Users as used in MassDEP's SWD has been clarified by the addition of footnotes 2 and 3 to the final SWD Permit. The footnotes indicate that the 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 One Winter Street, Boston MA 02108 • Phone: 617-292-5751 Communication for Non-English Speaking Parties - 310 CMR 1.03(5)(a)



1 English:

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



2 Español (Spanish):

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4(b) 中国(简体中文)(Chinese (Simplified):

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Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



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Tài liệu này rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc Đa dạng của MassDEP theo các số điện thoại được liệt kê dưới đây.



7 ប្រទេសកម្ពុជា (Kmer (Cambodian):

ឯកសារនេះគឺមាន់សារៈសំខាន់និងគួរគ្រូវបានបកប្រែភ្លាម។ ប្រសិនបើអ្នកគ្រូវបានបកប្រែ ឯកសារនេះសូមទំនាក់ទំនងឆ្នោតជានាយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។



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Contact Michelle Waters-Ekanem, Diversity Director/Civil Rights: 617-292-5751 TTY# MassRelay Service 1-800-439-2370. http://www.mass.gov/eea/agencies/massdep/service/justice/ (Version 12.19.19)



10 العربية (Arabic):

هذه الوثيقة مهمة ويجب ترجمتها على الفور. اذا كنت بحاجة الى هذه الوثيقة المترجمة، يرجى الاتصال بمدير التنوع في MassDEP



11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 이 문서의 번역이 필요하시다면, 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.



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Այս փաստաթուղթը շատ կարեւոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորեւ.



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این سند مهم است و باید فورا ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفا با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.



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Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.



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19 हिन्दी (Hindi):

यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. यदि आपको इस दस्तावेज़ का अनुवाद करने की आवश्यकता है, तो कृपया नीचे सूचीबद्ध टेलीफोन नंबरों पर मासडेप्स डाइवर्सिटी के निदेशक से संपर्क करें।

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