

FINAL

Section 401 Water Quality Certification
For the Proposed 2023 NPDES Permit
For the Fitchburg Easterly Wastewater Treatment Facility
Permit No. MA0100986

The Massachusetts Department of Environmental Protection (MassDEP), having examined the City of Fitchburg Water and Wastewater Commission's National Pollutant Discharge Elimination System (NPDES) permit application for the Fitchburg Easterly Wastewater Treatment Facility, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2023 NPDES permit for the Fitchburg Easterly Wastewater Treatment Facility (Permit No. MA0100986), issued December 15, 2023 ("2023 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 Fitchburg Easterly Wastewater Treatment Facility, 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 2023 NPDES permit for the Fitchburg Easterly Wastewater Treatment Facility, 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 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 2023 NPDES permit to the contrary, PFAS monitoring results for the 2023 NPDES permit and for the 2023 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-wastewater-residuals-pfas-data-via-edep>, or as otherwise specified, within 30 days after the permittee receives the sampling results.
 - 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

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.

be sampled in accordance with both the 2023 NPDES permit and the 2023 SWD and shall include:

- i. All industries included in the categories listed in the 2023 NPDES permit Section IE, Industrial Users and Pretreatment Program, Paragraph 6; and
 - ii. All Significant Industrial Users as required by Paragraph 7 of the 2023 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 2023 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 2023 NPDES permit for the Fitchburg Easterly Wastewater Treatment Facility 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 6th day of March, 2024



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