

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 Fitchburg
Water and Wastewater Treatment Facility Commission
1200 Rindge Road
Fitchburg, MA 01420

is authorized to discharge from the facility located at

Fitchburg Easterly Wastewater Treatment Facility
24 Lanides Lane
Fitchburg, MA 01420

to receiving water named

North Nashua River (MA81-03 and 6 CSOs), Punch Brook (2 CSOs), and Birch Brook (1 CSO)
Nashua River Watershed (Segment MA81-03)

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 July 1, 2024.²
3. This permit shall expire five years after the effective date.
4. This permit supersedes the permit issued on July 22, 2010.
5. 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., Combined Sewer Overflows (CSOs); Part II, Reporting Requirements; and Part II, Standard Conditions, as set forth in the 2024 NPDES Permit No. MA0100986, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the City of Fitchburg on April 11, 2024 (the 2024 NPDES Permit) and attached hereto by reference as Appendix A and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-final-individual-npdes-permits>; provided, however:
 - a. that the notification required by Part IA.8 shall also be provided to massdep.npdes@mass.gov, or as otherwise specified;

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.

- 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 II.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;
6. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
7. A year after the 2024 NPDES Permit effective date, the permittee shall commence annual monitoring of all Significant Industrial Users^{3,4} discharging into the POTW using Method 1633.
8. Notwithstanding any other provision of the 2024 NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the 2024 NPDES permit) shall be reported to MassDEP via the eDEP portal, or as otherwise specified, within 30 days after the permittee receives the sampling results, in addition to the 2024 NPDES Permit reporting requirements. Information regarding the submittal of data via eDEP may be found at <https://www.mass.gov/how-to/submit-wastewater-residuals-pfas-data-via-edep>.
9. On or before January 31, 2025, the permittee shall submit to MassDEP at massdep.npdes@mass.gov a listing of all industrial dischargers and their addresses to be sampled in accordance with both the 2024 NPDES Permit and this permit and shall include:
 - a. All industries included in the categories listed Part IE. Industrial Users and Pretreatment Program, Paragraph 6 of the 2024 NPDES Permit; and
 - b. All Significant Industrial Users as required by Paragraph 7 of this permit.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.

The Town of Westminster is a co-permittee for Part IB., Unauthorized Discharges; and Part IC., Operation and Maintenance of the Treatment and Control Facilities, as set forth in the 2024 NPDES Permit. In addition, these sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the Town of Westminster.

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 2024 NPDES permit. The Permittee and co-permittee 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 other Permittees under Part IB., Part IC., and Part ID. The responsible Town department is:

³ 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.

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

Town of Westminster
Department of Public Works
2 Oakmont Avenue
P.O. Box 376
Westminster, MA 01473

In addition, the permittee and the co-permittee 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 1st day of June, 2024

A handwritten signature in black ink, appearing to read 'Lealdon Langley', with a stylized flourish at the end.

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

RESPONSE TO COMMENTS

MA Permit No. MA0100986
Fitchburg Easterly Wastewater Treatment Facility
23 Lanides Lane, Fitchburg, MA 01420
and
Combined Sewer Overflow (CSO) discharges at 9 locations

The Massachusetts Department of Environmental Protection (MassDEP or the “Department”) is issuing a Surface Water Discharge (SWD) Permit for the Fitchburg Easterly Wastewater Treatment Facility. 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. MA0100986 (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 December 15, 2023, through January 29, 2024, MassDEP solicited public comments on the Draft Permit for the reissuance of a permit to discharge treated wastewater from Outfall Serial Number 001 to the Connecticut River and to discharge combined sewer overflow (CSO) discharges at 9 locations to the North Nashua River and the associated Draft Water Quality Certificate.

During the public comment period for the draft NPDES permit (December 15, 2023, through January 29, 2024), EPA received comments from the following:

1. City of Fitchburg, dated January 29, 2024
2. Nashua River Watershed Association, dated January 24, 2024
3. Massachusetts Coalition for Water Resources Stewardship, dated January 29, 2024

During the public comment period for the draft SWD Permit, MassDEP received identical comments as those submitted to EPA from:

1. City of Fitchburg, dated January 29, 2024
2. Massachusetts Coalition for Water Resources Stewardship, dated January 29, 2024

MassDEP has reviewed EPA’s Response to Comments, issued concurrent with the final NPDES permit on April 11, 2024, 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.

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.

A copy of the Final Permit and this Response to Comments document will be posted on the MassDEP website: <https://www.mass.gov/info-details/massachusetts-final-individual-surface-water-discharge-permits-and-associated-documents>

A copy of the Final Permit may be also obtained by writing or calling Claire Golden, MassDEP, Surface Water Discharge Permitting Program, 150 Presidential Way, Woburn, MA 01801; telephone: 617-997-8874; email: claire.golden@mass.gov. Interested parties are strongly encouraged to email or telephone Claire Golden if they wish to obtain a copy of the Final Permit.

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	1. A typographic error regarding the name of the street on which the wastewater treatment plant is located has been corrected.	
	2. References to the draft NPDES permit have been modified to reflect the final NPDES permit.	
	3. Reference to Draft Method 1633 have been modified to reflect Method 1633 which was multi-lab verified between issuance of the draft SWD and NPDES permits and issuance of the final SWD and NPDES permits.	