

**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 Gardner  
Department of Public Works  
50 Manca Drive  
Gardner, MA 01440

is authorized to discharge from the facility located at

Gardner Wastewater Treatment Facility  
52 Plant Road  
East Templeton, MA 01438

to receiving water named

Otter River (MA35-07)  
Millers River Watershed  
Class B (Warm Water Fishery)

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 30, 2009.
4. This permit incorporates by reference Part IA., Effluent Limitations and Monitoring Requirements, Part IB., Unauthorized Discharges, Part IC., Special Conditions, Part ID. Reporting Requirements, and Part IIE., Standard Conditions, as set forth in the 2021 NPDES Permit No. MA0100994, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the City of Gardner on January 5, 2021 (the 2021 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 discharges of a new chemical or additive authorized under Part IC.1. are only authorized under this permit 30 days following written notification to MassDEP, unless otherwise notified in writing by MassDEP;
  - d. that a copy of the requests, reports, and information required by Part ID.3. to be submitted to EPA shall also be submitted to MassDEP electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov);
  - e. 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;
  - f. that the notifications required by 4.a. and 4.c. 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:
  - 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's multi-lab validated method is not available by twenty (20) months after the effective date of the NPDES permit, the permittee shall contact MassDEP ([massdep.npdes@mass.gov](mailto: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](mailto: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 <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

- b. Beginning six (6) months after permittee has been notified by EPA of the multi-lab validated method for wastewater, or two (2) years from the effective date of the 2021 Federal NPDES permit, whichever is earlier, the permittee shall commence annual monitoring of all Significant Industrial Users<sup>2,3</sup> 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](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

<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> 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>3</sup> This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

[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

The Town of Ashburnham is a co-permittee for Part IB., Unauthorized Discharges; and Part IC., Operation and Maintenance, as set forth in the 2021 NPDES Permit. These sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the Town.

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 2021 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:

**Town of Ashburnham  
15 Oakmont Dr.  
Ashburnham, MA 01430**

Signed this 2<sup>nd</sup> day of March, 2021



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

**RESPONSE TO COMMENTS****MA Permit No. MA0100994****City of Gardner****Gardner Wastewater Treatment Plant, 52 Plant Road, Gardner, Massachusetts**

The Massachusetts Department of Environmental Protection (MassDEP or the “Department”) is issuing a Surface Water Discharge (SWD) Permit to the City of Gardner (the Permittee) for the facility (the Facility) located in Gardner, 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. MA0100994 (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 reissuance of a permit to discharge treated wastewater from Outfall Serial Number 001 to the Otter River.

During the public comment period for the draft NPDES permit (July 20, 2020 through August 18, 2020), EPA received comments from:

1. Dane Arnold, Director of Public Works, City of Gardner, dated August 17, 2020.
2. Jennifer Perry, Director, Water Planning and Management Division, Bureau of Land Protection and Water Reuse, Connecticut Department of Energy and Environmental Protection (CTDEEP), dated August 10, 2020.
3. Joshua Schimmel, Executive Director, Springfield Water and Sewer Commission, dated August 18, 2020.
4. Philip Guerin, President & Chairman, Massachusetts Coalition for Water Resources Stewardship, dated August 18, 2020.
5. Andrea Donlon, River Steward, Connecticut River Conservancy, dated August 18, 2020.

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

1. Philip Guerin, President & Chairman, Massachusetts Coalition for Water Resources Stewardship, dated August 21, 2020.
2. Andrea Donlon, River Steward, Connecticut River Conservancy, dated August 18, 2020.

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. The comments MassDEP received from Connecticut River Conservancy (CRC) were identical to those received by EPA.

As it pertains to the comments from MCWRS and CRC, MassDEP has reviewed EPA's Response to Comments issued concurrent with the final NPDES permit on January 5, 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. A response to the additional comment from MCRWS is 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 and WQC may be also obtained by writing or calling Claire Golden, MassDEP, Surface Water Discharge Permitting Program, 205 B Lowell Street, Wilmington, MA 01887; telephone: 978-694-3244; email: [claire.golden@mass.gov](mailto:claire.golden@mass.gov). During this current COVID-19 emergency, 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 or WQC.

## Table of Contents

I.	Summary of Changes to the Final Permit and WQC.....	3
II.	Responses to Comments.....	3
	A. Comments from Philip Guerin, President & Chairman, Massachusetts Coalition for Water Resources Stewardship, dated August 21, 2020.....	3

### 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 clarify the definition of the term Significant Industrial User. See Response 1.
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.

### II. Responses to Comments

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

#### A. Comment from Philip Guerin, President & Chairman, Massachusetts Coalition for Water Resources Stewardship, dated August 21, 2020

##### Comment 1

In addition, 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 1**

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 SWD Permit. This 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):

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, comuníquese con el Director de Diversidad de MassDEP a los números de teléfono que aparecen más abajo.



### 3 Português (Portuguese):

Este documento é importante e deve ser traduzido imediatamente. Se você precisa deste documento traduzido, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



### 4(a) 中國（傳統）(Chinese (Traditional)):

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與 MassDEP 的多元化總監聯繫。



### 4(b) 中国（简体中文）(Chinese (Simplified)):

本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与 MassDEP 的多元化总监联系。



### 5 Ayisyen (franse kreyòl) (Haitian) (French Creole):

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.



### 6 Việt (Vietnamese):

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)):

ឯកសារនេះគឺមានសារៈសំខាន់និងត្រូវបានបកប្រែភាសា ប្រសិនបើអ្នកត្រូវបានបកប្រែ ឯកសារនេះសូមទំនាក់ទំនងឆ្នោតជានាយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។



### 8 Kriolu Kabuverdianu (Cape Verdean):

*Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.*



### 9 Русский язык (Russian):

Это важный документ и он должен быть безотлагательно переведен. Если вам нужен перевод данного документа, пожалуйста, свяжитесь с директором по разнообразию компании MassDEP по телефону указанному ниже



**10 العربية (Arabic):**

هذه الوثيقة مهمة ويجب ترجمتها على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال بمدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.

**11 한국어 (Korean):**

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

**12 հայերեն (Armenian):**

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.

**13 فارسی (Farsi [Persian]):**

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

**14 Français (French):**

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.

**15 Deutsch (German):**

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Sofern Sie die Übersetzung von diesem Dokument benötigen, wenden Sie sich bitte an den Diversity Director MassDEP unter der unten aufgeführten Telefonnummer.

**16 Ελληνική (Greek):**

Το παρόν έγγραφο είναι σημαντικό και θα πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του παρόντος εγγράφου, παρακαλούμε επικοινωνήστε με τον Διευθυντή Διαφορετικότητας του MassDEP στους αριθμούς τηλεφώνου που αναγράφονται παρακάτω.

**17 Italiano (Italian):**

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare il Direttore di Diversità di MassDEP ai numeri di telefono elencati di seguito.

**18 Język Polski (Polish):**

Dokument ten jest ważny i powinien zostać natychmiast przetłumaczony. Jeśli potrzebujesz przetłumaczonej wersji dokumentu, prosimy o kontakt z dyrektorem ds. różnorodności MassDEP pod jednym z numerów telefonu wymienionych poniżej.

**19 हिन्दी (Hindi):**

यह दस्तावेज़ 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।.