



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

## NOTIFICATION OF PERMIT EXTENSION FOR BWR GENERAL PERMITS

On March 10, 2020, Governor Baker declared a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"). Following the declaration of the state of emergency, the Governor issued several orders including COVID-19 Order No. 42, "Order Resuming State Permitting Deadlines and Continuing to Extend the Validity of Certain State Permits" issued on July 2, 2020 ("COVID Order No. 42"). The Governor further declared that the state of emergency was terminated effective 12:01 a.m. on June 15, 2021 (see COVID-19 Order No. 69, issued May 28, 2021).

The COVID-19 Order No. 42 provisions have extended the term of the Groundwater Discharge Permit Program's General Permits for Small Privately Owned Wastewater Treatment Facilities as it was in effect during the specified time period. **This permit will now expire on April 16, 2025.**

**Persons wishing to continue coverage must either file a Notice of Intent application (BRPWP80 or BRPWP81), requesting coverage under the General Permit OR file an application for an Individual Permit (BRPWP79 or BRPWP85) by October 18, 2024, six months prior to the new expiration date.**

Lealdon Langley, Director  
Division of Watershed Management



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Charles D. Baker  
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## **GROUND WATER DISCHARGE GENERAL PERMIT** **For Discharges of Treated Effluent From Small Privately Owned** **Wastewater Treatment Facilities**

Date of Issuance: January 10, 2019

Date of Expiration: January 10, 2024

### **AUTHORITY FOR ISSUANCE**

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, and 314 CMR 5.00, the Massachusetts Department of Environmental Protection (the "Department" or "MassDEP") reissues this General Permit to regulate certain small **privately** owned wastewater treatment facilities that are designed to provide and do provide secondary treatment to less than 50,000 gallons of sewage per day and the discharge of effluent to the ground water from those facilities (the "General Permit"). A person granted coverage under the General Permit is a permittee authorized to construct, operate and maintain the covered wastewater treatment facilities and to discharge effluent from said facilities only in accordance with all the terms and conditions of the General Permit. A violation of the terms and conditions set forth herein is a violation of the General Permit, 314 CMR 5.00, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53. MassDEP has also prepared a Fact Sheet for the General Permit. This Fact Sheet is incorporated and made part of the General Permit. The Fact Sheet outlines the factual and legal basis for the General Permit, identifies the types of facilities that are eligible for coverage under the General Permit and the process for requesting coverage under the General Permit.

\_\_\_\_\_  
**Signature & Title**

\_\_\_\_\_  
January 10, 2019

**Date**

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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## I. SPECIAL CONDITIONS

### A. **Effluent Limits**

(1) The permittee is authorized to discharge to the ground from the wastewater treatment facilities for which this permit is issued a treated effluent whose characteristics within one month of start-up and continuing thereafter shall not exceed the following values:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>
Biochemical Oxygen Demand (BOD5) (5 Day at 20°C)	30 mg/l
Total Suspended Solids (TSS)	30 mg/l
Nitrate Nitrogen	10 mg/l
Total Nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	10 mg/l
Oil & Grease	15 mg/l

(a) If the effluent goes to an open sand bed prior to discharge to the ground water the effluent shall be disinfected to meet an effluent limitation of no more than 200 fecal coliform organisms per 100 ml; and, if chlorine is used for disinfection, the chlorine residual in the effluent shall not exceed 1.0 mg/l.

For purposes of this requirement, an open sand bed is a disposal system where effluent is spread onto the surface of the disposal area having a sand media so that the effluent may percolate through the sand media and then through the soil and the unsaturated zone before entering the ground water.

- (b) Except as otherwise provided herein, the pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time. If under natural conditions, the pH of the receiving ground water is less than 6.5 or greater than 8.5, the pH of the effluent shall not vary from the naturally occurring pH by more than 0.2 units.
- (c) The discharge of the effluent shall not interfere with the use of the ground water as an actual or potential source of potable water and the use of surface waters for their existing and designated uses. The discharge of effluent shall not cause or contribute to a violation of the Massachusetts Surface Water Quality Standards, 314 CMR 4.00.

- (d) The monthly average concentration of BOD5 and TSS in the discharge shall not exceed 15 percent of the monthly average concentrations of BOD5 and TSS in the influent into the permittees' wastewater treatment facility.
- (e) The average daily flow shall not exceed the average daily flow specified in the Notice of Intent requesting coverage under the General Permit. When the average daily flow exceeds 80 percent of the flow specified in the Notice of Intent, the permittee shall submit a report to the Department describing what steps the permittee will take in order to keep its average daily flow at or below the flow specified in the Notice of Intent.

**B. Monitoring and Reporting**

The permittee shall monitor and record the quality of the **influent** to the wastewater treatment facility and the quality and quantity of the **effluent** from the wastewater treatment facility prior to discharge to the disposal area according to the following schedule and other provisions:

(1) **INFLUENT TO THE WASTEWATER TREATMENT FACILITY:**

<u>Parameter</u>	<u>Minimum Frequency of Analysis</u>	<u>Sample Type</u>
BOD5	Monthly	24 Hr. Composite
TSS	Monthly	24 Hr. Composite
Total Solids	Monthly	24 Hr. Composite
Ammonia Nitrogen	Monthly	24 Hr. Composite

(2) **EFFLUENT FROM THE WASTEWATER TREATMENT FACILITY:**

<u>Parameter</u>	<u>Minimum Frequency of Analysis</u>	<u>Sample Type</u>
Flow	Daily	Reading-report Max-Min-Avg
pH	Daily	Grab
BOD5	Monthly	24 Hr. Composite
TSS	Monthly	24 Hr. Composite
TS	Monthly	24 Hr. Composite
Nitrate Nitrogen	Monthly	24 Hr. Composite
Total Nitrogen (NO2+NO3+TKN)	Monthly	24 Hr. Composite
Oil & Grease	Monthly	Grab

Total Phosphorus	Quarterly	Grab
Orthophosphate	Quarterly	Grab
Volatile Organic Compounds	Annually	Grab

(a) If the wastewater is discharged to an open sand bed prior to discharge to the ground water, the permittee shall perform additional monitoring as follows:

- 1) The permittee shall take a monthly grab sample of the effluent to monitor the effectiveness of the disinfection and measure the number of colonies of fecal coliform per ml in the effluent and record the results;
- 2) If chlorine is used for disinfection, the permittee shall also take a daily grab sample of the effluent to monitor the chlorine residual in the effluent and record the results of this monitoring; and
- 3) If UV is used for disinfection, the permittee shall monitor the UV intensity daily and record the results of this monitoring.

For purpose of this requirement, an open sand bed is a disposal system where effluent is spread onto the surface of the disposal area having a sand media so that the effluent may percolate through the sand media and then through the soil and unsaturated zone prior to entering the ground water.

(3) Prior to submission of a Notice of Intent requesting coverage under the General Permit, the permittee must obtain approval from the Department for a Hydrogeological Report. In accordance with 314 CMR 5.09, this Hydrogeological Report must include a detailed monitoring plan (the "Monitoring Plan"). At least ninety (90) days prior to the start-up of the wastewater treatment facility, the permittee shall install monitoring wells in accordance with the Monitoring Plan as approved by the Department.

(a) The permittee shall monitor, record, and report the quality of water in the monitoring wells installed in accordance with the Monitoring Plan as approved by the Department according to the following schedule and other provisions:

<u>Parameter</u>	<u>Frequency of Analysis</u>
pH	Monthly
Static Water Level	Monthly
Specific Conductance	Monthly
Nitrate Nitrogen	Quarterly
Total Nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	Quarterly

Total Phosphorus	Quarterly
Orthophosphate	Quarterly
Volatile Organic Compounds	Annually

(b) Static Water Level shall be expressed as an elevation and shall be referenced to the surveyed datum established for the site. It shall be calculated by subtracting the depth to the water table from the surveyed elevation of the top of the monitoring well's PVC well casing/riser.

(4) Any grab sample or composite sample required to be taken less frequently than daily shall be taken during the period of Monday through Friday inclusive. All composite samples shall be taken over the operating day.

(5) The Department may require the permittee to replace damaged monitoring wells, to install additional monitoring wells, to monitor for additional parameters or to perform more frequent monitoring if it determines that such requirements are necessary to protect the public health, safety, welfare, or the environment.

(6) The permittee shall submit all monitoring reports within 30 days of the last day of the reporting month to MassDEP using the eDEP data submission system.

**To register for electronic submission go to:**

**<http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html>**

The permittee shall also submit reports to the Board of Health.

### **C. Supplemental Conditions**

(1) The permittee shall notify the Department at least thirty (30) days in advance of a proposed transfer of ownership of the facility granted coverage under this permit. Said notification shall include a written agreement between the existing and proposed new permittee containing a proposed date for the transfer of the permit coverage, the proposed new permittee's assumption of responsibility for compliance with all the terms and conditions of the permit, and if applicable, the allocation of liability and financial responsibility for the financial assurance mechanism requirements. The transfer shall be subject to the automatic transfer provisions of 314 CMR 5.12(5), unless the facility treats at least some wastewater from residential uses, hospitals, nursing or personal care facilities, residential care facilities, and/or assisted living facilities pursuant to 314 CMR 5.15(4), or is a designated PWTF pursuant to 314 CMR 5.15(6). For facilities subject to the automatic transfer provisions of 314 CMR 5.12(5), the transfer shall take effect on the proposed transfer date unless the Department notifies the permittee

before that proposed transfer date that it intends to modify or revoke and reissue the permit or that it needs additional information. For facilities that treat at least some wastewater from residential uses, hospitals, nursing or personal care facilities, residential care facilities and/or assisted living facilities, or is a designated PWTF pursuant to 314 CMR 5.15(6), the transfer shall not take effect until it is approved by the Department in accordance with 314 CMR 5.12(4).

(2) An operation and maintenance plan and staffing plan (the "Operations and Maintenance Plan") for the wastewater treatment facility including without limitation the sewer system, pump stations, and disposal fields, shall be submitted to the Department for its review and approval at least ninety (90) days prior to the operation of the treatment works or forty-five (45) days before the permit takes effect, whichever last occurs.

(3) If the facility is constructed after coverage is granted under the General Permit, an Engineering Report and as-built plans for the wastewater treatment facility shall be submitted to the Department at least ninety (90) days prior to the operation of the facility. These submissions shall be prepared in accordance with the Department's Guidelines by a Massachusetts Registered Professional Engineer with a concentration in civil, sanitary, or environmental engineering and shall be accompanied by a certification from the Engineer that the wastewater treatment facility has been constructed in accordance with the as-built plans and Engineering Report, and that the wastewater treatment facility if operated and maintained in accordance with the Operations and Maintenance Plan, the General Permit, 314 CMR 5.00, and 314 CMR 12.00, shall be able to meet all the terms and conditions of this General Permit including without limitation the effluent limits set forth herein.

(4) If the facility is constructed after coverage is granted under the General Permit, the permittee shall not operate the facility, unless and until the Department has inspected the facility and authorized operation of the facility in writing.

(5) A revised Operations and Maintenance Plan shall be submitted to the Department whenever there are significant modifications to the wastewater treatment facility, the standard operating procedures for the facility, or the staff of the facility.

(6) The permittee shall operate and maintain the wastewater treatment facility in accordance with the Operations and Maintenance Plan approved by the Department.

(7) At least ninety (90) days before entering into a contract with an independent contractor (the contract operator) for the operation and maintenance of the treatment works, the permittee shall submit a draft unsigned copy of the contract to the Department for its review and approval in accordance with 314 CMR 12.04 and 314 CMR 5.10(8)(j)(5). The contract shall provide that the contract operator shall operate and maintain the facility in accordance with the approved Operation and Maintenance Plan,

314 CMR 20.00, 314 CMR 12.00, and 257 CMR 2.00. The permittee shall not execute the contract or authorize the contract operator to operate the facility unless and until the Department has approved the contract in writing.

(8) For all tests or analytical determinations to determine compliance with permit standards and requirements:

- (a) Effluent samples shall be collected, transported and stored in accordance with *Standard Methods for the Examination of Water and Wastewater*;
- (b) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other methods are approved by the Department; and,
- (c) Samples shall be analyzed by a Massachusetts Certified Laboratory unless otherwise approved by the Department.

(9) The permittee shall notify the Department, in writing, within thirty (30) days of any the following events:

- (a) The date the wastewater treatment facility starts operation;
- (b) Any interruption of the operation of the wastewater treatment facility other than routine maintenance; and
- (c) Final shutdown of the wastewater treatment facility.

(10) The permittee shall contract to have any and all solids and sludges generated by the wastewater treatment facility removed off site by a properly licensed waste hauler for disposal at an EPA/MassDEP approved facility. The name and license number of the hauler along with the schedule for the removal shall be reported by the permittee in writing to the Department at least thirty (30) days prior to the start-up of the wastewater treatment facility for new facilities and at least thirty (30) days prior to the start of any new contract for the removal of solids and sludges for existing facilities.

(11) The permittee shall not allow industrial users to discharge wastewater other than sewage to the facility.

(12) The General Permit is in effect for a period of five years from the date of issuance.

(13) Pursuant to M.G.L. Chapter 21A, section 18(a), and 310 CMR 4.03, permittees may be subject to annual compliance assurance fees as assessed each year on July 1st and invoiced by MassDEP. Failure of the permittees to pay applicable annual compliance assurance fees shall result in the automatic suspension of coverage under the permit by operation of law under the statute. If fee non-payment continues for sixty days or



more, MassDEP has the statutory option of revoking coverage under the Permit, denying any other pending notices of intent or permit applications filed by the permittee, or taking other enforcement action. Permittees are required to notify MassDEP in writing if they wish to relinquish or transfer coverage under the permit. Failure to do so will result in the continued assessment of fees.

(14) The permittee shall file a Notice of Intent requesting continued coverage under the General Permit or shall file an application for an individual permit, at least one hundred eighty (180) days prior to the expiration date of the General Permit, regardless of when coverage was granted.

**D. Special Conditions for Privately Owned Wastewater Treatment Facilities (PWWFs) that Treat At Least Some Sewage From Residential Uses, Hospitals, Nursing or Personal Care Facilities and or Assisted Living Facilities pursuant to 314 CMR 5.15(4), and other PWWFs pursuant to 314 CMR 5.15(6).**

(1) The permittee shall establish, fund and maintain a financial assurance mechanism that provides for the continued availability of an immediate repair and replacement account. The immediate repair and replacement account shall contain adequate funds to correct any unanticipated problem immediately so that any disruption of operation is minimized, and a violation of the terms and conditions contained in the permit does not occur. To create an immediate repair and replacement account, the permittee shall deposit at least 25% of the estimated construction cost of the PWWF into an interest bearing escrow account in accordance with the Department-approved form documents establishing the financial assurance mechanism and 314 CMR 5.15.

a) For the purpose of the financial assurance mechanism requirement, the estimated construction cost of the wastewater treatment facility shall include the cost of constructing the wastewater treatment plant, collection system, and all associated mechanical equipment, but not the cost of the land or disposal area.

(2) The permittee shall meet the obligation to establish the required financial assurance mechanisms by using Department-approved form documents and shall submit said Department-approved form documents to the Department for its review and approval.

(3) The permittee shall maintain the current form documents evidencing all required financial assurance mechanisms approved by the Department. The permittee shall perform all its obligations under the required financial assurance mechanisms as approved by the Department.

(4) Except as otherwise provided herein, the financial assurance mechanism(s) required by this General Permit, 314 CMR 5.10(8)(I) and 314 CMR 5.15 shall be approved by the Department and in effect on the date coverage under the General Permit is granted by

the Department. A permittee that constructs the wastewater treatment facility after coverage is granted under the General Permit may submit the financial assurance mechanism(s) to the Department for its review and approval no later than ninety (90) days prior to the start-up of the facility. Such a permittee shall not operate the facility unless and until the Department has approved the required financial assurance mechanism(s), the financial assurance mechanisms are in full force and effect, and the permittee has made all contributions required prior to the start-up of the facility.

(5) Once established and funded, the permittee shall keep an amount equal to at least 25% of the estimated construction cost of the PWTF in the immediate repair and replacement account and shall replenish the account within 90 days of any disbursement, unless otherwise approved by the Department.

(6) On or before January 31<sup>st</sup> of each year, the permittee shall submit an annual financial report identifying the initial and current balance in the immediate repair and replacement account and confirming the continuing availability of the funds in said account for the purposes specified in the permit and 314 CMR 5.15. Said report shall be prepared in accordance with generally accepted accounting principles. Reports pertaining to the required financial assurance mechanism(s) shall be sent to the Wastewater Management Section Chief at the appropriate Regional Office of the Department.

**The General Permit Conditions set forth in 314 CMR 5.16 are hereby incorporated and made part of the General Permit**