

FINAL

Clean Water Act Section 401 Certification
For the Proposed 2021 Federal NPDES Permit
For the Gulf Oil Terminal
MA Permit No. MA0001091

The Massachusetts Department of Environmental Protection (MassDEP), having examined Gulf Oil Terminal's National Pollutant Discharge Elimination System (NPDES) permit application for the Gulf Oil Terminal, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2021 Federal NPDES permit (MA Permit No. MA0001091) for the Gulf Oil Terminal issued February 10, 2021, and considered the public comments received on MassDEP's proposed Clean Water Section 401 Certification for the draft 2021 Federal NPDES Permit for the Gulf Oil Terminal, and in consideration of the relevant water quality considerations, hereby certifies:

1. that the following conditions, together with the terms and conditions contained in the proposed 2021 Federal NPDES permit for the Gulf Oil Terminal, are necessary to assure compliance 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 current version of the Massachusetts Water Quality Standards published at 314 CMR 4.00, including the criteria for bottom pollutants or alterations at 314 CMR 4.05(b), the criteria for toxic pollutants at 4.05(5)(e), and the criteria for bacteria for SB waters at 314 CMR 4.05(4)(b)4, as well as the Pathogen TMDL for the Boston Harbor, Weymouth-Weir, and Mystic Watersheds (October 2018):
 - a. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, within six (6) months of the effective date of the 2021 Federal NPDES permit, the permittee shall submit to MassDEP an evaluation of whether the facility uses any products containing any per- and polyfluoroalkyl substances (PFAS) and whether use of those products can be reduced or eliminated. The analysis shall be submitted electronically to massdep.npdes@mass.gov.
 - b. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, within six (6) months after the permittee has been notified by EPA of a 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 conduct monitoring of the effluent for PFAS compounds as detailed in the table below. If the permittee has not been notified by EPA of a multi-lab validated method for wastewater by two (2) years from the effective date of the 2021 Federal 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 2021 Federal NPDES permit, the permittee shall contact MassDEP (massdep.npdes@mass.gov) for guidance on an appropriate analytical method.

Effluent (Outfall 001)

Parameter	Units	Measurement Frequency	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Quarterly ¹	Grab
Perfluoroheptanoic acid (PFHpA)	ng/L	Quarterly	Grab
Perfluorononanoic acid (PFNA)	ng/L	Quarterly	Grab
Perfluorooctanesulfonic acid (PFOS)	ng/L	Quarterly	Grab
Perfluorooctanoic acid (PFOA)	ng/L	Quarterly	Grab
Perfluorodecanoic acid (PFDA)	ng/L	Quarterly	Grab

- c. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, after completing one year of monitoring, if four (4) consecutive samples are reported as non-detect for all six (6) PFAS compounds, then the permittee may submit a request to MassDEP to discontinue PFAS monitoring. Any such request shall be made in writing and sent to massdep.npdes@mass.gov. The permittee shall continue such monitoring pending written approval from MassDEP to discontinue it.
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 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.

Given a recent change in practice on 401 Water Quality Certificates (WQCs) for NPDES permits in Massachusetts, MassDEP is required by EPA to issue WQCs on draft NPDES permits. Therefore, if any condition in the draft 2021 Federal NPDES permit for the Gulf Oil Terminal is changed during EPA's review in any manner inconsistent with this certification, the Department reserves the right to modify this certification in consideration of the relevant water quality considerations. In addition, the Department reserves the right to modify this certification if there is a change in Massachusetts law or regulation upon which this certification is based, or if a court of competent jurisdiction or MassDEP Office of Appeals and Dispute Resolution stays, vacates or remands this certification, as provided by 40 C.F.R. § 124.55.

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).

Signed this 11th day of May, 2021.

A handwritten signature in black ink, appearing to read 'Lealdon Langley', written in a cursive style.

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