

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 Marlborough, Massachusetts

is authorized to discharge from the facility located at

Marlborough Easterly Wastewater Treatment Facility
860 Boston Post Road
Marlborough, Massachusetts 01752

to receiving water named

Unnamed Tributary to Hager Pond
Concord River Watershed

in accordance with the following effluent limitations, monitoring requirements and additional conditions:

1. This permit shall become effective on April 1, 2022.
2. This permit shall expire five years after the effective date.
3. This permit supersedes the permit issued on October 19, 2006.
4. This permit incorporates by reference Part IA., Effluent Limitations and Monitoring Requirements, Part IB., Unauthorized Discharges, Part IC., Operation and Maintenance of the Sewer System, Part ID. Alternate Power Source, Part IE. Industrial Users, Part IF. Sludge Conditions, Part IG. Special Conditions, Part IH. Reporting Requirements, and Part II, Standard Conditions, as set forth in the 2022 final NPDES Permit No. MA0100498, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to City of Marlborough on January 26, 2022 (the 2022 Final 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;
 - 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 IH.4. to be submitted to EPA shall also be submitted to MassDEP electronically to massdep.npdes@mass.gov;
 - d. 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;
 - e. that the notification required by 4.a. above shall be provided as follows:

Susannah King, NPDES Section Chief
Division of Watershed Management
Department of Environmental Protection
1 Winter Street – 5th 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. Beginning 180 days after the effective date of the permit, the permittee shall commence monitoring of the influent, effluent, and sludge for PFAS compounds as detailed in the tables below. The permittee shall contact MassDEP (massdep.npdes@mass.gov) 90 days prior to starting monitoring for guidance on the appropriate analytical method. The permittee shall use EPA's multi-lab validated method for wastewater once notified by EPA that the method is available. Notwithstanding any other provision of the 2022 Federal NPDES permit to the contrary, monitoring results shall be reported to MassDEP electronically at massdep.npdes@mass.gov, or as otherwise specified, within 30 days after they are received.

Influent and Effluent (Outfall 001)

Parameter	Units	Measurement Frequency	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Quarterly ¹	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

Sludge

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

- b. Beginning 1 year after the effective date of the permit, the permittee shall commence annual PFAS monitoring of all Significant Industrial Users^{2,3} discharging into the POTW. Monitoring shall be in accordance with the table below. The permittee shall contact MassDEP (massdep.npdes@mass.gov) 90 days prior to starting monitoring for guidance on the appropriate analytical method. The permittee shall use EPA's multi-lab validated method for wastewater once notified by EPA that the method is available. Notwithstanding

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).

² 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.

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

any other provision of the 2022 Federal NPDES permit to the contrary, monitoring results shall be reported to MassDEP electronically at 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

Signed this 2nd day of March, 2022



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

RESPONSE TO COMMENTS

MA Permit No. MA0100498
City of Marlborough
Marlborough Easterly Wastewater Treatment Facility
860 Boston Post Road, Marlborough, Massachusetts

The Massachusetts Department of Environmental Protection (MassDEP or the “Department”) is issuing a Surface Water Discharge (SWD) Permit to the City of Marlborough (the Permittee) for the Marlborough Easterly Wastewater Treatment Facility (the Facility) located at 860 Boston Post Road, Marlborough, 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. MA0100498 (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 November 23, 2021 through December 22, 2021, MassDEP solicited public comments on the Draft Permit for the (re)issuance of a permit to discharge treated effluent from Outfall Serial Number(s) 001 to the Unnamed Tributary to Hager Pond and the associated Draft WQC.

During the public comment period for the draft NPDES permit (November 23, 2021 through December 22, 2021), EPA received comments from:

1. Sean Divoll, P.E., Commissioner, City of Marlborough, dated December 21, 2021

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

1. Sean Divoll, P.E., Commissioner, City of Marlborough, dated December 22, 2021

MassDEP has reviewed EPA’s Response to Comments issued concurrent with the final NPDES permit on January 26, 2022, 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. Responses to comments for the draft SWD Permit not included in EPA’s Response to Comments are 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 may be also obtained by writing or calling Jennifer Wood, MassDEP, Surface Water Discharge Permitting Program, 1 Winter Street, Boston, MA 02108; telephone: 617-835-9886; email: jennifer.wood@mass.gov. MassDEP strongly encourages that interested parties email Jennifer Wood if they wish to obtain a copy of the Final Permit.

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I. Summary of Changes to the Final Permit

The permit number was changed in the header of the permit. The final permit now references the correct permit number.

1. Responses to Comments

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

A. Comments from Sean Divoll, P.E., Commissioner, City of Marlborough, dated December 22, 2021

Comment 1

Document Header

Beginning on Page-1 of the permit, the document header references MA Permit No. MA0100480. This is incorrect. Please change the document header to reflect the correct MA Permit No. MA0100498.

Response 1

This change has been made to the final permit.

Comment 2

General Document Formatting

The documents lack page numbering and consistent section numbering, which makes it more difficult to reference areas of the document in the comments. We request that page numbering and section numbering be added to the Final documents.

Response 2

Page numbering has been added to the final SWD Permit; however section numbering has not been changed from the draft to maintain consistency between the draft and final permits.

Comment 3

Effective Date

The Draft State Permit effective date is blank. We request that the effective date be coordinated with and the same as the effective date of the NPDES Permit. This coordination is necessary because the State Permit incorporates by reference numerous sections of the NPDES permit. The NPDES permit must be in effect for the State Permit to incorporate sections thereof.

Response 3

The effective date is included in the final SWD Permit. MassDEP strives to align the effective dates of SWD Permits with EPA's NPDES permits. When MassDEP is not able to align effective dates with the NPDES permit, the effective date of the SWD Permit is later than the effective date of the NPDES permit, so the NPDES permit would be in effect when the state permit takes effect.

Comment 4**Item 4 Incorporated by Reference**

The Draft State Permit incorporates by reference numerous sections of the "Draft" NPDES permit. The City has commented on some of these sections of the Draft NPDES permit and we anticipate that changes will be made to the NPDES permit. We request that the State Permit be revised to reference the "Final" NPDES permit sections.

Response 4

The final SWD Permit incorporates all changes included in the final NPDES Permit and references the final NPDES.

Comment 5**Footnote 1**

The footnote indicates that if no comments are received, then the permit will become effective upon issuance and if comments are received, then the permit will become effective 30 days after issuance. The Draft State Permit is not dated. The State Permit incorporates by reference numerous sections of the EPA NPDES. Therefore, as noted in comment 2, the effective date of the State Permit must match the NPDES permit effective date. We request that Footnote 1 be revised to establish the effective date of the State Permit to be the same as the Final NPDES permit.

Response 5

Since comments to the draft SWD were received, "Footnote 1" described in Comment 5 and located on the first page of the draft SWD has been removed from the final SWD Permit. The final SWD permit becomes effective 30 days after issuance, in accordance with state permitting procedure regulations.

Comment 6**Commencement time for influent, effluent and sludge PFAS monitoring**

The State Permit specifies that the quarterly influent, effluent and sludge PFAS monitoring shall commence 180 days after the effective date of the permit. This timing is not the same as the NPDES permit which specifies that this monitoring is to take effect 6 months after EPA's multi-lab validated methods are available. The State Permit (Item 6.a.) and 401 Certification (Item 1.a.) indicate that the Permittee shall notify MassDEP 60 days prior to starting monitoring for guidance on the appropriate analytical method. These sections further specify that the Permittee shall use the EPA's multi-lab validated method for wastewater once it is made available to the public. This approach is not consistent with Federal and State requirements which are incorporated by reference into the State Permit. NPDES Part 1A. Footnote 2 stipulates as follows, " .. the Permittee shall monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR Part 136 ... ". 314 CMR 3.19 (Standard Permit Conditions), Item (10 Monitoring) stipulates as follows "samples and measurements taken for the purpose of monitoring shall be representative of the monitoring activity. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures are specified in the permit." There is presently no 40 CFR Part 136 approved testing method and the State Permit does not specify any other test procedure. Therefore, this section of the Draft State Permit is not compliant with the applicable State and Federal requirements. We request that the State Permit be revised to set the time period to commence PFAS testing to be the same as specified in the NPDES permit, which is 6 months after EPA's multi-lab validated method is publicly available. This comment is contingent upon the assumption that the EPA multi-lab validated methods will also be approved under 40 CFR 136.

Response 6

In the absence of an approved method for testing PFAS in residuals, MassDEP has been reviewing and approving Standard Operating Procedures (SOPs) of select laboratories in order to better ensure precision and reliability of the data. Before testing will be required for Marlborough Easterly, if the EPA methods are not available, MassDEP will determine what review and approval process is necessary for testing PFAS in wastewater. The purpose of the PFAS testing is to develop a better understanding of PFAS levels in wastewater influent, effluent, and sludge. The Marlborough Easterly permit includes a shorter time frame for beginning testing than other permits because the discharge is upstream of multiple drinking water sources. Therefore, all of the language in Section 6.a of the draft SWD Permit has been included in the final SWD Permit.

Comment 7**State Permit Item 6.b. and Fact Sheet Item 1.b.**

These items outline requirements for monitoring Significant Industrial Users (SIU) for PFAS. Please note that at the time of issuance of this Permit, there are no SIUs that discharge to the Easterly WWTF.

Response 7

MassDEP will only require PFAS testing according to State Permit Item 6.b. and Fact Sheet Item 1.b. if there are SIUs that discharge to the Easterly WWTF. If there are no such facilities, testing will not be required.

Comment 8**Fact Sheet Discussion of PFAS**

The Fact Sheet indicates that sludge PFAS concerns apply to residuals that are land applied in Massachusetts and all residuals products sold, distributed, and applied in Massachusetts. Some Massachusetts communities transport and dispose of residuals outside Massachusetts. We request that the State Permit be revised to state that sludge PFAS monitoring is only required if the Permittee's residuals or residuals products are land applied, sold or distributed in Massachusetts.

Response 8

As stated in the MassDEP Fact Sheet Supplement, “Given that PFAS are persistent in the environment and may lead to adverse human health and environmental effects, MassDEP has identified a comprehensive approach for addressing PFAS in wastewater discharges.” The work associated with analyzing PFAS in residuals is one part of the comprehensive MassDEP approach. Another part of the approach is to analyze PFAS in the influent, effluent, and sludge of Publicly Owned Treatment Works (POTWs) and Significant Industrial Users (SIUs) discharging into/from municipal and industrial treatment plants. MassDEP has focused this effort at those SWD permit renewals that are upstream of drinking water sources because of the potential to contaminate these sources. Given that PFAS has been found to be ubiquitous in the environment, the requirement to test for PFAS is essential to get a comprehensive understanding of PFAS in wastewater and the byproducts of wastewater treatment. Also, as stated in the NPDES Fact Sheet, “The purpose of this monitoring and reporting requirement is to better understand potential discharges of PFAS from this facility and to inform future permitting decisions, including the potential development of water quality based effluent limits on a facility- specific basis.”