



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

September 25, 2020

Thelma Murphy, Water Permit Branch Chief  
US EPA Region 1  
5 Post Office Square, Suite 100 (OEP06-1)  
Boston, MA 02109-3912

Re: Massachusetts Clean Water Act Section 401 Certification for the Marlborough Westerly Wastewater Treatment Plant

Dear Ms. Murphy:

Enclosed please find as Attachment 1 the Commonwealth of Massachusetts' Clean Water Act (CWA) section 401 certification (State Certification) for the proposed 2020 National Pollutant Discharge Elimination System (NPDES) permit for the Marlborough Westerly Wastewater Treatment Plant (MA Permit No. MA0100480). MassDEP proposed a draft State Certification for public notice and comment on August 3, 2020. A copy of the published newspaper notice is enclosed as Attachment 2. The public comment period posted for the draft State Certification closed on September 2, 2020. Enclosed please also find as Attachment 3 the Notice of Appeal Rights for the State Certification.

Please contact Ms. Cathy Vakalopoulos, MassDEP's Acting NPDES Section Chief, at (617) 348-4026 or [catherine.vakalopoulos@mass.gov](mailto:catherine.vakalopoulos@mass.gov) if you have any questions.

Sincerely,

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

ecc:

Theodore Scott, Acting Commissioner of DPW Operations, City of Marlborough

Dennis Deziel, Regional Administrator, Region 1

Ellen Weitzler, EPA Region 1

Evan Lewis, EPA Region 1

Jennifer Wood, MassDEP

Enclosures:

Attachment 1 – State Certification

Attachment 2 – Public Notice

Attachment 3 – Notice of Appeal Rights

FINAL

Clean Water Act Section 401 Certification  
For the Proposed 2020 Federal NPDES Permit  
For the Marlborough Westerly Wastewater Treatment Plant  
MA Permit No. MA0100480

*Please note that, due to EPA's termination of MassDEP's and EPA's Joint Permitting Agreement, federal regulations require MassDEP to issue this Water Quality Certification prior to EPA's issuance of the federal NPDES permit for this facility.*

The Massachusetts Department of Environmental Protection (MassDEP), having examined the City of Marlborough's National Pollutant Discharge Elimination System (NPDES) permit application for the Marlborough Westerly Wastewater Treatment Plant, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2020 Federal NPDES permit (MA Permit No. MA0100480) for the Marlborough Westerly Wastewater Treatment Plant issued July 30, 2020, and considered the public comments received on MassDEP's proposed Clean Water Section 401 Certification for the draft 2020 Federal NPDES Permit for the Marlborough Westerly Wastewater Treatment Plant, 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 2020 Federal NPDES permit for the Marlborough Westerly Wastewater Treatment Plant, 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 Massachusetts Water Quality Standards published at 314 CMR 4.00:
  - 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, 180 days after the effective date of the 2020 Federal NPDES permit, the permittee shall commence monitoring of the influent, effluent, and sludge for PFAS compounds as detailed in the tables below. Permittee shall contact MassDEP ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) 60 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 it is made available to the public on EPA's Clean Water Act methods program website<sup>1</sup>. Notwithstanding any other provision of the 2020 Federal NPDES permit to the contrary, monitoring results shall be reported to MassDEP electronically ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) within 30 days after they are received.

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<sup>1</sup> See <https://www.epa.gov/cwa-methods/other-clean-water-act-test-methods-chemical> and <https://www.epa.gov/cwa-methods>.

**Influent and Effluent (Outfall 001)**

Parameter	Units	Measurement Frequency	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Quarterly <sup>2</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

**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. 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, beginning 1 year after the effective date of the 2020 Federal NPDES permit, the permittee shall commence annual PFAS monitoring of all Significant Industrial Users<sup>34</sup> discharging into the POTW. Monitoring shall be in accordance with the table below. Permittee shall contact MassDEP ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) 60 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 it is made available to the public on EPA's Clean Water Act methods program website. Notwithstanding any other provision of the 2020 Federal NPDES permit to the contrary, monitoring results shall be reported to MassDEP electronically ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) within 30 days after they are received.

<sup>2</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>3</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>4</sup> This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

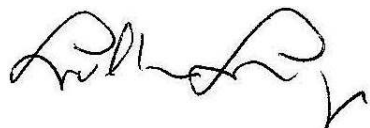
Parameter	Units	Measurement Frequency	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Annual	24-hour Composite
Perfluoroheptanoic acid (PFHpA)	ng/L	Annual	24-hour Composite
Perfluorononanoic acid (PFNA)	ng/L	Annual	24-hour Composite
Perfluorooctanesulfonic acid (PFOS)	ng/L	Annual	24-hour Composite
Perfluorooctanoic acid (PFOA)	ng/L	Annual	24-hour Composite
Perfluorodecanoic acid (PFDA)	ng/L	Annual	24-hour Composite

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.

If any condition in the draft 2020 Federal NPDES permit for the Marlborough Westerly Wastewater Treatment Plant 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.

Signed this 25th day of September, 2020.




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

## PUBLIC NOTICE

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP), under authority granted by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 – 53, is proposing to: (1) issue a federal Clean Water Act (CWA) section 401 certification for the U.S. Environmental Protection Agency's (EPA) proposed 2020 Draft NPDES Permit (Federal Permit) (MA Permit No. MA0100480) to Marlborough Westerly Wastewater Treatment Plant (WWTP) for pollutant discharges from the WWTP located in the City of Marlborough to the Assabet River Segment (MA 82B-04); and (2) issue the 2020 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharge pursuant to the Massachusetts Clean Waters Act. The Marlborough Westerly WWTP is located at 303 Boundary Street, Marlborough, Massachusetts 01752. The proposed section 401 certification, proposed State Permit, and proposed Federal Permit are all available at <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>. Alternatively a copy of the documents can be obtained by contacting Jennifer Wood, MassDEP Surface Water Discharge Program, at 617-654-6536 or [jennifer.wood@mass.gov](mailto:jennifer.wood@mass.gov). Written comments on both the proposed section 401 certification and the proposed State Permit will be accepted until 5:00 p.m. on September 2, 2020. During the state of emergency, MassDEP strongly encourages written comments to be submitted by email to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov); subject line: Marlborough Westerly WWTP. If not possible, please send by mail to MassDEP c/o Jennifer Wood, 1 Winter Street, Boston, MA 02108.

Following the close of the comment period, MassDEP will issue a final CWA section 401 certification and final State Permit and forward copies to the applicant and each person who has submitted written comments or requested notice.

For special accommodations, please call the MassDEP Diversity Office at 617-292-5751. TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request.

By Order of the Department

Martin Suuberg, Commissioner

**NOTICE OF APPEAL RIGHTS**  
**SECTION 401 CERTIFICATION of FEDERAL NPDES PERMIT**

Within 21 days of the issuance of MassDEP's decision to grant or deny a water quality certification of EPA's NPDES permit pursuant to § 401 of the federal Clean Water Act, any person aggrieved may request an adjudicatory hearing concerning MassDEP's decision.

**How should the request for an adjudicatory hearing be made?**

A request for an adjudicatory hearing for DEP's § 401 water quality certification of the federal NPDES permit must be made within 21 days of the issuance of MassDEP's decision to grant or deny the water quality certification, in accordance with 310 CMR 1.01. 310 CMR 1.01(6)(b) establishes the required form and content of the request. Failure to meet the requirements of 310 CMR 1.01 may result in dismissal of the request or the requirement to file a more definite statement.

A person filing a request for an adjudicatory hearing must complete and mail a MassDEP Fee Transmittal Form for the appeal and send it with a valid check to the Commonwealth Master Lockbox, as instructed below, if a fee is required by 310 CMR 4.06. The MassDEP Fee Transmittal Form can be downloaded from:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>.

The written notice requesting an adjudicatory hearing shall be delivered to MassDEP's Case Administrator together with (i) a photocopy of the decision being appealed, (ii) a photocopy of the completed MassDEP Fee Transmittal Form, if required, and (iii) a photocopy of the check used to pay any adjudicatory hearing filing fee due for the appeal under 310 CMR 4.06. The notice of claim should be made in writing and sent by email to [Caseadmin.OADR@state.ma.us](mailto:Caseadmin.OADR@state.ma.us).

Please do not send the original of the completed MassDEP Fee Transmittal Form and check to the Case Administrator. Instead, please follow the instructions below for delivery of the original of the completed Fee Transmittal Form and check to the Commonwealth Master Lockbox.

A \$100 adjudicatory hearing filing fee must be paid, unless (i) a simplified hearing is requested for a reduced fee of \$25, (ii) the person requesting an adjudicatory hearing is a town, a municipal agency, a county or a municipal housing authority, in which case there is no fee, or (iii) the person requesting the hearing is seeking to have MassDEP waive the adjudicatory hearing filing fee because paying the fee will create an undue financial hardship.

A person who believes that payment of the fee would be an undue financial hardship shall file with the request for adjudicatory hearing a request for waiver of the fee together with an affidavit setting forth the facts the appellant believes constitute the undue financial hardship. For more information on the adjudicatory hearing filing fee and the grounds on which the Department may waive the fee, please see 310 CMR 4.06.

If a fee is required, the completed MassDEP Fee Transmittal Form and a valid check made payable to the Commonwealth of Massachusetts for the amount of the fee due must be mailed to:

Mass. Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 4062  
Boston, Massachusetts 02211

Failure to pay the adjudicatory hearing filing fee, if required, may be grounds for dismissal of the appeal.

In accordance with 314 CMR 2.08(5), any person, other than the permit applicant or permittee, who files a request for an adjudicatory hearing with the Department pursuant to 314 CMR 2.08(2) on an individual permit or general permit coverage, also shall simultaneously send a copy of the request by certified mail, return receipt requested, to the applicant or permittee. Any person who files a request for an adjudicatory hearing with the Department pursuant to 314 CMR 2.08(2) on a general permit also shall simultaneously send a copy of the request by certified mail, return receipt requested, to each permittee covered by the general permit.