

**MODIFICATION****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 Westerly Wastewater Treatment Plant  
303 Boundary Street  
Marlborough, Massachusetts 01752

to receiving water named

Assabet River  
Concord River Watershed

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

1. **This permit modification is issued pursuant to 314 CMR 3.13(3), becomes effective upon issuance, and revises and supersedes the permit that was issued on January 18, 2022.**
2. This permit shall expire on January 31, 2027.
3. This permit supersedes the permit issued on May 26, 2005.
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 2021 final NPDES Permit No. MA0100480, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to City of Marlborough on October 25, 2021 (the 2021 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. **The total phosphorus limit for April 1 to October 31 shall be in accordance with the final permit decision issued by EPA on December 21, 2021, attached hereto as Appendix B.**
  - b. that the notification required by Part IA.8. shall also be provided to MassDEP;
  - c. that the reporting required by Part IB.1 shall be in accordance with 314 CMR 3.19(20)(e) (24 hour reporting);
  - d. 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](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 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 – 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. 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](mailto: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 2021 Federal NPDES permit to the contrary, monitoring 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.

#### Influent and 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

#### 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

<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).

**Modification**

- a. Beginning 1 year after the effective date of the permit, the permittee shall commence annual PFAS monitoring of all Significant Industrial Users<sup>2,3</sup> discharging into the POTW. Monitoring shall be in accordance with the table below. The permittee shall contact MassDEP ([massdep.npdes@mass.gov](mailto: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 2021 Federal NPDES permit to the contrary, monitoring 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.

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 Northborough is a co-permittee for Part IB., Unauthorized Discharges; and Part IC., Operation and Maintenance, as set forth in the 2021 Final Federal 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 draft Federal 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 Northborough  
Public Works Department  
63 Main Street  
Northborough, Massachusetts 01532**

<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.

Signed this 4th day of February, 2022

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

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

Appendix A

Attached hereto by reference and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-final-individual-npdes-permits>

Appendix B

Final permit decision issued by EPA on December 21, 2021



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
New England Region  
Five Post Office Square -- Suite 100  
Boston, Massachusetts 02109-3912

**Via Electronic Mail – Read Receipt Requested**

Sean M. Divoll  
Commissioner of Public Works  
City of Marlborough  
135 Neil St.  
Marlborough, MA 01752  
[dpw-dispatch@marlborough-ma.gov](mailto:dpw-dispatch@marlborough-ma.gov)

**RE: City of Marlborough Westerly Wastewater Treatment Facility  
NPDES Permit No. MA0100480; NPDES Appeal No. 21-04**

Dear Mr. Divoll:

In accordance with 40 C.F.R. § 124.19(m)(2)(i), I am notifying you of my final permit decision in connection with NPDES Permit No. MA0100480, which authorizes discharges by the City of Marlborough ("City") from the Westerly Wastewater Treatment Facility.

Following issuance of the permit on October 25, 2021, the OARS, Inc. ("OARS") timely petitioned EPA's Environmental Appeals Board ("Board") for review of the permit. EPA Region 1 issued a Notice of Uncontested and Severable Conditions and Withdrawal on December 15, 2021, placing those permit provisions that were not challenged into effect as of February 1, 2022. *Attachment A*.<sup>1</sup> The Region additionally withdrew the Total Phosphorus monthly average limit in the "summer" (April 1 – October 31), leaving in place the corresponding "summer" limit contained in the City's prior NPDES permit issued on May 26, 2005. The remaining contested condition, the Total Phosphorus monthly average limit in the "winter" (November 1 – March 31), was stayed pending resolution of the permit appeal.<sup>2</sup> Also on December 15, 2021, OARS filed a motion to dismiss its petition with the Board.

On December 17, 2021, the Board granted OARS' motion and dismissed the petition for review. Under 40 C.F.R. § 124.19(m)(2)(i), the Regional Administrator must issue a final permit decision when the Board issues notice to the parties that the petition for review has been denied. Upon consideration of the Board's order dismissing the appeal, I am accordingly issuing my

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<sup>1</sup> The permit, in its entirety, will expire on January 31, 2027, or five years from the date it first went into effect.

<sup>2</sup> As the holder of existing, administratively continued permits, City also was required to continue to comply with conditions of those permits that correspond to the stayed conditions. 40 C.F.R. § 124.16(c).

final permit decision. Pursuant to this decision, the sole remaining contested condition, the “winter” Total Phosphorus limit, shall become fully enforceable and effective on February 1, 2022. For the purposes of judicial review, this decision constitutes final agency action under 40 C.F.R. § 124.19(m)(2).

If you have any questions regarding this notice, please contact Michael Knapp of the Office of Regional Counsel at (617) 918-1043 or [knapp.michael@epa.gov](mailto:knapp.michael@epa.gov).

Sincerely,

DEBORAH  
SZARO

Digitally signed by  
DEBORAH SZARO  
Date: 2021.12.21 11:13:57  
-05'00'

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Deborah Szaro  
Acting Regional Administrator  
US EPA-Region 1

cc:

Lealdon Langley, MassDEP  
Stephen Leonard, Counsel for OARS, Inc.





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।