

FINAL

Clean Water Act Section 401 Water Quality Certification
For the Proposed 2023 NPDES Permit
For the Massachusetts Water Resources Authority Deer Island Treatment Plant
Permit No. MA0103284

The Massachusetts Department of Environmental Protection (MassDEP), having examined Massachusetts Water Resources Authority (MWRA)'s National Pollutant Discharge Elimination System (NPDES) permit application for the Deer Island Treatment Plant, and having reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2023 NPDES permit for the Deer Island Treatment Plant (Permit No. MA0103284), issued May 31, 2023 ("2023 NPDES permit"), and having presented for public notice from May 31, 2023 through November 28, 2023 MassDEP's proposed Clean Water Act Section 401 Water Quality Certification for the draft 2023 NPDES permit and received no comments, hereby certifies:

1. that subject to the following necessary conditions, together with the terms and conditions contained in the draft 2023 NPDES permit for the Deer Island Treatment Plant, the proposed discharge will comply 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 Surface Water Quality Standards published at 314 CMR 4.00:
 - Pursuant to M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including 314 CMR 3.11 (2)(a)6., and in order to ensure the maintenance of surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, in accordance with 314 CMR 4.05(5)(e), MassDEP has determined that it is necessary that beginning six (6) months after the effective date of the final NPDES permit, the permittee shall commence annual monitoring of all Significant Industrial Users^{1,2} discharging into the POTW using Method 1633. Notwithstanding any other provision of the final NPDES permit to the contrary, PFAS monitoring results for the final NPDES permit and for the final Massachusetts Surface Water Discharge ("SWD") Permit shall be reported to MassDEP's electronic database (eDEP) in accordance with the information available at the following website: the <https://www.mass.gov/how-to/submit-wastewaterresiduals-pfas-data-via-edep>., or as otherwise specified, within 30 days after the permittee receives the sampling results.
2. that there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable state water quality requirements.

¹ 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.

² This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

To meet the requirements of Massachusetts laws, each of the conditions cited in the draft 2023 NPDES 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.

Signed this 22nd day of March, 2024

A handwritten signature in black ink, appearing to read 'Lealdon Langley', written over a horizontal line.

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