

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. MA0040304) to the University of Massachusetts Boston for their facility's pollutant discharges to Dorchester Bay (MA70-03); 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 University of Massachusetts Boston is located at 100 Morrissey Boulevard, Boston, MA 02125. 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 Cathy Vakalopoulos, MassDEP Surface Water Discharge Program, at 617-348-4026 or catherine.vakalopoulos@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 November 16, 2020. During the state of emergency, MassDEP strongly encourages written comments to be submitted by email to massdep.npdes@mass.gov; subject line: U Mass Boston. If not possible, please send by mail to Cathy Vakalopoulos, 1 Winter St., 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

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,

University of Massachusetts Boston

is authorized to discharge from the facility located at

University of Massachusetts Boston
100 Morrissey Boulevard
Boston, MA 02125

to receiving water named

Dorchester Bay (MA70-03)
Boston Harbor Watershed

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

1. This permit shall become effective on [DATE].¹
2. This permit shall expire five years after the effective date.
3. This permit supersedes the permit issued on June 15, 2018.
4. This permit incorporates by reference Part IA., Effluent Limitations and Monitoring Requirements, Part IB., Unauthorized Discharges, Part IC., CWIS Best Technology Available, Part ID., Special Conditions, Part IE. Reporting Requirements, and Part IIE., Standard Conditions, as set forth in the 2020 draft NPDES Permit No. MA0040304, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to University of Massachusetts Boston on October 15, 2020 (the 2020 Draft NPDES Permit) and attached hereto as Appendix A; 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 IE.3. 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 notifications required by 4.a. above shall be provided as follows:

¹ If no comments objecting to the issuance or terms of the permit were received by the Department during the public comment period, then this permit shall be effective upon issuance. If comments objecting to the issuance or the terms of the permit are received by the Department during the public comment period, then this permit shall become effective 30 days after issuance.

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 condition:
 - a. The permittee shall conduct annual diver inspections of the intake structure as long as the NPDES permit is in effect. Within sixty (60) days of each inspection, a report including photographs of the intake structure shall be sent electronically to massdep.npdes@mass.gov.

Signed this ____ day of _____, 20__

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

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

FACT SHEET SUPPLEMENT

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

MA PERMIT NUMBER: MA0040304

NAME AND MAILING ADDRESS OF APPLICANT:

University of Massachusetts Boston

100 Morrissey Boulevard

Boston, MA 02125

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

University of Massachusetts Boston

100 Morrissey Boulevard

Boston, MA 02125

RECEIVING WATER AND CLASSIFICATION:

Dorchester Bay (MA70-03)

Boston Harbor Watershed

SIC CODE:

8221 (Colleges, Universities, and Professional Schools)

Diver Studies

In 2017, the Massachusetts Department of Environmental Protection (MassDEP) reviewed biological monitoring studies conducted by the University of Massachusetts Boston. Impingement data showed that among the types of fish that are impinged on the traveling screens, winter flounder (*Pseudopleuronectes americanus*) are the most prevalent. Though this may be due to higher numbers of winter flounder in the area, MassDEP, upon consultation with Massachusetts Coastal Zone Management and the Division of Marine Fisheries, became concerned that sedimentation within the cooling water intake structure (CWIS) could attract bottom dwelling fish such as winter flounder, whose preferred habitat is soft sediment, and this could cause them to be impinged at higher rates. Annual diver inspections were added as a state-only requirement to the 2018 modification of the joint NPDES permit MA0040304 and results have shown sedimentation within the CWIS. MassDEP is continuing this requirement in the draft 2020 State Surface Water Discharge permit as it provides information on how long it takes for sedimentation to build up and whether sediment removal from the CWIS should be a future permit Best Management Practice as a way to reduce the potential attraction of winter flounder to the CWIS. It also provides the opportunity to clean the trash racks and find maintenance/repair issues with the traveling screens.

DRAFT

Clean Water Act Section 401 Certification
For the Proposed 2020 Federal NPDES Permit
For the University of Massachusetts Boston
MA Permit No. MA0040304

The Massachusetts Department of Environmental Protection (MassDEP), having examined the University of Massachusetts Boston's National Pollutant Discharge Elimination System (NPDES) permit application, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2020 Federal NPDES permit (MA Permit No. MA0040304) for the University of Massachusetts Boston issued October 15, 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 University of Massachusetts, and in consideration of the relevant water quality considerations, hereby certifies:

1. that the following condition, together with the terms and conditions contained in the proposed 2020 Federal NPDES permit for the University of Massachusetts Boston, 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. The permittee shall conduct annual diver inspections of the intake structure as long as the NPDES permit is in effect. Within sixty (60) days of each inspection, a report including photographs of the intake structure shall be sent electronically to massdep.npdes@mass.gov.

To meet the requirements of Massachusetts laws, the condition 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 based on the relevant water quality considerations.

If any condition in the draft 2020 Federal NPDES permit for the University of Massachusetts is changed during EPA's review in any manner inconsistent with this certification, the Department reserves the right to modify this certification based on 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 ____ day of _____, 2020.

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