

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 issue a federal Clean Water Act (CWA) section 401 certification for the U.S. Environmental Protection Agency's (EPA) proposed 2010 Draft NPDES Permit (Federal Permit) (MA Permit No. MA0100625) to the Gloucester Water Pollution Control Facility for the facility's pollutant discharges to Massachusetts Bay and Gloucester Harbor. The Gloucester Water Pollution Control Facility is located at 50 Essex Avenue, Gloucester, MA 01930. The proposed section 401 certification is available at <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>. Alternatively, a copy of the documents can be obtained by contacting Claire Golden, MassDEP Surface Water Discharge Program, at 617-997-8874 or claire.golden@mass.gov. Written comments on the proposed section 401 certification will be accepted until 5:00 p.m. on Tuesday, May 31, 2022. MassDEP strongly encourages written comments to be submitted by email to massdep.npdes@mass.gov; subject line: Gloucester WPCF. If not possible, please send by mail to Claire Golden, MassDEP NERO, 205 B Lowell St, Wilmington, MA 01887.

Following the close of the comment period, MassDEP will issue a final CWA section 401 certification 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

DRAFT

Clean Water Act Section 401 Certification
For the Proposed 2010 Federal NPDES Permit
For the Gloucester Water Pollution Control Facility
MA Permit No. MA0100625

The Massachusetts Department of Environmental Protection (MassDEP), having examined the City of Gloucester's National Pollutant Discharge Elimination System (NPDES) permit application for the Gloucester Water Pollution Control Facility, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2010 Federal NPDES permit (MA Permit No. MA0100625) for the Gloucester Water Pollution Control Facility issued November 5, 2010 through December 4, 2010 and December 16, 2010 through February 2, 2011, and considered the public comments received on MassDEP's proposed Clean Water Section 401 Certification for the draft 2010 Federal NPDES Permit for the Gloucester Water Pollution Control Facility, 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 2010 Federal NPDES permit for the Gloucester Water Pollution Control Facility, 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, beginning six (6) months after the permittee has been notified that a multi-lab validated method for wastewater is available, or two (2) years after the effective date of the 2022 Federal NPDES permit, whichever is earlier, the permittee shall conduct monitoring of the influent, effluent, and sludge for PFAS compounds as detailed in the tables below. If EPA's multi-lab validated method is not available by twenty (20) months after the effective date of the 2022 Federal NPDES permit, the permittee shall contact MassDEP (massdep.npdes@mass.gov) for guidance on an appropriate analytical method. 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/Composite ²
Perfluoroheptanoic acid (PFHpA)	ng/g	Quarterly	Grab/Composite
Perfluorononanoic acid (PFNA)	ng/g	Quarterly	Grab/Composite
Perfluorooctanesulfonic acid (PFOS)	ng/g	Quarterly	Grab/Composite
Perfluorooctanoic acid (PFOA)	ng/g	Quarterly	Grab/Composite
Perfluorodecanoic acid (PFDA)	ng/g	Quarterly	Grab/Composite

- 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 six (6) months after permittee has been notified that a multi-lab validated method for wastewater is available, or two (2) years after the effective date of the 2022 Federal NPDES permit, whichever is earlier, the permittee shall commence annual monitoring of all Significant Industrial Users³ discharging into the POTW. Monitoring shall be in accordance with the table below. If EPA's multi-lab validated method is not available by twenty (20) months after the effective date of the 2022 Federal NPDES permit, the permittee shall contact MassDEP (massdep.npdes@mass.gov) for guidance on an appropriate analytical method. 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 within 30 days after they are received.

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 Sludge sampling shall be as representative as possible based on guidance found at <https://www.epa.gov/sites/production/files/2018-11/documents/potw-sludge-sampling-guidance-document.pdf>.

³ 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.

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

- c. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(f)2., the permittee's effluent limitations for *Enterococcus* shall reflect the revised criteria for *Enterococcus* in MassDEP's revised Surface Water Quality Standards (314 CMR 4.00) promulgated on November 12, 2021 and corrected on December 10, 2021 and January 7, 2022. Accordingly, the permittee shall meet *Enterococcus* effluent limitations of 35 cfu/100 mL as a monthly average and 130 cfu/100 mL as a maximum daily.
- d. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(c), the permittee shall monitor the effluent for nitrogen, as shown in the table below.

Parameter	Units	Measurement Frequency	Sample Type
Ammonia Nitrogen	mg/L	Monthly	24-hour Composite
Total Kjeldahl Nitrogen	mg/L	Monthly	24-hour Composite
Nitrate + Nitrite	mg/L	Monthly	24-hour Composite
Total Nitrogen ⁴	mg/L	Monthly	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 2010 Federal NPDES permit for the Gloucester Water Pollution Control Facility 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.

⁴ Total Kjeldahl Nitrogen and nitrate + nitrite shall be collected concurrently. The results of these analyses shall be used to calculate the concentration of total nitrogen, as follows. Total Nitrogen (mg/L) = Total Kjeldahl Nitrogen (mg/L) + Nitrate + Nitrite (mg/L).

Signed this ____ day of _____, 2022

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