

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 2021 Draft NPDES Permit (Federal Permit) (MA Permit No. MA0101681) to the City of Pittsfield for their facility's pollutant discharges to the Housatonic River (MA21-04) in the Housatonic River Watershed; and (2) issue the 2021 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharge pursuant to the Massachusetts Clean Waters Act. The Pittsfield Wastewater Treatment Plant is located at 901 Holmes Road in Pittsfield, MA 01201. 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 Claire Golden, MassDEP Surface Water Discharge Program, at 978-694-3244 or claire.golden@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 Thursday, April 22, 2021. During the state of emergency, MassDEP strongly encourages written comments to be submitted by email to massdep.npdes@mass.gov; subject line: City of Pittsfield. If not possible, please send by mail to Claire Golden, MassDEP, Surface Water Permitting Program, 205 B Lowell Street, Wilmington, MA 01887.

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,

City of Pittsfield
Department of Public Utilities
12 Fenn Street
Pittsfield, MA 01201

is authorized to discharge from the facility located at

Pittsfield Wastewater Treatment Plant
901 Holmes Road
Pittsfield, MA 01201

to receiving water named

Housatonic River
Housatonic River 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 August 22, 2008.
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 draft NPDES Permit No. MA0101681, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the City of Pittsfield on March 23, 2021 (the 2021 Draft NPDES Permit) and attached hereto by reference as Appendix A and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-draft-individual-npdes-permits>; 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 IH.4. 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;

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.

- e. 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 – 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 conditions:

- a. Beginning six (6) months after the permittee has been notified by EPA of a multi-lab validated method for wastewater, or two (2) years after the effective date of the 2021 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 2021 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 2021 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 003)

Parameter	Units	Measurement Frequency	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Quarterly ²	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. Beginning six (6) months after the permittee has been notified by EPA of a multi-lab validated method for wastewater, or two (2) years after the effective date of the 2021 Federal NPDES permit, whichever is earlier, the permittee shall commence annual

² 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).

monitoring of all Significant Industrial Users^{3,4} 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 2021 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 2021 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.

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 Towns of Dalton, Lanesborough, Hinsdale and Richmond are co-permittee(s) for Part IB., Unauthorized Discharges; and Part IC., Operation and Maintenance, as set forth in the 2021 draft Federal NPDES Permit. These sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the Towns.

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 departments are:

Town of Dalton
Highway/Cemetery/Sewer Department
40 Gulf Road
Dalton, MA 01226

Town of Lanesborough
Department of Public Works
10 Maple Street
Lanesborough, MA 01237

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.

⁴ This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

**Town of Hinsdale
Water and Sewer Department
39 South Street
Hinsdale, MA 01235**

**Town of Richmond
Sewer Department
1 Willow Road
Richmond Shores
Richmond, MA 01254**

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: MA0101681

NAME AND MAILING ADDRESS OF APPLICANT:

City of Pittsfield
Department of Public Utilities
12 Fenn Street
Pittsfield, MA 01201

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Pittsfield Wastewater Treatment Plant
901 Holmes Road
Pittsfield, MA 01201

RECEIVING WATER AND CLASSIFICATION:

Housatonic River (MA21-04), Housatonic River Watershed, Class B – Warm Water Fishery

PER – AND POLYFLUROALKYL SUBSTANCES

MassDEP is implementing a number of actions to address the potential health effects of exposure to per- and polyfluoroalkyl substances (PFAS).¹ According to the United States Environmental Protection Agency (EPA),² PFAS are a group of man-made chemicals that includes perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), GenX, and many other chemicals. PFAS have been manufactured and used in a variety of industries around the globe, including in the United States since the 1940s. PFOA and PFOS have been the most extensively produced and studied of these chemicals. Both chemicals are very persistent in the environment and in the human body – meaning they do not break down and they can accumulate over time. There is evidence that exposure to PFAS can lead to adverse human health effects.

PFAS can be found in:

- **Food** packaged in PFAS-containing materials, processed with equipment that used PFAS, or grown in PFAS-contaminated soil or water.
- **Commercial household products**, including stain- and water-repellent fabrics, nonstick products, polishes, waxes, paints, cleaning products, and fire-fighting foams (a major source of groundwater contamination at airports and military bases where firefighting training occurs).

¹ To learn more about Per- and polyfluoroalkyl substances (PFAS) in the environment and what Massachusetts is doing to address them, go to: <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>.

² For basic information on PFAS provided by EPA, go to: <https://www.epa.gov/pfas/basic-information-pfas>

- **Workplace**, including production facilities or industries (e.g., chrome plating, electronics manufacturing or oil recovery) that use PFAS.
- **Drinking water**, typically localized and associated with a specific facility (e.g., manufacturer, landfill, wastewater treatment plant, firefighter training facility).
- **Living organisms**, including fish, animals and humans, where PFAS have the ability to build up and persist over time.

Certain PFAS chemicals are no longer manufactured in the United States as a result of phase-outs including the PFOA Stewardship Program, in which eight major chemical manufacturers agreed to eliminate the use of PFOA and PFOA-related chemicals in their products and as emissions from their facilities. Although PFOA and PFOS are no longer manufactured in the United States, they are still produced internationally and can be imported into the United States in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber and plastics.

Scientific information and regulatory actions on PFAS are rapidly evolving. Currently, there are no enforceable federal standards for these substances in public drinking water. However, in May 2016, EPA issued a lifetime drinking water Health Advisory (HA) of 70 nanograms per liter (70 ng/L, which equals 70 parts per trillion or ppt) for any combination of PFOA and PFOS. I

In December 2019, MassDEP promulgated final regulations at 310 CMR 40.0000 establishing groundwater and soil limits at waste cleanup sites for 6 PFAS compounds - PFOS, PFOA, PFHxS, PFNA, PFHpA, and perfluorodecanoic acid (PFDA). In October 2020, MassDEP promulgated revisions to the Massachusetts drinking water regulations that established a regulatory drinking water standard or Massachusetts Maximum Contaminant Level (MMCL) for PFAS. These revisions established a MMCL of 20 ng/L (or parts per trillion) for the sum of the concentrations of the same six PFAS included in the waste site clean up regulations. The revised standard is supported by recent scientific developments in understanding the health effects of PFAS and is aligned with PFAS cleanup standards promulgated by the Waste Site Cleanup Program. For information on the revised MMCL see: <https://www.mass.gov/regulations/310-CMR-22-the-massachusetts-drinking-water-regulations>.

Given that PFAS are persistent in the environment and may lead to adverse human health and environmental effects, MassDEP has identified a comprehensive approach for addressing PFAS in wastewater discharges. Additionally, MassDEP has concerns regarding the levels of PFAS in residuals land applied in Massachusetts. All residuals products sold, distributed, and applied in Massachusetts are subject to an Approval of Suitability (AOS), which classifies residuals for different uses based on the chemical quality and treatment to reduce pathogens. MassDEP began including a requirement for annual PFAS testing in all new or renewed AOSs in January 2019, and as of July 2020, MassDEP began requiring all AOS holders to test their products for PFAS on a quarterly basis.

MassDEP is also concerned about the potential impacts PFAS discharges from wastewater treatment plants may have on downstream drinking water, recreational, and aquatic life uses. The Massachusetts Surface Water Quality Standards do not include numeric criteria for PFAS. However, the narrative criterion for toxic pollutants at 314 CMR 4.05(5)(e) states:

All surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

In addition, this narrative criterion is further elaborated on at 314 CMR 4.05(5)(e)2 which states:

Human Health Risk Levels. Where EPA has not set human health risk levels for a toxic pollutant, the human health-based regulation of the toxic pollutant shall be in accordance with guidance issued by the Department of Environmental Protection's Office of Research and Standards. The Department's goal is to prevent all adverse health effects which may results from the ingestion, inhalation or dermal absorption of toxins attributable to waters during their reasonable use as designated in 314 CMR 4.00.

To assess whether PFAS discharges from the Pittsfield Wastewater Treatment Plant are occurring and whether they may be contributing to a violation of the narrative toxics criteria, MassDEP is including conditions in the Massachusetts Surface Water Discharge Permit for the facility to require the permittee to monitor its discharges for PFAS and to monitor its Significant Industrial Users' discharges for PFAS.

DRAFT

Clean Water Act Section 401 Certification
For the Proposed 2021 Federal NPDES Permit
For the Pittsfield Wastewater Treatment Plant
MA Permit No. MA0101681

The Massachusetts Department of Environmental Protection (MassDEP), having examined the City of Pittsfield's National Pollutant Discharge Elimination System (NPDES) permit application for the Pittsfield Wastewater Treatment Plant, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2021 Federal NPDES permit (MA Permit No. MA0101681) for the Pittsfield Wastewater Treatment Plant issued March 23, 2021, and considered the public comments received on MassDEP's proposed Clean Water Section 401 Certification for the draft 2021 Federal NPDES Permit for the Pittsfield 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 2021 Federal NPDES permit for the Pittsfield 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, beginning six (6) months after the permittee has been notified by EPA of a multi-lab validated method for wastewater, or two (2) years after the effective date of the 2021 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 2021 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 2021 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 003)

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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 six (6) months after permittee has been notified by EPA of a multi-lab validated method for wastewater, or two (2) years after the effective date of the 2021 Federal NPDES permit, whichever is earlier, the permittee shall commence annual monitoring of all Significant Industrial Users^{2,3} 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 2021 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 2021 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 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.

³ This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

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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 2021 Federal NPDES permit for the Pittsfield 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 ____ day of _____, 2021

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