

FINAL

Section 401 Water Quality Certification
For the Proposed 2022 NPDES Permit
For the New England Aquarium Offsite Holding Facility
Permit No. MA0040380

The Massachusetts Department of Environmental Protection (MassDEP), having examined the New England Aquarium's National Pollutant Discharge Elimination System (NPDES) permit application for the New England Aquarium Offsite Holding Facility, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2022 NPDES permit for the New England Aquarium Offsite Holding Facility (Permit No. MA0040380), issued July 12, 2022, ("2022 NPDES permit"), and having considered the public comments received on MassDEP's draft Section 401 Water Quality Certification for the draft NPDES Permit for the New England Aquarium Offsite Holding Facility, and in consideration of the relevant water quality considerations, hereby certifies:

1. that with the terms and conditions contained in the 2022 NPDES permit for the New England Aquarium Offsite Holding Facility, the proposed discharges 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 3.00 and 4.00; and
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 2022 NPDES permit for the New England Aquarium Offsite Holding Facility is changed during EPA's review in any manner inconsistent with this certification, the Department reserves the right to modify this certification to ensure that the discharge(s) will comply with all applicable federal and state laws and regulations. In addition, the Department reserves the right to modify this certification if there is a change in the Massachusetts laws or regulations upon which this certification is based, or if a court of competent jurisdiction or the MassDEP Office of Appeals and Dispute Resolution stays, vacates or remands this certification, as provided by 40 C.F.R. § 124.55.

Signed this 9th day of September, 2022



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

