

PUBLIC NOTICE

MassDEP is providing the following addendum to the Public Notice below that was originally published on September 20, 2023. MassDEP is extending the 60-day public notice period for the draft Surface Water Discharge permit for General Electric Pittsfield by 30 days, until December 20, 2023. To submit comments, please note the new email address: massdep.publiccommentnpdes@mass.gov, subject line General Electric Pittsfield. For additional information on the virtual public meeting and hearing on November 8, 2023, go to: <https://www.epa.gov/ma/public-notice-draft-permit-general-electric-company-pittsfield-pittsfield-ma-ma0003891>.

Original 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 2023 Draft NPDES Permit (Federal Permit) (MA Permit No. MA0003891) to General Electric Company in Pittsfield for their pollutant discharges to the Housatonic River and Unkamet Brook (MA21-02); and (2) issue the 2023 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharge pursuant to the Massachusetts Clean Waters Act. General Electric Company is located at 159 Plastics Avenue, 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 Cathy Coniaris, MassDEP Surface Water Discharge Program, at 617-835-6693 or catherine.coniaris@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 20, 2023. MassDEP strongly encourages written comments to be submitted by email to massdep.npdes@mass.gov, subject line: General Electric Pittsfield. If not possible, please send by mail to Cathy Coniaris, MassDEP, 100 Cambridge St., Boston, MA 02114.

EPA and MassDEP are holding a virtual public informational meeting at 6 p.m., followed by a virtual public hearing at 7 p.m. on November 8, 2023. Virtual meeting and hearing information will be provided on EPA's website: <https://www.epa.gov/npdes-permits/massachusetts-npdes-permits>.

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

Bonnie Heiple, 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,

General Electric Company

is authorized to discharge from the facility located at

General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

to receiving water named

Housatonic River
Unkamet Brook
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 September 30, 2008 and modified August 10, 2009.
4. This permit incorporates by reference Part IA., Effluent Limitations and Monitoring Requirements, Part IB., Unauthorized Discharges, Part IC., Special Conditions, Part ID. Reporting Requirements, and Part II., Standard Conditions, as set forth in the 2023 draft NPDES Permit No. MA0003891, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to General Electric Company on September 19, 2023 (the 2023 Draft NPDES Permit) and attached hereto as Appendix A; provided, however:
 - a. that the notification required by Part IA.12. 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 discharges of a new chemical or additive authorized under Part IC.6. are only authorized under this permit 30 days following written notification to MassDEP, unless otherwise notified in writing by MassDEP;
 - d. that a copy of the requests, reports, and information required by Part ID.3. to be submitted to EPA shall also be submitted to MassDEP electronically to massdep.npdes@mass.gov;
 - e. 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.

- f. that the notifications required by 4.a. and 4.c. above shall be provided to massdep.npdes@mass.gov.
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. Within six (6) months of the effective date of the 2023 Federal NPDES permit, the permittee shall submit to MassDEP an evaluation of whether the facility uses or stores any products containing any per- and polyfluoroalkyl substances (PFAS) and whether use or storage of those products can be reduced or eliminated. The analysis shall be submitted electronically to massdep.npdes@mass.gov.
 - b. Notwithstanding any other provision of the 2023 Draft Federal NPDES permit to the contrary, all PFAS monitoring results shall be reported to MassDEP via the eDEP portal, or as otherwise specified, within 30 days after the permittee receives the sampling results, in addition to the 2023 Draft Federal NPDES Permit reporting requirements. Information regarding the submittal of data via eDEP may be found at <https://www.mass.gov/how-to/submit-wastewaterresiduals-pfas-data-via-edep>.

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: MA0003891

NAME AND MAILING ADDRESS OF APPLICANT:

General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

RECEIVING WATER AND CLASSIFICATION:

Housatonic River, Unkamet Brook
Housatonic River Watershed (MA21-02)
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

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>

source of groundwater contamination at airports and military bases where firefighting training occurs).

- **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.

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, based on review of recent data for residuals produced from wastewater treatment and other processes, 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. Therefore, MassDEP began including a requirement for 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(e) which states:

Unlisted Pollutants; Combinations of Pollutants. Any pollutant or combination of pollutants within the meaning of 314 CMR 4.05(5)(e) for which 314 CMR 4.05(5)(e)1. does not establish a generally applicable criterion shall not be discharged to surface waters in a quantity or manner that would: i. exceed safe exposure levels for aquatic life as determined by toxicity testing using methods approved by MassDEP pursuant to 314 CMR 4.03(6); or ii. cause adverse human health effects due to the ingestion, inhalation or dermal absorption of such toxins attributable to such waters during their reasonable use

as designated in 314 CMR 4.00; or iii. result in a human health excess lifetime cancer risk level greater than 10 for -6 individual carcinogens.

To assess whether PFAS discharges from the General Electric Company 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 permittee to monitor for PFAS and to complete an evaluation of whether the facility uses or stores PFAS-containing products.

DRAFT

Section 401 Water Quality Certification
For the Proposed 2023 NPDES Permit
For the General Electric Company

Permit No. MA0003891

The Massachusetts Department of Environmental Protection (MassDEP), having examined General Electric Company's National Pollutant Discharge Elimination System (NPDES) permit application for the General Electric Company, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2023 NPDES permit for the General Electric Company (Permit No. MA0003891), issued September 19, 2023 ("2023 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 General Electric Company, and in consideration of the relevant water quality considerations, hereby certifies:

1. that subject to the following conditions, together with the terms and conditions contained in the 2023 NPDES permit for the General Electric Company, 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 4.00:
 - a. 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 within six (6) months of the effective date of the 2023 NPDES permit, the permittee submit to MassDEP an evaluation of whether the facility uses or stores any products containing any per- and polyfluoroalkyl substances (PFAS) and whether use or storage of those products can be reduced or eliminated. The analysis shall be submitted electronically to massdep.npdes@mass.gov.
 - b. Notwithstanding any other provision of the 2023 Draft Federal NPDES permit to the contrary, all PFAS monitoring results shall be reported to MassDEP via the eDEP portal, or as otherwise specified, within 30 days after the permittee receives the sampling results, in addition to the 2023 Draft Federal NPDES Permit reporting requirements. Information regarding the submittal of data via eDEP may be found at <https://www.mass.gov/how-to/submit-wastewaterresiduals-pfas-data-via-edep>.
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 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.

If any condition in the draft 2023 NPDES permit for the General Electric Company 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 ____ day of _____, 2023

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