

PUBLIC NOTICE

MassDEP is providing the following second addendum to the original Public Notice below that was originally published on May 31, 2023 and initially amended on June 16, 2023. MassDEP is extending the 60-day public notice period for the draft Surface Water Discharge permit for the Massachusetts Water Resources Authority (MWRA) by an additional 90 days, until November 28, 2023. For questions on the draft state permit, contact Claire Golden, MassDEP Surface Water Discharge Program, at 617-997-8874 or at claire.golden@mass.gov.

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. MA0103284) to the Massachusetts Water Resources Authority (MWRA) for the Deer Island Treatment Plant's pollutant discharges to Massachusetts Bay ("Other Waters under 314 CMR 4.00) and from four (4) Combined Sewer Overflow Treatment Facilities at 5 locations and from Combined Sewer Overflow Outfalls at 6 locations; and (2) issue the 2023 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharges pursuant to the Massachusetts Clean Waters Act. The Deer Island Treatment Plant is located at 190 Tafts Avenue in Winthrop, MA. 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 617-997-8874 or at 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 July 31, 2023. MassDEP strongly encourages written comments to be submitted by email to massdep.npdes@mass.gov; subject line: MWRA Deer Island. If not possible, please send by mail to Claire Golden, MassDEP, Surface Water Discharge Program, 150 Presidential Way, Woburn, MA 01801.

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,

Massachusetts Water Resources Authority (MWRA)
Deer Island
33 Tafts Avenue
Boston, MA 02128

is authorized to discharge from the facility located at

MWRA Deer Island Treatment Plant (DITP)
190 Tafts Avenue
Winthrop, MA 02152
and
Four (4) Combined Sewer Overflow (CSO) Treatment Facilities with Five (5) outfalls
and
Six (6) additional Combined Sewer Overflow Outfalls

to receiving waters named:

Receiving Water	Segment	Outfalls
Massachusetts Bay	"Other waters", see 314 CMR 4.06(5)	Outfall Number T01
Boston Inner Harbor	MA70-02	CSO Treatment Facilities Outfall Numbers MWR203 and MWR215
Charles River	MA72-38	CSO Treatment Facility Outfall Number MWR201; CSO Outfall Numbers MWR010, MWR018, MWR019, MWR020, and MWR023
Upper Mystic River	MA71-02	CSO Treatment Facility Outfall Numbers MWRA205 and MWR205A
Little River	MA71-22	CSO Outfall Number MWR003

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.

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.

3. This permit supersedes the permit issued on May 20, 1999, and subsequently modified on July 10, 2000.
4. This permit incorporates by reference: Part IA., Effluent Limitations and Monitoring Requirements for Outfall T01; Part IB., Combined Sewer Overflows (CSOs); Part IC., Unauthorized Discharges; Part ID., Notice of Elimination; Part IE., Operation and Maintenance; Part IF., Alternate Power Source; Part IG., Industrial Users and Pretreatment Program; Part IH., Sludge Conditions; Part II., Special Conditions; Part IJ., Reporting Requirements; Part IK., State 401 Certification Conditions; and Part II, Standard Conditions, as set forth in the 2023 Draft NPDES Permit No. MA0103284, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the Massachusetts Water Resources Authority on May 31, 2023 (the 2023 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 IC.3 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 IJ.5 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 notification required by 4.a. above shall be provided to massdep.npdes@mass.gov, or as otherwise specified.
5. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
6. The permittee shall commence annual monitoring of all Significant Industrial Users^{2,3} discharging into the POTW using Draft Method 1633 within six (6) months of the effective date.
7. Notwithstanding any other provision of the 2023 Draft Federal NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the 2023 Draft Federal NPDES permit) 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-wastewater-residuals-pfas-data-via-edep>.
8. On or before January 31, 2024, the permittee shall submit to MassDEP at massdep.npdes@mass.gov a listing of all industrial dischargers and their addresses to be sampled in accordance with both the 2023 Draft Federal NPDES Permit and this permit and shall include:
 - a. All industries included in the categories listed Part IG, Industrial Users and Pretreatment Program, Paragraph 3 of the 2023 Draft Federal NPDES Permit; and
 - b. All Significant Industrial Users as required by Paragraph 6 of this permit.

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.

The listing shall be maintained by the permittee and updated with any changes. Whenever necessary, a copy of the updated listing reflecting changes shall be forwarded to MassDEP at massdep.npdes@mass.gov on or before the next January 31.

The cities and towns listed in Appendices B and C are co-permittee(s) for Part IC., Unauthorized Discharges, Part IE., Operation and Maintenance of the Treatment and Control Facilities, and Part 1F., Alternative Power Source, as set forth in the 2023 draft Federal NPDES Permit. In addition, these sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the municipalities.

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 IC., Part IE., and Part IF. of the 2023 draft Federal NPDES permit. The Permittee and co-permittees are severally liable under Part IC., Part IE., and Part IF. 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 IC., Part IE., and Part IF. 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 municipal departments are found in Appendices B and C.

Those cities listed in Appendix C are also CSO-responsible co-permittees for Part 1B., Combined Sewer Overflows (CSOs), and Part 1D, Notice of Elimination. These communities are authorized to discharge stormwater/wastewater from the CSO outfalls listed in Attachment A of the 2023 draft Federal NPDES Permit. Operation and maintenance of the CSO structures shall be in compliance with the General Requirements of Part II and the terms and conditions of Part IB. of the 2023 draft Federal NPDES permit. The Permittee and co-permittees are severally liable under Part IB., Part IE., and Part IF. for their own activities and required reporting with respect to the CSOs that they own or operate. They are not liable for violations of Part IB., Part IE., and Part IF. committed by others relative to CSOs owned and operated by others. Nor are they responsible for any reporting that is required of other Permittees under Part IB. The responsible municipal departments are found in Appendix C.

In addition, the permittee and all co-permittees are responsible for all public notifications, public health warnings and all other applicable requirements of 314 CMR 16.00 as they relate to their own collection systems including any approved CSO Notification Plans and/or SSO Notification Plans.

Signed this ____ day of _____, 20__

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

**APPENDIX B
CO-PERMITTEES**

Town of Arlington
51 Grove Street
Arlington, MA 02476

Town of Ashland
20 Ponderosa Road
Ashland, MA 01721

Town of Bedford
314 Great Road
Bedford, MA 01730

Town of Belmont
19 Moore Street
Belmont, MA 02478

Town of Braintree
P.O. Box 850903
Braintree, MA 02185-0903

Town of Brookline
333 Washington Street
Brookline, MA 02445

Town of Burlington
29 Center Street
Burlington, MA 01803

Town of Canton
801 Washington Street
Canton, MA 02021

Town of Dedham
55 River Street
Dedham, MA 02026

City of Everett
19 Norman Street
Everett, MA 02149

City of Framingham
100 Western Avenue
Framingham, MA 01701

Town of Hingham
210 Central Street
Hingham, MA 02043

Town of Holbrook
50 N. Franklin Street
Holbrook, MA 02343

Town of Lexington
Water & Sewer Department
201 Bedford Street
Lexington, MA 02420

City of Malden
200 Pleasant Street
Malden, MA 02148

City of Medford
Department of Public Works
85 George P. Hassett Drive
Medford, MA 02155

City of Melrose
Department of Public Works
72 Tremont Street
Melrose, MA 02176

Town of Milton
629 Randolph Avenue
Milton, MA 02186

Town of Natick
75 West Street
Natick, MA 01760

Town of Needham
470 Dedham Avenue
Needham, MA 02492

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Town of Norwood
566 Washington Street
Norwood, MA 02062

City of Quincy
Sewer & Water Department
55 Sea Street
Quincy, MA 02169

Town of Randolph
Department of Public Works
41 South Main Street
Randolph, MA 02368

Town of Reading
16 Lowell Street
Reading, MA 01867

City of Revere
Department of Public Works
321 Rear Charger Street
Revere, MA 02151

Town of Stoneham
Public Works Department
16 Pine Street
Stoneham, MA 02180

Town of Stoughton
Department of Public Works
950 Central Street
Stoughton, MA 02072

Town of Wakefield
1 Lafayette Street
Wakefield, MA 01880

Town of Walpole
Department of Public Works
135 School Street
Walpole, MA 02081

APPENDIX B (cont'd)
CO-PERMITTEES

City of Waltham
Water, Sewer, Drain
165 Lexington Street
Waltham, MA 02452

Town of Watertown
124 Orchard Street
Watertown, MA 02472

Town of Wellesley
455 Worcester Street
Wellesley, MA 02481

Town of Westwood
Department of Public Works
50 Carby Street
Westwood, MA 02090

Town of Weymouth
Department of Public Works
120 Winter Street
Weymouth, MA 02188

Town of Wilmington
Water & Sewer Division
121 Glen Road
Wilmington, MA 01887

Town of Winchester
Department of Public Works
15 Lake Street
Winchester, MA 01890

Town of Winthrop
Department of Public Works
100 Kennedy Drive
Winthrop, MA 02152

City of Woburn
Public Works Sewer Division
50 North Warren Street
Woburn, MA 01801

APPENDIX C
CSO-RESPONSIBLE CO-PERMITTEES

City of Boston
Boston Water and Sewer Commission
980 Harrison Avenue
Boston, MA 02119

City of Cambridge
Department of Public Works
147 Hampshire Street
Cambridge, MA 02139

City of Chelsea
Department of Public Works
380 Beacham Street
Chelsea, MA 02150

City of Somerville
Department of Public Works
1 Franey Road
Somerville, MA 02144

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

FACT SHEET SUPPLEMENT

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

MA PERMIT NUMBER: MA0103284

NAME AND MAILING ADDRESS OF APPLICANT:

Massachusetts Water Resources Authority (MWRA)
Deer Island
33 Tafts Avenue
Boston, MA 02128

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

MWRA Deer Island Treatment Plant (DITP)
190 Tafts Avenue
Winthrop, MA 02152
and
Four (4) Combined Sewer Overflow (CSO) Treatment Facilities with Five (5) outfalls
and
Six (6) additional Combined Sewer Overflow Outfalls

RECEIVING WATER AND CLASSIFICATION:

Receiving Water	Segment	Outfalls
Massachusetts Bay	"Other waters", see 314 CMR 4.06(5)	Outfall Number T01
Boston Inner Harbor	MA70-02	CSO Treatment Facilities Outfall Numbers MWR203 and MWR215
Charles River	MA72-38	CSO Treatment Facility Outfall Number MWR201; CSO Outfall Numbers MWR010, MWR018, MWR019, MWR020, and MWR023
Upper Mystic River	MA71-02	CSO Treatment Facility Outfall Numbers MWRA205 and MWR205A
Little River	MA71-22	CSO Outfall Number MWR003

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).
- **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.

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>

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 MWRA DITP 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 its Significant Industrial Users' discharges for PFAS.

DRAFT

Section 401 Water Quality Certification
For the Proposed 2023 NPDES Permit
For the Massachusetts Water Resources Authority Deer Island Treatment Plant
Permit No. MA0103284

The Massachusetts Department of Environmental Protection (MassDEP), having examined Massachusetts Water Resources Authority (MWRA)'s National Pollutant Discharge Elimination System (NPDES) permit application for the Deer Island Treatment Plant, reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2023 NPDES permit for the Deer Island Treatment Plant (Permit No. MA0103284), issued May 31, 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 Deer Island Treatment Plant, 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 Deer Island Treatment Plant, the proposed discharge 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 beginning six (6) months after the effective date of the 2023 NPDES permit, the permittee shall commence annual monitoring of all Significant Industrial Users^{1,2} discharging into the POTW using Draft Method 1633. Notwithstanding any other provision of the 2023 NPDES permit to the contrary, PFAS monitoring results for the 2023 NPDES permit and for the 2023 Massachusetts Surface Water Discharge ("SWD") Permit shall be reported to MassDEP's electronic database (eDEP) in accordance with the information available at the following website: the <https://www.mass.gov/how-to/submit-wastewater-residuals-pfas-data-via-edep>, or as otherwise specified, within 30 days after the permittee receives the sampling results.
 - b. On or before January 31, 2024, the permittee shall submit to MassDEP at massdep.npdes@mass.gov a listing of all industrial dischargers with their addresses to

¹ 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.

² This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

be sampled in accordance with both the 2023 NPDES permit and the 2023 SWD and shall include:

- i. All industries included in the categories listed in the 2023 NPDES permit Section IG, Industrial Users and Pretreatment Program, Paragraph 4; and
 - ii. All Significant Industrial Users as required by Paragraph 6 of the 2023 SWD.
- The listing shall be maintained by the permittee and updated with any changes. Whenever necessary, a copy of the updated listing reflecting changes shall be forwarded to MassDEP at massdep.npdes@mass.gov on or before the next January 31.

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 Deer Island Treatment Plant 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 _____, 20__

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