

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 Non-Contact Cooling Water General Permit (Federal Permit) (MA Permit No. MAG250000) to any facility authorized by EPA under the 2023 Draft NPDES Federal Permit for their facility's pollutant discharge(s) to the receiving water(s) as identified in its Permit Authorization; and (2) issue the 2023 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharge(s) pursuant to the Massachusetts Clean Waters Act. 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 Xiaodan Ruan, MassDEP Surface Water Discharge Program, at 857-256-4172 or xiaodan.uan@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 28, 2023. MassDEP strongly encourages written comments to be submitted by email to massdep.npdes@mass.gov; subject line: NCCW GP. If not possible, please send by mail to MassDEP, c/o Xiaodan Ruan, 100 Cambridge Street, Suite 900, Boston, MA 02114.

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 GENERAL PERMIT AUTHORIZING NON-CONTACT COOLING WATER FACILITIES
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, any facility authorized by the United States Environmental Protection Agency (EPA), Region 1, under the 2023 draft NPDES General Permit No. MAG250000, the Non-contact Cooling Water General Permit (NCCW GP), is authorized to discharge from the facility as located at the location listed in and the receiving water identified in its Permit Authorization from EPA.

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 incorporates by reference Part 1 Eligibility and Coverage under NCCW GP, Part 2 Permit Requirements for Facilities in Massachusetts, Part 4 Requirements for the Design and Operation of Cooling Water Intake Structures, Part 5 Application and Notice of Intent, Part 6 Monitoring and Reporting Requirements, Part 7 Administrative Requirements, and Attachment A Standard Permit Conditions and Definitions, as set forth in the 2023 draft NPDES General Permit No. MAG250000, issued by the United States Environmental Protection Agency (EPA), Region 1, issued September 22, 2023 (the 2023 Draft NPDES General Permit) and attached hereto by reference as Appendix A and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-npdes-permits#dgp> ; provided, however:
 - a. that the notification required by Part 2.2.11 shall also be provided to MassDEP;
 - b. that the reporting required by Part 6.1.3 shall be in accordance with 314 CMR 3.19(20)(e) (24 hour reporting);
 - c. 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 VII Standard Conditions, the definitions in 314 CMR 3.02 and/or 314 CMR 4.00 shall control, as applicable;
 - d. that the notification required by 3.a. above shall be provided as follows:

David Boyer, NPDES Section Chief
Division of Watershed Management
Department of Environmental Protection
100 Cambridge Street – Suite 900
Boston, MA 02114

4. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
5. This permit includes the following additional conditions:
 - a. Pursuant to 314 CMR 3.11(2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2023 NCCW GP to discharge to Outstanding Resource Waters as identified in 314 CMR

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.

- 4.06 shall submit to MassDEP for review a copy of the EPA NOI. Pursuant to 314 CMR 4.04(5), MassDEP may request additional information for the purpose of conducting an antidegradation review. For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit the EPA NOI to MassDEP can be found here: [https://www.mass.gov/how-to/wm-15-
npdes-general-permit-notice-of-intent](https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent). The applicant shall not begin discharging to an Outstanding Resource Water until MassDEP has issued an antidegradation determination and authorization and EPA has issued an authorization under the NCCW GP.
6. All facilities seeking coverage under this General Permit must submit to MassDEP a copy of their Notice of Intent (NOI) submitted to EPA for coverage under the 2023 Federal NPDES General Permit, which shall serve as the NOI for coverage under this General Permit. Instructions for submittal will be provided here: [https://www.mass.gov/how-to/wm-15-
npdes-general-permit-notice-of-intent](https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent).

Signed this ____ day of _____, 20__

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

DRAFT

Clean Water Act Section 401 Certification
For the Proposed 2023 Federal NPDES General Permit
For the Non-Contact Cooling Water Facilities
MA Permit No. MAG250000

The Massachusetts Department of Environmental Protection (MassDEP), having examined and reviewed the United States Environmental Protection Agency (EPA) – Region 1’s draft 2023 Federal NPDES General Permit (MA Permit No. MAG250000) for non-contact cooling water facilities issued September 22, 2023 and considered the public comments received on MassDEP’s proposed Clean Water Section 401 Certification for the draft 2023 Federal NPDES General Permit for non-contact cooling water facilities, and in consideration of the relevant water quality considerations, hereby certifies:

1. the terms and conditions contained in the proposed 2023 Federal NPDES General Permit for non-contact cooling water facilities, 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.
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 2023 Federal NPDES General Permit for non-contact cooling water facilities 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 _____, 202__

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