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, and the implementing regulations at 314 CMR 3.00 and 4.00, is proposing to: (1) issue a federal Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) for the U.S. Environmental Protection Agency's (EPA) 2025 Revised Draft NPDES Permit (Federal Permit) (MA Permit No. MA0100382) to the City of Fall River Sewer Commission for the pollutant discharges from the Fall River Wastewater Treatment Plant and its 18 Combined Sewer Overflow (CSO) Outfalls to Mount Hope Bay (MA61-06) – WWTP and 7 CSOs, Taunton River (MA62-04) – 4 CSOs, and Quequechan River (MA61-05) – 7 CSOs; and (2) issue the 2025 Revised Draft Massachusetts Surface Water Discharge Permit (SWDP) for the same discharges pursuant to the Massachusetts Clean Waters Act. The Fall River Wastewater Treatment Plant is located at 1979 Bay Road, Fall River, MA 02724. The City of Fall River Sewer Commission is located at One Government Center, Fall River, MA 02722. Public Notice of the issuance of the previous Draft SWDP was published on February 20, 2024, and the comment period was extended until April 16, 2024.

Because EPA's 2025 Revised Draft NPDES Permit replaces EPA's prior 2024 Draft NPDES Permit, MassDEP will be issuing a new draft CWA Section 401 WQC and anticipates withdrawing the WQC issued for EPA's 2024 Draft NPDES Permit. MassDEP's Revised Draft SWDP and accompanying Revised Draft Fact Sheet will be presented in tracked changes format showing the revisions made. Comments submitted during the comment period following this Notice should be limited to the new draft WQC and the revisions made to the Draft SWDP. The MassDEP documents and a link to the 2025 Revised Draft Federal Permit are available at https://www.mass.gov/info-details/massdep-permits-approvals-for-comment. 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 new draft WQC and the Revised Draft SWDP will be accepted until 5:00 p.m. on February 18, 2025. MassDEP strongly encourages written comments to be submitted by email to massdep.publiccommentnpdes@mass.gov; subject line: Fall River WWTP. If not possible, please send by mail to Claire Golden, MassDEP, 150 Presidential Way, Woburn, MA 01801.

Following the close of the comment period, MassDEP will issue a final CWA Section 401 WQC and final SWDP 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,

City of Fall River Sewer Commission
One Government Center
Fall River, MA 02722

is authorized to discharge from the facility located at

Fall River Wastewater Treatment Plant
1979 Bay Street
Fall River, MA 02724

and 18 combined sewer overflow (CSO) outfalls

to receiving waters named

Mount Hope Bay (MA61-06); Class SB - CSO [Outfall 001 and 7 CSOs];
Taunton River (MA62-04); Class SB - CSO [4 CSOs)];
Quequechan River (MA61-05); Class B – Warm Water Fishery and CSO [7 CSOs]

in accordance with the following effluent limitations, monitoring requirements and additional conditions:

1. The issuance date of this permit is the date it is signed by the Massachusetts Department of Environmental Protection (MassDEP).[1]
2. This permit shall become effective on [DATE].[2]
3. This permit shall expire five years after the effective date.
4. This permit supersedes the permit issued on December 7, 2000.
5. This permit incorporates by reference: Part IA., Effluent Limitations and Monitoring Requirements; Part IB., Unauthorized Discharges; Part IC., Operation and Maintenance of the Treatment and Control Facilities; Part ID., Alternate Power Source; Part IE., Industrial Users and Pretreatment Program; Part IF., Sludge Conditions; Part IG., Special Conditions; Part IH., Combined Sewer Overflows (CSOs); Part II., Reporting Requirements; and Part II, Standard Conditions, as set forth in the ~~2024~~2025 Revised Draft NPDES Permit No. MA0100382, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the City of Fall River Sewer Commission on ~~February 1, 2024~~January 16, 2025 (the ~~2024~~2025 RevisedDraft 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:

[1] Any person aggrieved by the issuance of this permit may file an appeal within 30 days of the issuance date. See Attachment A for further details on appeal rights and how to file an appeal.
[2] According to 314 CMR 2.08(1), if no comments objecting to the issuance or terms of the permit were received by the Department during the public comment period, then the permit shall be effective upon issuance. If comments objecting to the issuance or the terms of the permit were received by the Department during the public comment period, then the permit shall become effective 30 days after issuance.

~~a. that the notification required by Part IA.8 shall also be provided to massdep.npdes@mass.gov, or as otherwise specified;~~

a. that the reporting required by Part IB.1 shall be in accordance with 314 CMR 3.19(20)(e) (24-hour reporting);

~~b. that a copy of the requests, reports, and information required by Part II.4 to be submitted to EPA shall also be submitted to MassDEP electronically to massdep.npdes@mass.gov;~~

~~c~~b. 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.

~~c. that the notification required by 5.a. above shall be provided to massdep.npdes@mass.gov, or as otherwise specified.~~

6. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
7. ~~A year~~ Beginning the first full calendar quarter following 6 months after the ~~2024~~ Final NPDES Permit effective date, the permittee shall commence annual monitoring of all Significant Industrial Users[3,4] discharging into the POTW using Method 1633.
8. Notwithstanding any other provision of the ~~2024 Draft~~final NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the ~~2024 Draft~~final NPDES permit) and Adsorbable Organic Fluorine 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 ~~2024 Draft~~final 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.

~~9. On or before January 31, 2025, 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 2024 Draft NPDES Permit and this permit and shall include:~~

~~a. All industries included in the categories listed Part IE. Industrial Users and Pretreatment Program, Paragraph 6 of the 2024 Draft NPDES Permit; and~~

~~b. All Significant Industrial Users as required by Paragraph 7 of this 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.~~

9. In order to ensure that the discharge will not violate applicable state water quality standards, pursuant to M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including 314 CMR 3.11(3), 314 CMR 3.19(1), and 314 CMR 4.05:
    a. The discharge shall be free from pollutants in concentrations or combinations that settle to form objectionable deposits; float as debris, scum or other matter to form nuisances; produce objectionable odor, color, taste or turbidity; or produce undesirable or nuisance species of aquatic life.

[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.

b. The discharge shall be free from pollutants in concentrations or combinations that adversely affect the physical or chemical nature of the bottom, interfere with the propagation of fish or shellfish, or adversely affect populations of non-mobile or sessile benthic organisms.
c. The discharge shall be free from floating, suspended and settleable solids in concentrations and combinations that would impair any use assigned to the receiving water, that would cause aesthetically objectionable conditions, or that would impair the benthic biota or degrade the chemical composition of the bottom.
d. The discharge shall be free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the receiving water.
e. The discharge shall be free from oil, grease and petrochemicals that produce a visible film on the surface of the receiving water, impart an oily taste to the edible portions of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.
f. The discharge shall be free from taste and odor in such concentrations or combinations that are aesthetically objectionable, that would impair any use assigned to the receiving water, or that would cause tainting or undesirable flavors in the edible portions of aquatic life.
g. The discharge shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

The Towns of Freetown, MA, Westport, MA and Tiverton, RI are co-permittees for Part IB., Unauthorized Discharges; ~~and~~ Part IC., Operation and Maintenance of the Treatment and Control Facilities; and ~~,~~ Part I.D, Alternate Power Source as set forth in the ~~2024~~ 2025 Draft NPDES Permit. In addition, these sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the Towns of Freetown, MA, Westport, MA and Tiverton, RI.

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 ~~2024~~ 2025 Revised Draft NPDES permit. The Permittee and co-permittees 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 Freetown
Water and Sewer Commission
Freetown Town Hall
3 North Main Street
P.O. Box 438
Assonet, MA 02702

Town of Westport
Westport Town Hall
816 Main Road
Westport, MA 02790

Tiverton Wastewater District
400 Fish Road
Tiverton, RI 02878

In addition, the permittee and the 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.

Issued on this ____ day of _____, 20__

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

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

REVISED FACT SHEET

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

MA PERMIT NUMBER: MA0100382

NAME AND MAILING ADDRESS OF APPLICANT:
City of Fall River Sewer Commission
One Government Center
Fall River, MA 02722

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:
Fall River Wastewater Treatment Plant
1979 Bay Street
Fall River, MA 02724
and 18 combined sewer overflow (CSO) outfalls

RECEIVING WATER AND CLASSIFICATION:
Mount Hope Bay (MA61-06); Class SB - CSO [Outfall 001 and 7 CSOs]
Taunton River (MA62-04); Class SB - CSO [4 CSOs)]
Quequechan River (MA61-05); Class B – Warm Water Fishery and CSO [7 CSOs]

PUBLIC NOTICE DETAILS:
Public comment time period: January 16, 2025 – February 18, 2025
Address where comments can be received:
Via email: massdep.publiccommentnpdes@mass.gov or to the below mailing address
Include the following subject line: Fall River WWTP

MASSDEP CONTACT:
Person to contact for additional information: Claire Golden, 617-997-8874, claire.golden@mass.gov

MAILING ADDRESS:
MassDEP NPDES Program, % Claire Golden, MassDEP/NERO, 150 Presidential Way, Woburn, MA 01801.

This revised Fact Sheet accompanies MassDEP's revised draft Surface Water Discharge Permit (SWDP) for the above-referenced facility. MassDEP issued a draft SWDP for this facility on February 20, 2024. That permit incorporated by reference portions of a draft permit issued by the United States Environmental Protection Agency (EPA) on February 1, 2024. On January 16, 2024, EPA issued a revised draft version of its permit. Therefore, MassDEP is issuing a revised draft SWDP for the above-referenced facility and a revised Fact Sheet. Changes from MassDEP's February 20, 2024 Fact Sheet are shown in redline/strikeout. In addition to explaining the

revisions in its revised draft SWDP, this revised Fact Sheet makes some updates to the discussion of per- and polyfluoroalkyl substances (PFAS).

For its revised draft NPDES permit, EPA issued a Statement of Basis for the revisions rather than a revised Fact Sheet. Therefore, ~~T~~this Fact Sheet incorporates by reference the ~~entire~~relevant portions of the Fact Sheet for the 2024 draft NPDES Permit No. MA0100382, issued by the United States Environmental Protection Agency (EPA), Region 1, to the City of Fall River Sewer Commission on February 1, 2024, including all attachments and appendices to the Fact Sheet, as well as the Statement of Basis for EPA's 2025 revised draft NPDES Permit MA0100382. In addition to the information contained in the EPA Fact Sheet and Statement of Basis incorporated herein by reference, MassDEP includes the supplemental information that follows.

NARRATIVE EFFLUENT LIMITATIONS

The 2025 revised draft Fall River Wastewater Treatment Plant NPDES Permit does not include certain narrative effluent limitations included in the 2024 draft Fall River Wastewater Treatment Plant NPDES Permit and the previous Fall River Wastewater Treatment Plant discharge permit issued jointly by MassDEP and EPA. In order to ensure that the discharge does not cause or contribute to a violation of the Massachusetts Surface Water Quality Standards set forth in 314 CMR 4.00, MassDEP has included appropriate narrative effluent limitations in its revised draft Surface Water Discharge Permit (SWDP) and draft Water Quality Certification (WQC). These effluent limitations are included pursuant to MassDEP's authority under M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including but not limited to 314 CMR 3.11(3), 314 CMR 3.19(1), and 314 CMR 4.05.

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.

---

[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

- **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.

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, l~~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. In June 2018, MassDEP extended this advisory to include three additional related PFAS chemicals - perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS) and perfluoroheptanoic acid (PFHpA). This Massachusetts value, called a MassDEP Office of Research and Standards Guideline (ORSG), is a maximum recommended level for drinking water. It is set to be protective against adverse health effects for all people consuming the water for a lifetime and also applies to shorter-term exposures of weeks to months during pregnancy and breast-feeding.

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 January 2020, MassDEP updated the ORSG, which is now 20 ng/L for the sum of the concentrations of the same six PFAS compounds included in the waste site clean-up regulations. The updated ORSG replaces the June 2018 guideline for PFAS in drinking water. See the updated ORSG and technical support document here: https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas#health-advisories-and-downloadable-fact-sheets-https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas#health-advisories-and-downloadable-fact-sheets-

~~Based on the current ORSG, MassDEP recommends that:~~

~~1) consumers in sensitive subgroups (pregnant women, nursing mothers, and infants) not consume water when the level of the six PFAS substances, individually or in combination, is above 20 ppt; and,~~

~~2) public water suppliers take steps expeditiously to lower levels of the six PFAS, individually or in combination, to below 20 ppt for all consumers.~~

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 and the ORSG. The proposed 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 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, 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:

> ~~*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.*~~
> *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 Fall River Wastewater Treatment Plant are occurring and whether they may be contributing to a violation of the narrative toxics criteria, MassDEP requires that all SWDP and NPDES permit PFAS and Adsorbable Organic Fluorine monitoring results be submitted to the MassDEP electronic database referred to as eDEP. This will provide a means for MassDEP to better access all the data relative to its water quality standards. Information about submitting data to eDEP is available at the following website: https://www.mass.gov/how-to/submit-wastewaterresiduals-pfas-data-via-edep. Also, data is available for review by the public at the following website: https://eeaonline.eea.state.ma.us/portal#!/search/npdes. ~~is including conditions in the Massachusetts Surface Water Discharge Permit (SWDP) for the permittee to monitor for PFAS and~~ To support MassDEP to further assess where PFAS in wastewater influent originates, beyond the industrial testing requirements of the NPDES Permit, MassDEP is requiring the permittee to monitor its Significant Industrial Users' discharges for PFAS. Consistent with the NPDES permit, this PFAS testing requires the use of the multi-lab validated Method 1633. This method tests for a variety of PFAS types, including the types regulated by MassDEP in its drinking water regulations (310 CMR 22.00) and waste site cleanup regulations (310 CMR 40.0000). The revised draft SWDP includes some changes from the draft SWDP to clarify and streamline reporting requirements.

CO-PERMITTEES

Through incorporation of terms and conditions of EPA's Draft Permit into the Draft Surface Water Discharge Permit (SWDP), MassDEP ~~is adding~~added three co-permittees to the Draft SWDP. The Towns of Freetown and Westport, Massachusetts and Tiverton, Rhode Island own and operate sanitary wastewater collection systems that discharge flows to the Fall River WWTP. These municipalities are co-permittees for certain activities pertaining to proper operation and maintenance of their respective collection systems (See Parts I.B., I.C. and I.D of EPA's Draft Permit). Adding them to the Draft SWDP ensures that they will comply with requirements to operate and maintain the collection systems to avoid discharges of sewage from the collection systems. These co-permittees did not submit permit applications to MassDEP pursuant to 314 CMR 3.10(1) but~~and~~ were sent, prior to publication of the public notice in the newspaper for the draft SWMP, written notification that MassDEP waived the application requirements for them ~~prior to the beginning of the public notice and comment period~~. 314 CMR 3.03(1) provides legal authority for including the co-permittees to the SWDP. This regulation prohibits any person from operating or maintaining a treatment works without a SWDP. The definition of Treatment Works at 314 CMR 3.02 includes sewage collection systems that convey wastewater to a treatment plant. A list of addresses for the responsible municipal departments for the co-permittees was provided in the draft SWMP and is provided in the revised draft SWMP.

REQUEST FOR A PUBLIC HEARING

According to 314 CMR 2.07(1), applicants or permittees for a surface water discharge permit can request a public hearing, or the Department can determine a public hearing is in the public interest. In either case, the Department shall schedule and conduct such hearing in a community within the area(s) affected by the facility or discharge which is the subject of the permit. The Department may satisfy a public hearing requirement through a public hearing jointly held with EPA.

DRAFT

Clean Water Act Section 401 Water Quality Certification
For the 2025 ~~Proposed~~ Revised Draft NPDES Permit
For the Fall River Wastewater Treatment Plant
Permit No. MA0100382

The Massachusetts Department of Environmental Protection (MassDEP), having examined the City of Fall River Sewer Commission's ("Permittee") National Pollutant Discharge Elimination System (NPDES) permit application for the Fall River Wastewater Treatment Plant to discharge to Mount Hope Bay (MA61-06), Taunton River (MA62-04), and Quequechan River (MA61-05), and having reviewed the United States Environmental Protection Agency (EPA) – Region 1's 2025 R~~r~~evised D~~d~~raft NPDES permit for the Fall River Wastewater Treatment Plant (Permit No. MA0100382), issued January 16, 2025("2025 Revised D~~d~~raft NPDES Permit"), hereby certifies that there is a reasonable assurance that the proposed discharge will not violate applicable Massachusetts water quality requirements, if made in accordance with the provisions of the 2025 Revised D~~d~~raft NPDES Permit and the conditions set forth below, and provided that the 2025 Revised D~~d~~raft NPDES Permit is not modified in a manner inconsistent with this certification:

The following conditions, together with the terms and conditions contained in the 2025 Revised D~~d~~raft NPDES ~~p~~Permit for the Fall River Wastewater Treatment Plant, are necessary to ensure that 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 the first full calendar quarter following 6 months after the effective date of the final version of the 2025 Revised D~~d~~raft NPDES Permit ("final NPDES Permit"), the Permittee shall commence annual monitoring of all Significant Industrial Users[1,2] discharging into the Fall River Wastewater Treatment Plant Publicly Owned Treatment Works ("POTW") using Method 1633 for analysis of per- and polyfluoroalkyl substances (PFAS).
b. Pursuant to M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00, including 314 CMR 3.11(2)(a)9., N~~n~~otwithstanding any other provision of the final NPDES Permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as

[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.

specified in the final NPDES permit) and Adsorbable Organic Fluorine monitoring results shall be reported to MassDEP via the eDEP portal, or as otherwise specified in writing by MassDEP to the Permittee, within 30 days after the Permittee receives the sampling results, in addition to the final 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.

c. Pursuant to M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00 and 4.00, including 314 CMR 3.11(3), 314 CMR 3.19(1), and 314 CMR 4.05, MassDEP has determined that it is necessary to include the following conditions:
    i. The discharge shall be free from pollutants in concentrations or combinations that settle to form objectionable deposits; float as debris, scum or other matter to form nuisances; produce objectionable odor, color, taste or turbidity; or produce undesirable or nuisance species of aquatic life.
    ii. The discharge shall be free from pollutants in concentrations or combinations that adversely affect the physical or chemical nature of the bottom, interfere with the propagation of fish or shellfish, or adversely affect populations of non-mobile or sessile benthic organisms.
    iii. The discharge shall be free from floating, suspended and settleable solids in concentrations and combinations that would impair any use assigned to the receiving water, that would cause aesthetically objectionable conditions, or that would impair the benthic biota or degrade the chemical composition of the bottom.
    iv. The discharge shall be free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the receiving water.
    v. The discharge shall be free from oil, grease and petrochemicals that produce a visible film on the surface of the receiving water, impart an oily taste to the edible portions of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.
    vi. The discharge shall be free from taste and odor in such concentrations or combinations that are aesthetically objectionable, that would impair any use assigned to the receiving water, or that would cause tainting or undesirable flavors in the edible portions of aquatic life.
    vii. The discharge shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

To meet the requirements of Massachusetts laws, each of the conditions in the 2025 Revised Draft 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.

Signed this ____ day of _____, 20____

_____
Lealdon Langley, Director

Massachusetts Department of Environmental Protection
Bureau of Water Resources
Division of Watershed Management