

**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,

Town of Somerset, Massachusetts

is authorized to discharge from the facility located at

Town of Somerset  
Water Pollution Control Facility  
116 Walker Street  
Somerset, MA 02725

to receiving water named

Taunton River  
Taunton River Watershed

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).<sup>1</sup>
2. This permit shall become effective on June 1, 2024.<sup>2</sup>
3. This permit shall expire five years after the effective date.
4. This permit supersedes the permit issued on May 14, 2004.
5. This permit incorporates by reference Part I.A. Effluent Limitations and Monitoring Requirements, Part I.B. Unauthorized Discharges, Part I.C. Operation and Maintenance of the Treatment and Control Facilities, Part I.D. Alternate Power Source, Part I.E. Industrial Users, Part I.F. Sludge Conditions, Part I.G. Special Conditions, Part I.H. Reporting Requirements, and Part II. Standard Conditions, as set forth in the 2024 Final NPDES Permit No. MA0100676 issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the Town of Somerset on March 26, 2024 (the 2024 Final NPDES Permit) and attached hereto by reference as Appendix A and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-final-individual-npdes-permits>; provided, however:
  - a. that the notification required by Part I.A.8 shall also be provided to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov), or as otherwise specified;
  - b. that the reporting required by Part I.B.1 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 I.H.4 to be submitted to EPA shall also be submitted to MassDEP electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov);

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<sup>1</sup> 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.

<sup>2</sup> 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.

- 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 II.E, the definitions in 314 CMR 3.02 and/or 314 CMR 4.00 shall control, as applicable;
6. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
7. Beginning the first full calendar year after the effective date of the NPDES permit, the permittee shall commence annual monitoring of all Significant Industrial Users<sup>3,4</sup> discharging into the POTW using Method 1633.
8. Notwithstanding any other provision of the 2024 Final NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as specified in the 2024 Final 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 2024 Final 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>.
9. On or before January 31, 2025, the permittee shall submit to MassDEP at [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov) a listing of all industrial dischargers and their addresses to be sampled in accordance with both the 2024 Final NPDES Permit and this permit and shall include:
  - a. All industries included in the categories listed Part I.E. Industrial Users, Paragraph 4 of the 2024 Final 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](mailto:massdep.npdes@mass.gov) on or before the next January 31.

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

Issued on this 2<sup>nd</sup> day of May, 2024



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

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<sup>3</sup> 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.

<sup>4</sup> This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

**RESPONSE TO COMMENTS**

**MA Permit No. MA0100676  
Town of Somerset Water Pollution Control Facility  
116 Walker Street, Somerset, MA 02725**

The Massachusetts Department of Environmental Protection (MassDEP or the “Department”) is issuing a Surface Water Discharge (SWD) Permit for the Somerset Water Pollution Control Facility. The permit is being issued under 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.

In accordance with the provisions of 314 CMR 2.09, MassDEP is obligated to prepare a response to comments received on the draft SWD Permit No. MA0100676 (the “Draft Permit”). The Response to Comments explains and supports MassDEP’s determinations that form the basis of the final permit (the “Final Permit”). From December 22, 2023, through February 5, 2024, MassDEP solicited public comments on the Draft Permit for the reissuance of a permit to discharge wastewater from Outfall Serial Number 001 to the Taunton River and the associated Draft Water Quality Certificate.

During the public comment period for the draft NPDES permit (December 22, 2023, through February 5, 2024), EPA received comments from the following:

1. KP Law, P.C. (legal counsel to the Town of Somerset), dated February 2, 2024
2. Joseph Callahan, President, Taunton River Watershed Alliance, dated January 30, 2024
3. Michael Jarbeau, Narragansett Baykeeper, Save the Bay, dated February 1, 2024

During the public comment period for the draft SWD Permit, MassDEP was co-addressed on the following comments:

1. KP Law, P.C. (legal counsel to the Town of Somerset), dated February 2, 2024

MassDEP has reviewed EPA’s Response to Comments, issued concurrent with the final NPDES permit on March 26, 2024, and concurs with their responses and the associated adjustments made to the final NPDES permit. MassDEP hereby incorporates by reference EPA’s Response to Comments into this Response.

MassDEP’s knowledge of the facility has benefited from the various comments and additional information submitted during the public comment period but the information and arguments presented did not raise any substantial new questions concerning the Permit that warranted MassDEP exercising the discretion to reopen the public comment period. MassDEP does, however, make certain clarifications in response to comments. Any improvements and changes are explained in this document and reflected in the Final Permit. Below, MassDEP provides a summary of the changes made in the Final Permit. The analyses underlying these changes are contained in the responses to individual comments that follow.

A copy of the Final Permit and this Response to Comments document will be posted on the MassDEP website: <https://www.mass.gov/orgs/massachusetts-department-of-environmental-protection>.

A copy of the Final Permit may be also obtained by writing or calling Nicole Galambos, MassDEP, Surface Water Discharge Permitting Program, 100 Cambridge Street, MA 02114; telephone: 781-540-7787; email: [nicole.galambos@mass.gov](mailto:nicole.galambos@mass.gov). Interested parties are strongly encouraged to email or telephone Nicole Galambos if they wish to obtain a copy of the Final Permit.

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#### I. Summary of Changes to the Final Permit

- A. The address of the facility was corrected.
- B. References to the draft NPDES permit have been modified to reflect the final NPDES permit.
- C. Reference to Draft Method 1633 has been modified to reflect Method 1633 which has been multi-lab verified between issuance of the draft SWD and NPDES permits and issuance of the final NPDES permit.

#### II. Responses to Comments

Comments are reproduced below as received; they have not been edited, corrected or otherwise modified.

##### A. Comments from KP Law, P.C. (legal counsel to the Town of Somerset), dated February 2, 2024

###### Comment 1

The permit recipient is incorrect as listed. Please change to be "Town of Somerset, Massachusetts" with the WPCF being located at 116 Walker Street, Somerset, MA 02725 as listed on the EPA NPDES permit. Currently the address listed is that of the Water Treatment Plant (3249 Country Street).

###### Response 1

The final SWD permit has been revised accordingly.

**NOTICE OF APPEAL RIGHTS for  
STATE SURFACE WATER DISCHARGE PERMIT**

Within 30 days of the issuance of MassDEP's decision to grant or deny a Surface Water Discharge Permit pursuant to M.G.L. c. 21, § 43, and 314 CMR 3.00, any person aggrieved may request an adjudicatory hearing.

**How should the request for an adjudicatory hearing be made?**

A request for an adjudicatory hearing for the state Surface Water Discharge Permit must be made during the 30-day period following issuance of the state permit, in accordance with 314 CMR 2.08 and 310 CMR 1.01. 310 CMR 1.01(6)(b) establishes the required form and content of the request. Failure to meet the requirements of 310 CMR 1.01 may result in dismissal of the request or the requirement to file a more definite statement.

A person filing a request for an adjudicatory hearing must complete and mail a MassDEP Fee Transmittal Form and send it with a valid check to the Commonwealth Master Lockbox, as instructed below, if a fee is required by 310 CMR 4.06. The MassDEP Fee Transmittal Form can be downloaded from:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>.

The written notice requesting an adjudicatory hearing shall be delivered to MassDEP's Case Administrator together with (i) a photocopy of the decision being appealed, (ii) a photocopy of the completed MassDEP Fee Transmittal Form, if required, and (iii) a photocopy of the check used to pay any adjudicatory hearing filing fee due for the appeal under 310 CMR 4.06. The notice of claim must be made in writing and sent by email to [Caseadmin.OADR@state.ma.us](mailto:Caseadmin.OADR@state.ma.us).

Please do not send the original of the completed MassDEP Fee Transmittal Form and check to the Case Administrator. Instead, please follow the instructions below for delivery of the original of the completed Fee Transmittal Form and check to the Commonwealth Master Lockbox.

A \$100 adjudicatory hearing filing fee must be paid, unless (i) a simplified hearing is requested for a reduced fee of \$25, (ii) the person requesting an adjudicatory hearing is a town, a municipal agency, a county or a municipal housing authority, in which case there is no fee, or (iii) the person requesting the hearing is seeking to have MassDEP waive the adjudicatory hearing filing fee because paying the fee will create an undue financial hardship.

A person who believes that payment of the fee would be an undue financial hardship shall file with the request for adjudicatory hearing a request for waiver of the fee together with an affidavit setting forth the facts the appellant believes constitute the undue financial hardship. For more information on the adjudicatory hearing filing fee and the grounds on which the Department may waive the fee, please see 310 CMR 4.06.

If a fee is required, the completed MassDEP Fee Transmittal Form and a valid check made payable to the Commonwealth of Massachusetts for the amount of the fee due must be mailed to:

Mass. Department of Environmental Protection  
Commonwealth Master Lockbox

P.O. Box 4062  
Boston, Massachusetts 02211

Failure to pay the adjudicatory hearing filing fee, if required, may be grounds for dismissal of the appeal.

In accordance with 314 CMR 2.08(5), any person, other than the permit applicant or permittee, who files a request for an adjudicatory hearing with the Department pursuant to 314 CMR 2.08(2) on an individual permit or general permit coverage, also shall simultaneously send a copy of the request by certified mail, return receipt requested, to the applicant or permittee. Any person who files a request for an adjudicatory hearing with the Department pursuant to 314 CMR 2.08(2) on a general permit also shall simultaneously send a copy of the request by certified mail, return receipt requested, to each permittee covered by the general permit.



重要 महत्वपूर्ण σημαντικός  
Important  
կարևոր quan trọng مهم



## Communication for Non-English-Speaking Parties

***This document is important and should be translated immediately.***

If you need this document translated, please contact MassDEP's Diversity Director at the telephone number listed below.

### **Español Spanish**

Este documento es importante y debe ser traducido de inmediato. Si necesita este documento traducido, comuníquese con la Directora de Diversidad de MassDEP al número de teléfono que aparece más abajo.

### **Português Portuguese**

Este é um documento importante e deve ser traduzido imediatamente. Se precisar de uma tradução deste documento, entre em contato com o Diretor de Diversidade da MassDEP nos números de telefone listados abaixo.

### **繁體中文 Chinese Traditional**

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼聯絡 MassDEP 多元化負責人。

### **简体中文 Chinese Simplified**

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與 MassDEP 的多元化主任聯繫。

### **Ayisyen Kreyòl Haitian Creole**

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradwi l imedyatman. Si ou bezwen dokiman sa a tradwi, tanpri kontakte Direktè Divèsite MassDEP la nan nimewo telefòn endike anba.

### **Việt Vietnamese**

Tài liệu này rất quan trọng và cần được dịch ngay lập tức. Nếu quý vị cần dịch tài liệu này, xin liên lạc với Giám đốc Đa dạng của MassDEP theo các số điện thoại ghi dưới đây.

### **ប្រទេសកម្ពុជា Khmer/Cambodian**

ឯកសារនេះគឺសំខាន់ហើយគួរត្រូវបានបកប្រែភ្លាមៗ។ ប្រសិនបើអ្នកត្រូវការឱ្យគេបកប្រែឯកសារនេះ:

សូមទាក់ទងមកនាយកដ្ឋានពិពិធកម្មរបស់ MassDEP តាមលេខទូរស័ព្ទខាងក្រោម។

### **Kriolu Kabuverdianu Cape Verdean**

*Kel dokumentu li é inportáti y debe ser traduzidu imediatamenti. Se bu meste di kel dokumentu traduzidu, pur favor kontakta Diretor di Diversidádi di MassDEP na numeru abaxu indikadu.*



**Contact Glynis L. Bugg, Acting Diversity Director/Civil Rights 857-262-0606**  
**Massachusetts Department of Environmental Protection**  
**100 Cambridge Street 9<sup>th</sup> Floor Boston, MA 02114**

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>  
 (Version revised 1.5.2023) 310 CMR 1.03(5)(a)



## Русский Russian

Это важный документ, и он должен быть безотлагательно переведен. Если вам нужен перевод данного документа, пожалуйста, свяжитесь с директором по вопросам многообразия (Diversity Director) компании MassDEP по указанному ниже телефону.

## العربية Arabic

هذه الوثيقة مهمة ويجب ترجمتها على الفور. إذا كنت بحاجة إلى هذه الوثيقة مترجمة، يرجى الاتصال بمدير التنوع PMassDE على أرقام الهواتف المدرجة أدناه.

## 한국어 Korean

이 문서는 중요하고 즉시 번역해야 합니다. 이 문서의 번역이 필요하시다면, 아래의 전화 번호로 MassDEP의 다양성 담당 이사에 문의하시기 바랍니다.

## հայերեն Armenian

Այս փաստաթուղթը կարևոր է և պետք է անմիջապես թարգմանվի:  
Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանել, դիմեք MassDEP-ի բազմազանության տնօրենին ստորև նշված հեռախոսահամարով:

## فارسی Farsi Persian

این سند مهم است و باید فوراً ترجمه شود.  
اگر به ترجمه این سند نیاز دارید، لطفاً با مدیر بخش تنوع نژادی MassDEP به شماره تلفن ذکر شده در زیر تماس بگیرید.

## Français French

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, veuillez communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

## Deutsch German

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Sofern Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an den Diversity Director MassDEP unter der unten aufgeführten Telefonnummer.

## Ελληνική Greek

Το παρόν έγγραφο είναι σημαντικό και θα πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του παρόντος εγγράφου, παρακαλούμε επικοινωνήστε με τον Διευθυντή Διαφορετικότητας του MassDEP στους αριθμούς τηλεφώνου που αναγράφονται παρακάτω.

## Italiano Italian

Comunicazione per parti che non parlano inglese. Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, potete contattare il Direttore di Diversità di MassDEP al numero di telefono elencato di seguito.

## Język Polski Polish

Dokument ten jest ważny i powinien zostać natychmiast przetłumaczony. Jeśli potrzebujesz przetłumaczonej wersji dokumentu, prosimy o kontakt z dyrektorem ds. różnorodności MassDEP pod jednym z numerów telefonu wymienionych poniżej.

## हिन्दी Hindi

यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए. यदि आपको इस दस्तावेज़ का अनुवाद करने की आवश्यकता है, तो कृपया नीचे सूचीबद्ध टेलीफोन नंबरों पर मासडेप्स डाइवर्सिटी के निदेशक से संपर्क करें.

**Contact Glynis L. Bugg, Acting Diversity Director/Civil Rights 857-262-0606**  
**Massachusetts Department of Environmental Protection**  
**100 Cambridge Street 9<sup>th</sup> Floor Boston, MA 02114**

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(Version revised 1.5.2023) 310 CMR 1.03(5)(a)