

**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,

Sunoco Partners Marketing and Terminals LP

is authorized to discharge from the facility located at

Sunoco Logistics East Boston Terminal  
467 Chelsea Street  
East Boston, MA 02128

to receiving water named

Chelsea River (MA71-06)  
Mystic River Watershed

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

1. This permit shall become effective on December 1, 2022.
2. This permit shall expire five years after the effective date.
3. This permit supersedes the permit issued on September 24, 2014.
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 2021 draft NPDES Permit No. MA0004006, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the Sunoco Logistics East Boston Terminal on February 10, 2021 (the 2021 Draft NPDES Permit) and attached hereto as Appendix A; provided, however:
  - a. that the notification required by Part IA.8. 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.4. 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](mailto: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;
  - f. that the notifications required by 4.a. and 4.c. above shall be provided as follows:

Laura Schiffman  
NPDES Acting Section Chief  
Division of Watershed Management  
Department of Environmental Protection  
100 Cambridge Street – Suite 900  
Boston, MA 02108

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 permit, the permittee shall submit to MassDEP an evaluation of whether the facility uses any products containing any per- and polyfluoroalkyl substances (PFAS) and whether use of those products can be reduced or eliminated. The analysis shall be submitted electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov).
  - b. Notwithstanding any other provision of the 2022 Federal NPDES General Permit to the contrary, PFAS monitoring results shall be reported to MassDEP electronically at [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov), or as otherwise specified, within 30 days after they are received.
  - c. After completing one year of monitoring, if four (4) consecutive samples are reported as non-detect for all six PFAS compounds, then the permittee may submit a request to discontinue PFAS monitoring. Any such request shall be made in writing and to: [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov). The permittee shall continue such monitoring pending written approval from MassDEP to discontinue it.

Signed this 1<sup>st</sup> day of November 2022



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

## **RESPONSE TO COMMENTS**

**Massachusetts Surface Water Discharge Permits**  
**Chelsea Sandwich LLC, Chelsea, MA0003280**  
**Global Companies LLC, Revere, MA0000825**  
**Gulf Oil Terminal, Chelsea, MA0001091**  
**Irving Oil Terminal, Revere, MA0001929**  
**Sunoco Logistics Terminal, East Boston, MA0004006**

The Massachusetts Department of Environmental Protection (MassDEP or the “Department”) is issuing Surface Water Discharge (SWD) Permits to the following fuel terminals located near Chelsea River: Chelsea Sandwich LLC, Chelsea, MA0003280, Global Companies LLC, Revere, MA0000825, Gulf Oil Terminal, Chelsea, MA0001091, Irving Oil Terminal, Revere, MA0001929, and Sunoco Logistics Terminal, East Boston MA0004006. These permits are 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 Permits listed above. The Response to Comments explains and supports MassDEP’s determinations that form the basis of the final permits. From February 10, 2021 through April 11, 2021, MassDEP solicited public comments on the five Draft Surface Water Discharge Permits for the discharge of treated stormwater and hydrostatic test water from Chelsea Sandwich outfall 002 (internal), Global outfalls 001 and 002, Gulf outfall 003, Irving outfall 001, and Sunoco outfall 001. Chelsea Sandwich outfall 002 (internal) is also authorized to discharge treated groundwater. Chelsea Sandwich outfall 001 is authorized to discharge boiler blowdown/steam condensate. Global outfall 003 (internal) is only authorized to discharge treated groundwater.

MassDEP notes that the Global draft permit included five outfalls: 001, 002, 003 (internal), and 004 to Chelsea River, and 005 to Sales Creek. Upon the sale and transfer of the former Global REVCO, Global Companies, and Global South properties on June 28, 2022, Global Companies LLC leased back a portion of the site and only maintains and discharges from outfalls 001, 002 and outfall 003 (internal). EPA terminated the 2014 NPDES permit for Global REVCO (MA0003298) on June 28, 2022. The final Global SWD permit reflects the reduced number of outfalls.

During the public comment period for the draft NPDES permit (February 10, 2021 through April 11, 2021), EPA received comments from:

1. Conservation Law Foundation
2. Environmental Data & Governance Initiative
3. GreenRoots
4. Northeastern University – Social Science Environmental Health Research Institute
5. Mystic River Watershed Association

6. City of Chelsea
7. C. J. Livingstone

EPA also received comments from the permittees on their respective permits:

1. Chelsea Sandwich
2. Global Petroleum
3. Gulf Oil
4. Irving
5. Sunoco

In addition, a virtual joint public meeting was held on March 15, 2021 and a virtual joint public hearing was held on March 29, 2021 on the draft NPDES Permits, the draft SWD Permits, and the draft MassDEP Water Quality Certificates (WQCs). MassDEP issued WQCs for each of the five facilities on May 11, 2021.

MassDEP has reviewed EPA's Response to Comments, issued concurrently with the final NPDES permits on September 30, 2022, and concurs with their responses and the associated adjustments made to the final NPDES permits. MassDEP hereby incorporates by reference EPA's Response to Comments into this Response.

During the public comment period for the draft SWD Permit, MassDEP received comments from:

1. Tom Keefe, Chelsea Sandwich LLC, Chelsea, April 8, 2021
2. Tom Keefe, Global Companies LLC, Revere, April 8, 2021
3. Christopher Gill, Gulf Oil Terminal, Chelsea, April 9, 2021
4. David Fradette, Irving Oil Terminal, Revere, April 8, 2021
5. John J. Frost, Sunoco Logistics Terminal, East Boston, April 11, 2021
6. John Walkey, GreenRoots, April 9, 2021
7. Patrick Herron, Mystic River Watershed Association, April 9, 2021

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 Permits, Final WQCs, and this Response to Comments document will be posted on the MassDEP website: <https://www.mass.gov/info-details/massachusetts-final-individual-surface-water-discharge-permits-and-associated-documents>.

Copies of the Final Permits may be obtained by writing or calling Cathy Coniaris, MassDEP, Surface Water Discharge Permitting Program; telephone: 617-835-6693; email: [catherine.coniaris@mass.gov](mailto:catherine.coniaris@mass.gov).

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

1. The PFAS sampling language in the SWD permits has been modified to better align with the 2022 final EPA NPDES permits for the five fuel terminal facilities.
2. MassDEP contact information was updated.

### II. Responses to Comments

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

#### A. Comments from Tom Keefe, Chelsea Sandwich LLC, Chelsea, and Global Companies LLC, both letters dated April 8, 2021

MassDEP requires in its permit that although PFAS sampling is suspended pending issuance of an EPA approved method, if the method is not available by two (2) years from the effective date of the NPDES permit, the Facility shall conduct monitoring of the effluent for PFAS compounds using a method specified by MassDEP. If no EPA method is approved within twenty (20) months after the effective date of the NPDES permit, the Facility must contact MassDEP ([massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)) for guidance on an appropriate analytical method. Again, this requirement places an unnecessary burden on the permittee to monitor when EPA releases a method on its website, rather than notice by the agencies to all permit holders of the necessary next steps.

Request:

The Facility requests that EPA delete quarterly monitoring and reporting for PFAS effluent from the Facility (Outfall 001) until six (6) months after EPA has formally approved applicable test methods under 40 CFR Part 136.

The Facility also requests that MassDEP delete the quarterly monitoring and reporting for PFAS effluent from the Facility (Outfall 001) until six (6) months after EPA has formally approved applicable test methods under 40 CFR Part 136.

In the alternative, the Facility requests that the Draft Permit and MassDEP Permit be amended to include that EPA and MassDEP will issue written notice to the permit holder upon approval of the sampling method for PFAS effluent and the compliance schedule to implement such testing.

#### **Response to Comment A**

MassDEP concurs with EPA's response to this comment (EPA number F.13) regarding PFAS. The EPA Response to Comments document is located at:  
<https://www3.epa.gov/region1/npdes/chelseacreekfuelterminals/pdfs/2022/2022-crbpsf-rtc.pdf>.

MassDEP has modified the sampling for six PFAS compounds in the state permits to better align with the 2022 final EPA NPDES permits. The EPA NPDES permits state that "The monitoring requirement for the listed PFAS parameters takes effect during the first quarter following six months after receiving written notification of availability of the multi-laboratory validation of analytical test Method 1633 for the analysis of PFAS in wastewater and biosolids."

Additionally, EPA added language to their permits that states EPA will provide written notification to permittees when Method 1633 is available.

#### **B. Comments from Christopher Gill, Gulf Oil Terminal, Chelsea, dated April 9, 2021**

EPA Draft Permit, Part I.A.1 Table; MassDEP Draft Permit, Condition 6; and MassDEP Draft Clean Water Act (CWA) Section 401 Certification, Item 1.b – Per- and Polyfluoroalkyl Substances (PFAS):

- a) Gulf is concerned with a potential conflict in PFAS monitoring requirements between the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection's (MassDEP's) Draft Permits.
  - EPA's Draft Permit requires monitoring for PFAS parameters to take effect "six months after EPA's multi-lab validated method for wastewater is made

available to the public on EPA’s CWA methods program website.” [EPA Draft Permit, Part I.A.1 Table, Note 12]

- MassDEP’s Draft Permit and Draft Clean Water Act (CWA) Section 401 Certification requires the monitoring to be conducted using a method specified by MassDEP, if EPA’s method has not been published within 2 years of the effective date of the permit. [MassDEP Draft Permit, Condition 6; MassDEP Draft CWA Section 401 Certification, Item 1.b]

These separate requirements create the potential for the Terminal to be required to conduct the PFAS monitoring twice using different analytical methods, if EPA’s method is not finalized within 2 years of the permit effective date. This “double sampling” would be an undue burden on the Terminal. Therefore, Gulf requests that EPA and MassDEP coordinate their PFAS sampling requirements. MassDEP could remove their requirement to start sampling within 2 years of the permit effective date and mirror EPA’s requirement that PFAS monitoring will begin within 6 months after publication of EPA’s analytical method. Otherwise, EPA could include a statement that it will accept PFAS data collected using MassDEP’s method, if EPA’s method is not available within 2 years of the permit effective date.

- b) The EPA and MassDEP Draft Permits refer to the analysis for PFAS parameters taking effect six months after “EPA’s multi-lab validated method for wastewater is made available to the public on EPA’s CWA methods program website.” To avoid confusion, Gulf requests that this requirement be clarified by specifying that the monitoring is to begin after the final method for wastewater is made available to the public on the website.
- c) In the Draft Permits and the Draft CWA Section 401 Certification, the Sample Type for PFAS is stated as a 24-hour composite sample. Gulf request that this Sample Type be changed to Grab to be consistent with the Sample Type for all of the other analytical parameters required to be sampled.

#### **Response to Comment B**

Please refer to Response to Comment A. MassDEP has modified the PFAS sampling in the state permits to better align with the 2022 final EPA NPDES permits which require grab samples and not 24-hour composite samples.

#### **C. David Fradette, Irving Oil Terminal, Revere, dated April 8, 2021**

Per- and Polyfluoroalkyl Substances (PFAS)



The Draft MassDEP Permit includes conditions for Irving Oil to assess whether per- and polyfluoroalkyl substances (PFAS) discharges from the Facility are occurring, and whether the Permittee may be contributing to a violation of the narrative toxics criteria. Specifically, the Draft MassDEP Permit requires the Facility to monitor its discharges for PFAS using a '24-hour Composite' sample collection methodology.

The Permittee does not agree that a new sample collection methodology be introduced at this time, during a discovery period for substances without pre-established toxicity risk levels. The Facility discharge is not typically continuous for 24 hours and can be constrained by tidal flow, the presence of ships, and day-time hours.

Request: The Permittee requests that sampling methods be consistent with sampling practices for other monitored constituents that are collected as 'grab' samples during the first qualifying event.

#### **Response to Comment C**

Please refer to Response to Comment B.

#### **D. John J. Frost, Sunoco Logistics Terminal, East Boston, dated April 11, 2021**

##### **PFAS**

The Draft Permit prohibits "[d]ischarges of aqueous film-forming foam and alcohol resistant foam either in concentrate form or as foam diluted with water during testing or maintenance of the fires suppression system at the Facility's marine vessel dock"<sup>17</sup> and, pursuant to its Section 308 information gathering authority, requires quarterly monitoring for six perfluorinated compounds in the facility's discharge.<sup>18</sup>

Sunoco tests the foam-based fire suppression system located at its load rack with water only. Water from the load rack area is pumped to and collected in two process water tanks, and the oily/water mixture in those tanks is shipped offsite for recycling. Fire suppression systems at the tanks are not subject to testing.

Based on these practices, barring a fire emergency in which a foam system is activated, there should be no opportunity for PFAS to enter the facility's discharge. As a result, Sunoco believes that the quarterly monitoring of its facility for PFAS compounds will not serve the purpose of the information request and respectfully requests that the monitoring provision in Section I.A.1 of the Draft Permit not be carried over into the final permit.

<sup>17</sup> Draft Permit at Section I.B.2.i.

<sup>18</sup> Draft Permit at Section I.A.1.

#### **Response to Comment D**

MassDEP is working towards gaining a better understanding of PFAS sources in the environment by requiring PFAS testing of various types of wastewater including stormwater from industrial sites. Information gathered from this effort will be evaluated along with data from land-applied residuals, ambient waters, drinking water, clean-up sites, and solid waste. Please also refer to Response to Comment A.

#### **E. John Walkey, GreenRoots, dated April 9, 2021**

[W]e wish to thank the EPA and MassDEP staff for their work on these draft permits and their efforts at ensuring an improved community input process under challenging conditions. There is always room for improvements, and those improvements are frequently limited by needed changes that must first occur to the system. We hope we have provided here some useful ideas for changes within the context of the system as it is, as well as some thoughts about larger systemic changes needed to ensure that equity and environmental justice are anticipated outcomes of future work.”

#### **Response to Comment E**

MassDEP acknowledges this comment.

#### **F. Patrick Herron, Mystic River Watershed Association, April 9, 2021**

We commend EPA and MassDEP for robust efforts at public engagement and alternative language access for the public hearings.

#### **Response to Comment F**

MassDEP acknowledges this comment.



重要 महत्वपूर्ण σημαντικός  
Important  
կարևոր quan trọng مهم



## Communication for Non-English-Speaking Parties

### English

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:

សូមទាក់ទងមកនាយកផ្នែកពិពិធកម្មរបស់ 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**  
**One Winter Street, Boston MA 02108**

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>  
 (Version revised 7.22.2022) 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 दस्तावेज 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 मासडेपस डाइवर्सिटी के निदेशक से संपर्क करें.

**Contact Glynis L. Bugg, Acting Diversity Director/Civil Rights 857-262-0606**  
**Massachusetts Department of Environmental Protection**  
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