**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 Treatment Plant
33 Tafts Avenue
Boston, MA 02128

is authorized to discharge from the facility located at

John J. Carroll Water Treatment Plant
84 D'Angelo Drive
Marlborough, MA 01752

to receiving waters named

Sudbury Reservoir (MA82106), Class A, Concord 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).[1]
2. This permit shall become effective on November 1, 2026.
3. This permit shall expire five years after the effective date.
4. This permit supersedes the permit issued on October 2, 2019.
5. Pursuant to MassDEP's authority under M.G.L. c. 21, §§26-53, 314 CMR 3.00, and 314 CMR 4.00, 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 2026 final NPDES Permit No. MA0040398,[2] issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the John J. Carroll Water Treatment Plant ("Permittee") on September 1, 2026 (the 2026 final NPDES Permit) and attached hereto by reference as Appendix 1 and available on EPA's website at

[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] This Final MassDEP permit references the 2025 Final EPA Permit.

https://www.epa.gov/npdes-permits/massachusetts-final-individual-npdes-permits ; provided, however:

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

6. This permit incorporates by reference the Standard Permit Conditions set forth in 314 CMR 3.19.
7. In order to ensure that the discharge will not cause or contribute to a violation of 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.
    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.

Issued on this _2nd_ day of October__, 2026



Kate England, Deputy Assistant Commissioner
Bureau of Water Resources
Department of Environmental Protection

**RESPONSE TO COMMENTS**

**MA Permit No. MA0040398**
**John J. Carroll Water Treatment Plant**
**84 D'Angelo Drive, Marlborough, MA 01752**

The Massachusetts Department of Environmental Protection (MassDEP or the "Department") is issuing a Surface Water Discharge (SWD) Permit for the John J. Carroll Water Treatment 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. MA0040398 (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 March 18, 2026, through April 17, 2026, and extended to May 18, 2026, MassDEP solicited public comments on the Draft Permit for the reissuance of a permit to discharge treated wastewater to Sudbury Reservoir and the associated Draft Water Quality Certificate.

During the public comment period for the draft NPDES permit (March 18, 2026, through May 18, 2026), EPA received comments from the following:

1. Massachusetts Water Resources Authority, dated May 18, 2026
2. Massachusetts Coalition for Water Resources Stewardship, dated May 18, 2026

During the public comment period for the draft SWD Permit, MassDEP received identical comments as those submitted to EPA from:

1. Massachusetts Coalition for Water Resources Stewardship, dated May 18, 2026

In addition, MassDEP received comments from the following:

1. Massachusetts Water Resources Authority, dated May 18, 2026

MassDEP has reviewed EPA's Response to Comments, issued concurrent with the final NPDES permit on September 1, 2026, 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. There were, however, comments received which were directed specifically to MassDEP's Draft SWD Permit and Draft Water

Quality Certificate which EPA did not address and which MassDEP will address in this document.

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.

A copy of the Final Permit 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

A copy of the Final Permit may be also obtained by writing or calling Xiaodan Ruan, MassDEP, Surface Water Discharge Permitting Program, 100 Cambridge Street, Suite 900, Boston, MA 02114; telephone: (857) 256-4172; email: xiaodan.ruan@mass.gov. Interested parties are strongly encouraged to email or telephone Claire Golden if they wish to obtain a copy of the Final Permit.

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## I. Summary of Changes to the Final Permit

1. MassDEP reevaluated Paragraph 7 of the Draft Permit and revised for clarity and consistency with MassDEP regulations. MassDEP has revised "violate applicable state water quality standards" to "cause or contribute to a violation of applicable state water quality standards."

## II. Responses to Comments

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

### A. Comments from Rebecca Weidman, Deputy Chief Operating Officer, MWRA, dated May 18, 2026

**Comment 1: Narrative Prohibitions in the Draft State Permit and Draft WQC**

MWRA continues to have concerns about MassDEP's approach to including narrative prohibitions and/or conditions in the Draft State Permit and Draft WQC. First, as a procedural matter, MassDEP did not include in the Draft materials "[a] statement explaining why each of the included conditions is necessary to assure that the activity will comply with water quality requirements…" as required by 40 CFR 121.7(d)(3). Next, directly applying the Massachusetts Surface Water Quality Standards ("SWQS") to CWTP's discharges and using vague, open-ended terms like "objectional" or "aesthetically objectionable", "undesirable", and "nuisance" without defining them does not provide MWRA unambiguous notice of its compliance obligations. Further, MassDEP has not explained why it is necessary to include Condition 7 in the State Permit or any of the conditions in the Draft WQC when EPA has determined that its Draft NPDES Permit is "fully protective of all applicable water quality standards" and "the Draft Permit without these generic narrative conditions is sufficiently stringent to ensure compliance with water quality standards" (Section 2.2 of the Draft NPDES Permit Fact Sheet). Accordingly, MWRA requests that MassDEP remove Condition 7 from the State Permit and each of the seven conditions in the Draft WQC.

According to 314 CMR 2.05(3)(c), the Draft State Permit Fact Sheet must include a brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions. In addition, 40 CFR 121.7(d)(3) states that the state certification for a federal permit, where MassDEP is granting certification with conditions, shall include a statement explaining why each of the included conditions is necessary to assure that the activity will comply with water quality requirements. Instead, the State Permit Fact Sheet merely states the following:

> The 2026 draft John J. Carroll Water Treatment Plant NPDES Permit does not include certain narrative effluent limitations included in the previous John J. Carroll Water 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 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 [emphasis added].

As EPA determined that the Draft NPDES Permit – which MassDEP incorporated into the Draft State Permit by reference – is fully protective of all applicable SWQS. MassDEP's explanation does not constitute "a brief summary of the basis for the draft permit conditions" nor state the necessity for each of the seven conditions included in the Draft WQC. EPA's Draft NPDES Permit Fact Sheet includes an explanation of the analysis EPA conducted to evaluate whether CWTP's discharges have a "reasonable potential to cause or contribute to an excursion above any water quality standard, **including State narrative criteria for water quality**" [emphasis added] (Section 2.2.4). Following that analysis, EPA established effluent limitations for pH, total suspended solids, and total residual chlorine in the Draft NPDES Permit. EPA further determined that there is no reasonable potential for CWTP discharges to exceed SWQS for the following: ammonia-nitrogen, total recoverable copper, total recoverable lead, and temperature (Appendices C and D of the Draft NPDES Permit Fact Sheet). No other pollutants were found by EPA to potentially cause or contribute to a violation of the SWQS.

CWTP discharges primarily occur during routine winter maintenance and consist of dechlorinated drinking water that overflows or is pumped from CWTP. Though these discharges enter the Wachusett Aqueduct Open Channel (also called the Open Canal), the permitted receiving water is the Sudbury Reservoir, located approximately 2.5 miles downstream of the outfall. As stated in Section 5.2.2 of the Draft NPDES Permit Fact Sheet, "the Draft Permit allows the discharge of only those chemicals and additives specifically disclosed by [MWRA] to EPA". And so, CWTP's discharges consist only of those disclosed

chemicals. Discharges authorized by this NPDES permit will never contain many of the pollutants described in Condition 7 and the Draft WQC.

As EPA has determined that there is no reasonable potential for CWTP discharges to exceed SWQS and with no explanation or analysis from MassDEP, it is unclear why MassDEP believes Condition 7 and the conditions of the Draft WQC are necessary.

MWRA also questions the need to include the language of 314 CMR 4.05 directly in Condition 7 and the Draft WQC. This language is duplicative of state regulations and could create inconsistency between NPDES permits and the SWQS as SWQS are updated.

If MassDEP does not remove Condition 7 from the Draft State Permit and Draft WQC, MWRA recommends that MassDEP incorporate 314 CMR 4.05 by reference or modify it with the following redline revisions as water quality standards apply to waterbodies; effluent limitations apply to discharges:

> In order to ensure that the discharge will not **violate cause or contribute to a violation of** 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:

As written, the above text treats broadly applicable water quality standards themselves as specific limitations with which MWRA must comply. Further, MWRA's suggested modification matches the language used in the Narrative Effluent Limitations section of the State Permit Fact Sheet. MassDEP previously made this change in the South Essex Wastewater Treatment Facility Final NPDES Permit, issued in December 2025.

**Response 1**

The 2026 John J Carroll Water Treatment Plant (CWTP) NPDES Permit does not include certain narrative effluent limitations included in the previous 2019 discharge permit issued jointly by MassDEP and EPA. MassDEP has therefore included the required narrative effluent limitations in its SWDP and WQC for the CWTP facility. The WQC was issued with these limitations on June 15, 2026, and was not appealed.

The state Clean Waters Act includes the following language:

> "The director shall grant a permit only if the discharge … will … conform to … receiving water standards …." M.G.L. c. 21, § 43(5).

> "Permits may specify additional requirements as the director deems necessary to safeguard the quality of the receiving waters …." M.G.L. c. 21, § 43(7).

MassDEP's Clean Waters Act authority is also implemented in specific provisions in regulations 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.

MassDEP has reevaluated this language in the Draft Permit and made the determination that the State Permit Fact Sheet language is clearest and most consistent with MassDEP regulations. MassDEP has revised "violate" to "cause or contribute to a violation of" in the Final Permit.