

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 Section 401 Water Quality Certification (WQC) for the U.S. Environmental Protection Agency's (EPA) proposed 2026 Draft NPDES Permit Modification (Federal Permit Modification) (MA Permit No. MA0100501) to South Essex Sewerage District (SESD) for the South Essex Wastewater Treatment Facility for its 50 Fort Avenue, Salem, MA facility's pollutant discharges to Salem Sound (Segment MA95-56); and (2) issue the 2026 Draft Massachusetts Surface Water Discharge Permit (SWDP) Modification for the same discharge pursuant to the Massachusetts Clean Waters Act. SESD and the South Essex Wastewater Treatment Facility are both located at 50 Fort Avenue in Salem, MA 01970 with SESD having a mailing address of P.O. Box 989, Salem, MA 01970. The proposed WQC, proposed SWDP Modification, and proposed Federal Permit Modification are all 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.

MassDEP's Draft Massachusetts SWDP Modification is presented in tracked changes format showing the proposed modifications to the Final 2026 Massachusetts Permit to Discharge Pollutants to Surface Waters for the South Essex Wastewater Treatment Facility issued by MassDEP on January 30, 2026. Comments on the Draft Massachusetts SWDP Modification submitted during the comment period following this notice should be limited to these proposed modifications. The MassDEP Draft WQC proposes to certify only the proposed Federal Permit Modification; the WQC issued by MassDEP on May 9, 2025, will continue to apply to the unmodified portions of the NPDES Permit for the South Essex Wastewater Treatment Facility issued by EPA on December 22, 2025. Please note that comments on the proposed Federal Permit Modification must be made to EPA by the deadline specified in EPA's public notice for that modification.

Written comments on both the proposed WQC and the proposed SWDP Modification will be accepted until 5:00 p.m. on August 14, 2026. MassDEP strongly encourages written comments to be submitted by email to massdep.publiccommentnpdes@mass.gov; subject line: SESD WWTF. If not possible, please send by mail to MassDEP NPDES Program, % Claire Golden, 150 Presidential Way, Woburn, MA 01801.

Following the close of the comment period, MassDEP will issue a final WQC and final SWDP Modification and forward copies to the permittee, co-permittees and each person who has submitted written comments or requested notice. The final determination will contain information regarding the opportunity to file an adjudicatory appeal pursuant to 310 CMR 1.01. Information regarding intervention and participation can be found at 310 CMR 1.01(7).

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,

South Essex Sewerage District (SESD)
P.O. Box 989
Salem, MA 01970

is authorized to discharge from the facility located at

South Essex Wastewater Treatment Facility
50 Fort Avenue
Salem, MA 01970

to receiving waters named

Salem Sound (Segment MA 93-56);
North Coastal Watershed;
Class SB - Shellfishing

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

1. The issuance date of this permit modification is the date it is signed by the Massachusetts Department of Environmental Protection (MassDEP).¹
2. This permit modification shall become effective on ~~March 1, 2026~~ [DATE].²
3. This permit modification shall expire ~~five years after the effective date~~ on June 30, 2031.
4. This permit modification revises and supersedes the relevant portions of the permit issued by MassDEP on ~~January 30, 2026~~ May 5, 2016.
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., 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 II, Reporting Requirements; and Part II, Standard

¹ Any person aggrieved by the issuance of this permit may file an appeal within 30 days of the issuance date. See the enclosed Notice of Appeal Rights 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 modification were received by the Department during the public comment period, then the permit modification shall be effective upon issuance. If comments objecting to the issuance or the terms of the permit modification were received by the Department during the public comment period, then the permit modification shall become effective 30 days after issuance.

Conditions, as set forth in the 2025 Final NPDES Permit No. MA0100501, issued by the United States Environmental Protection Agency (EPA), Region 1, issued to the South Essex Sewerage District ("Permittee") on December 22, 2025 (2025 Final NPDES Permit) and attached hereto by reference as Appendix 1 and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-final-individual-npdes-permits>, as modified by the 2026 draft NPDES Permit No. MA0100501 Modification³, issued by EPA Region 1 on June 26, 2026 and attached hereto by reference as Appendix 2 and available on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-draft-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. Beginning the first full calendar quarter following 6 months after the 2025 Final NPDES Permit effective date, the Permittee shall collect, or require to be collected, annual samples of discharges from all Significant Industrial Users^{4, 5} discharging into the Permittee's Publicly Owned Treatment Works (POTW) using Method 1633.
 8. Notwithstanding any other provision of the 2025 Final NPDES permit to the contrary, all PFAS monitoring results (influent; effluent; sludge; SIUs; and specific industries as 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>.

³ This draft MassDEP Permit Modification references the 2026 draft EPA Permit Modification. The final version of this MassDEP Permit Modification will reference the final version of the EPA NPDES Permit Modification. The final version of this MassDEP Permit Modification may reflect changes between the 2026 draft EPA Permit Modification and the final version of that EPA NPDES Permit Modification.

⁴ 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.

⁵ This requirement applies to all Significant Industrial Users and not just those within the sectors identified by EPA in the NPDES permit.

9. 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.

The Cities of Beverly (NPDES Permit No. MAC010501), Peabody (NPDES Permit No. MAC040501) and Salem (NPDES Permit No. MAC050501), Massachusetts and the Towns of Danvers (NPDES Permit No. MAC020501) and Marblehead (NPDES Permit No. MAC030501), Massachusetts are Co-permittee(s) for Part IB., Unauthorized Discharges; and Part IC., Operation and Maintenance of the Sewer System; and Part I.D, Alternate Power Source as set forth in the 2025 Final NPDES Permit. These sections include conditions regarding the operation and maintenance of the collection systems owned and operated by the Cities of Beverly, Peabody and Salem and the Towns of Danvers and Peabody.

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 2025 Final 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 the Permittee and other Co-permittees under Part IB., Part IC., and Part ID. The responsible municipal departments are:

City of Beverly
c/o City Engineer
Beverly City Hall
191 Cabot Street
Beverly, MA 01915

Town of Danvers
c/o Town Engineer
Public Works Eng. Div.
1 Burroughs Street
Danvers, MA 01923

Town of Marblehead
c/o Superintendent
Water/Sewer Department
P.O. Box 1108
Marblehead, MA 01945

City of Peabody
c/o Mayor
24 Lowell Street
Peabody, MA 01960

City of Salem
c/o City Engineer
120 Washington Street, 4th Fl
Salem, MA 01970

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 _____, 2026

Kathleen M. Baskin, P.E.
Assistant Commissioner
Bureau of Water Resources
Department of Environmental Protection

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATEMENT OF BASIS

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

MA PERMIT NUMBER: MA0100501

NAME AND MAILING ADDRESS OF APPLICANT:

South Essex Sewerage District (SESD)
P.O. Box 989
Salem, MA 01970

The Massachusetts Department of Environmental Protection (“MassDEP” or the “Department”) is proposing a modification of the Massachusetts Permit to Discharge Pollutants to Surface Waters for the South Essex Wastewater Treatment Facility, issued by MassDEP on January 30, 2026 (“2026 Final MassDEP Surface Water Discharge Permit [SWDP]”). This will be referred to as the draft MassDEP SWDP Modification.

The Cities of Beverly, Peabody and Salem, Massachusetts and the Towns of Danvers and Peabody, Massachusetts own and operate sanitary wastewater collection systems that discharge flows to the South Essex Wastewater Treatment Facility. These municipalities are co-permittees of the 2026 Final MassDEP SWDP for certain activities pertaining to proper operation and maintenance of their respective collection systems, as detailed in the 2026 Final MassDEP SWDP.

The responsible municipal departments are:

City of Beverly c/o City Engineer Beverly City Hall 191 Cabot Street Beverly, MA 01915	Town of Danvers c/o Town Engineer Public Works Eng. Div. 1 Burroughs Street Danvers, MA 01923	Town of Marblehead c/o Superintendent Water/Sewer Department P.O. Box 1108 Marblehead, MA 01945
City of Peabody c/o Mayor 24 Lowell Street Peabody, MA 01960	City of Salem c/o City Engineer 120 Washington Street, 4th Fl Salem, MA 01970	

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

South Essex Wastewater Treatment Facility
50 Fort Avenue
Salem, MA 01970

RECEIVING WATER AND CLASSIFICATION:

Salem Sound (Segment MA 93-56)
North Coastal Watershed
Class SB – Shellfishing

PUBLIC NOTICE DETAILS:

Public comment time period: July 15, 2026 through August 14, 2026

Address where comments can be received:

Via email: massdep.publiccommentnpdes@mass.gov or to the below
mailing address

Include the following subject line: SESD WWTF

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.

The above-referenced draft MassDEP SWDP Modification incorporates the 2026 draft NPDES Permit No. MA0100501 Modification, issued by the United States Environmental Protection Agency (EPA), Region 1, to the South Essex Sewerage District and Co-Permittees on June 26, 2026. This Statement of Basis for the draft MassDEP SWDP Modification incorporates by reference the entire Statement of Basis for the 2026 draft NPDES Permit No. MA0100501 Modification. These EPA documents are posted on EPA's website at <https://www.epa.gov/npdes-permits/massachusetts-draft-individual-npdes-permits>.

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 2026 Proposed NPDES Permit Modification
For the South Essex Wastewater Treatment Facility
Permit No. MA0100501

The Massachusetts Department of Environmental Protection (MassDEP), having reviewed the United States Environmental Protection Agency (EPA) – Region 1’s June 26, 2026 draft National Pollutant Discharge Elimination System (NPDES) permit modification (“2026 draft NPDES Permit Modification”) proposing to modify portions of the NPDES permit (Permit No. MA0100501) issued by EPA on December 22, 2025 to the South Essex Sewerage District (“Permittee”), and specified co-permittees, for the South Essex Wastewater Treatment Facility (“Facility”) to discharge to Salem Sound (Segment MA95-56) (“2025 Final 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 2025 Final NPDES Permit as modified by the provisions of the 2026 draft NPDES Permit Modification, and provided that the 2026 draft NPDES Permit Modification is not modified in a manner inconsistent with this certification.

The 2025 Final NPDES Permit for the Facility incorporates in Section I the conditions provided by the Water Quality Certification (“WQC”) of that permit issued by MassDEP on May 9, 2025. Those WQC conditions, together with the other terms and conditions contained in the 2025 Final NPDES Permit, were determined by MassDEP 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. MassDEP has determined that the terms and conditions of the 2026 draft NPDES Permit Modification do not necessitate the inclusion of additional conditions in this WQC, provided that the 2026 Final NPDES Permit Modification does not modify the State 401 Certification Conditions in Section I of the 2025 Final NPDES Permit.

To meet the requirements of Massachusetts laws, each of the conditions in the 2026 draft NPDES Permit Modification shall not be made less stringent unless, after consultation, MassDEP agrees that certification remains appropriate in consideration of the relevant water quality requirements.

Signed this ____ day of _____, 20____

Kathleen M. Baskin, P.E.
Assistant Commissioner
Bureau of Water Resources
Massachusetts Department of Environmental Protection