

FINAL

Clean Water Act Section 401 Water Quality Certification
For the 2024 Proposed NPDES Permit
For the Swansea Water District Desalination Facility
Permit No. MA0103390

The Massachusetts Department of Environmental Protection (MassDEP), having examined Swansea Water District's ("Permittee") National Pollutant Discharge Elimination System (NPDES) permit application for the Swansea Desalination Facility to discharge to Palmer River (MA53-03), and having reviewed the United States Environmental Protection Agency (EPA) – Region 1's 2024 draft NPDES permit for the Swansea Desalination Facility (Permit No. MA0103390), issued December 19, 2024 ("2024 draft 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 2024 draft NPDES Permit and the conditions set forth below, and provided that the 2024 draft NPDES Permit is not modified in a manner inconsistent with this certification:

The following conditions, together with the terms and conditions contained in the 2024 draft NPDES permit for the Swansea Desalination Facility, 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:

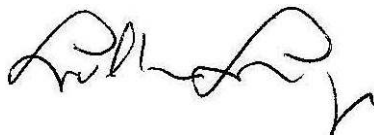
- a. Notwithstanding any other provision of the final NPDES Permit to the contrary, all PFAS monitoring results (influent; effluent; and sludge as specified in the final NPDES permit) and Adsorbable Organic Fluorine monitoring results shall be reported to MassDEP via the eDEP portal, or as otherwise 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>.
- b. 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.
- c. Swansea Water District shall conduct annual biological and hydrological monitoring and reporting in accordance with the Biological and Hydrological Monitoring Plan (Attachment A). An annual report summarizing the biological and hydrological monitoring results shall now be submitted to massdep.npdes@mass.gov by June 30 of each year. This monitoring is intended to ensure that Massachusetts Surface Water Quality Standards for Class SB waters at 314 CMR 4.05(4)(b), and other applicable minimum criteria for surface waters at 314 CMR 4.05(3) and (4), are met.

To meet the requirements of Massachusetts laws, each of the conditions in the 2024 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 5th day of March, 2025



Lealdon Langley, Director
Massachusetts Department of Environmental Protection
Bureau of Water Resources
Division of Watershed Management

FINAL

Clean Water Act Section 401 Water Quality Certification
For the Proposed 2024 NPDES Permit
And
MassDEP Surface Water Discharge Permit
For Swansea Water District
Permit No. MA0103390

Attachment A

Swansea Desalination Facility

Biological and Hydrological Monitoring and Reporting

- a. The permittee shall conduct the following program of sampling and analysis each year:
 1. Hydrological Data
 - i. The permittee shall profile water temperature, salinity, pH, turbidity, and dissolved oxygen including percent saturation at the three locations shown in Figure 1. Readings shall be taken at the surface and 3-ft intervals to bottom in conjunction with Palmer River ichthyoplankton sampling.
 2. Palmer River Ichthyoplankton Data
 - i. The permittee shall sample ichthyoplankton at two locations in the Palmer River. One location shall be just above the Old Providence Road Bridge and one shall be further upstream near the Route 6 bridge beyond the influence of the intake and discharge as indicated in Figure 1.
 - ii. Samples shall be collected at night using a 0.333-mm mesh plankton net.
 - iii. Tows shall be oblique from surface to near bottom covering the water column equally, each sample representing the filtration of a minimum of 100 m³ of water.
 - iv. Sampling frequency shall be weekly from July 1 through October 31 and monthly during March, April, May, June, and November.
 - v. Ichthyoplankton shall be identified to the nearest practical taxonomic category (preferably species) and expressed in densities per 100 m³ of water.
 3. Intake Ichthyoplankton Data
 - i. Ichthyoplankton entrained by the Swansea facility shall be sampled whenever Palmer River water is being withdrawn.
 - ii. Each sample shall represent 100 m³ of water filtered through 0.333-mm mesh.
 - iii. Sampling frequency shall be three times weekly from May 1 through June 15 and weekly otherwise.

- iv. Once per year the infiltration bed intake structure shall be inspected to document that it has not been compromised such that fish eggs and larvae would be more readily entrained.
- 4. Reporting
 - i. An annual report summarizing the biological and hydrological monitoring results shall be submitted to MassDEP.NPDES@mass.gov by June 30 each year.
- 5. Fish kills
 - i. In the event of a fish kill in the area of the Swansea Water District discharge on the Palmer River near the Old Providence Bridge, notify the MA Division of Fisheries and Wildlife (DFW) Fish Kill Coordinator at (508) 389-6334 (office) or the DFW Fish Kill Notification phone at (508) 450-5869. If the DFW Fish Kill Coordinator is not available, leave a message including the name and number of the witness and the location of the fish kill.



Figure 1. Sampling locations in the Palmer River. Yellow triangles represent ichthyoplankton sampling sites. Hydrographic data shall be collected at the ichthyoplankton sampling sites and the white star.



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:

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
100 Cambridge Street 9th 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 9th 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)