

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912



VIA CERTIFIED MAIL

FEB 23 2015

Elizabeth Schreiber
Charles River Pollution Control District
66 Village Street
Medway, Massachusetts 020053

Denis Fraine
Town of Bellingham
10 Mechanic Street
Bellingham, MA 02019

Jeffrey D. Nutting
Town of Franklin
Town Administration
355 East Central Street
Franklin, MA 02038

Suzanne K. Kennedy
Town of Medway
155 Village Street
Medway, MA 02053

Charles J. Aspinwall
Town of Millis
900 Main Street
Millis, MA 02054

RE: Final Permit Decision
Charles River Pollution Control District
NPDES Permit No. MA0102598; NPDES Appeal No. 14-01

Dear Sir or Madam:

In accordance with 40 C.F.R. § 124.19(l), I am notifying you of my final permit decision in connection with NPDES Permit No. MA0102598, which was reissued on July 23, 2014 to authorize discharges of treated wastewater effluent from the Charles River Pollution Control District treatment works to the Charles River.

The Towns of Bellingham, Franklin, Millis and Medway (“Towns”), and the Upper Blackstone Water Pollution Control District (collectively, “Petitioners”), timely petitioned EPA’s Environmental Appeals Board (“EAB”) for review of the permit on August 27, 2014. Petitioners contested:

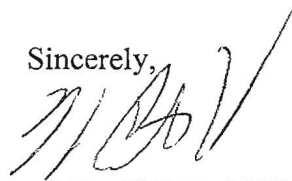
1. The inclusion of the Towns as co-permittees for specific activities required at Sections I.B (Unauthorized Discharges) and I.C (Operation and Maintenance of the Sewer System), which include conditions regarding operation and maintenance of the collection systems (Permit at p. 1);
2. The applicability of Part I.B. (Unauthorized Discharges) to co-permittees (Permit at p. 7); and,
3. The applicability of Part I.C. (Operation and Maintenance of the Sewer System) to “each co-permittee...for the collection system which it owns” (Permit at p. 7-9).

See Petition for Review by Upper Blackstone Water Pollution Abatement District and the Towns of Bellingham, Franklin, Millis and Medway at 1. These Contested Conditions were stayed pending a decision by the Board on the Petition and final agency action. The other uncontested and severable portions of the permit were placed into effect pursuant to the Notice of Uncontested and Severable Conditions dated September 24, 2014. See Attachment A.

On February 4, 2015, the Board denied the Petition in its entirety. *In re Charles River Pollution Control District*, NPDES Appeal No. 14-01, 16 E.A.D. __ (EAB). Under 40 C.F.R. § 124.19(l)(2)(i), the Regional Administrator must issue a final permit decision when the Board issues notice to the parties that the petition for review has been denied. Upon consideration of the Board’s decision, I am issuing my final permit decision. The Contested Conditions shall become fully effective and enforceable in accordance with the terms of the permit upon receipt of this notice. This decision constitutes final agency action under 40 C.F.R. § 124.19(l)(2) for the purposes of judicial review by the United States First Circuit Court of Appeals.

If you have any questions regarding this notice, please contact Samir Bukhari of the Office of Regional Counsel at (617) 918-1095.

Sincerely,



H. Curtis Spalding
Regional Administrator
US EPA-Region 1

cc: Robert D. Cox, Jr., Esq.
Norman E. Bartlett, II, Esq.
Jennifer Garner, Esq.
Fredric P. Andes, Esq.
Tammy L. Helminski, Esq.
Nathan Gardner-Andrews, Esq.
Amanda Waters, Esq.

Attachment A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912



September 24, 2014

VIA ELECTRONIC FILING AND CERTIFIED MAIL

Eurika Durr
Clerk of the Board
U.S. EPA Environmental Appeals Board
1200 Pennsylvania Avenue, NW (Mail Code 1103M)
Washington, D.C. 20460-0001

Elizabeth Schreiber
Charles River Water Pollution Control District
66 Village Street
Medway, Massachusetts 020053

Denis Fraine
Town of Bellingham
10 Mechanic Street
Bellingham, MA 02019

Jeffrey D. Nutting
Town of Franklin
Town Administration
355 East Central Street
Franklin, MA 02038

Suzanne K. Kennedy
Town of Medway
155 Village Street
Medway, MA 02053

Charles J. Aspinwall
Town of Millis
900 Main Street
Millis, MA 02054

**RE: Charles River Pollution Control District
NPDES Permit No. MA0102598; NPDES Appeal No. 14-01**

cc: Robert D. Cox, Jr., Esquire
Norman E. Bartlett, II, Esquire
Jennifer Garner, Esquire

**NPDES Permit No. MA0102598
2014 Reissuance**

Page 1 of 15

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA"), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

Charles River Pollution Control District

is authorized to discharge from the facility located at

**66 Village Street
Medway, Massachusetts 02003**

to receiving water named

Charles River (MA 72-05)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

The Towns of Franklin, Medway, Millis, and Bellingham are co-permittees for specific activities required in Sections I.B - Unauthorized Discharges and I.C - Operation and Maintenance of the Sewer System, which include conditions regarding the operation and maintenance of the collection systems. The responsible municipal Departments are:

**Town of Franklin
Town Administration
355 East Central Street
Franklin, MA 02038**

**Town of Medway
Department of Public Services
155 Village Street
Medway, MA 02053**

**Town of Millis
Department of Public Works
Veterans Memorial Building
900 Main Street
Millis, MA 02054**

**Town of Bellingham
Department of Public Works
26 Blackstone Street
Bellingham, MA 02019**

This permit shall become effective (See below)**

This permit supersedes the permit issued on September 29, 2000 and modified on April 22, 2002.

This permit consists of 15 pages in Part I including effluent limitations, monitoring requirements, Attachment A, Freshwater Chronic Toxicity Tests Procedure and Protocol; Attachment B, EPA New England Reassessment of Technically Based Industrial Discharge Limits; Attachment C, NPDES Permit Requirement for Industrial Pretreatment Annual Report; Attachment D, EPA Region 1 NPDES Permit Sludge Compliance Guidance; and 25 pages in NPDES Part II Standard Conditions.

Signed this 23rd day of July, 2014

/S/SIGNATURE ON FILE

Ken Moraff, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

/S/SIGNATURE ON FILE

David Ferris, Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

** This permit will become effective on the date of signature if no comments are received during public notice. If comments are received during public notice, this permit will become effective 60 days after signature.

PART I

A.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge treated effluent from outfall serial number 001 to the Charles River. Such discharges shall be limited and monitored as specified below.

| EFFLUENT CHARACTERISTIC | EFFLUENT LIMITS | | | | MONITORING REQUIREMENTS | | |
|---|---|----------------|----------------------|----------------|--------------------------|-----------------------|--------------------------------|
| | AVERAGE MONTHLY | AVERAGE WEEKLY | AVERAGE MONTHLY | AVERAGE WEEKLY | MAXIMUM DAILY | MEASUREMENT FREQUENCY | SAMPLE ³ TYPE |
| FLOW | ***** | ***** | 5.7 MGD ² | ***** | Report MGD | Continuous | Recorder |
| FLOW (July 1 - September 30) | ***** | ***** | 4.5 MGD | ***** | Report MGD | Continuous | Recorder |
| CBOD ₅ (November 1 - April 30) | 570 lbs/day | 950 lbs/day | 15 mg/l | 25 mg/l | Report mg/l ¹ | 3/week ⁴ | 24-Hour Composite ⁵ |
| CBOD ₅ (May 1 - October 31) | 265 lbs/day | 380 lbs/day | 7 mg/l | 10 mg/l | Report mg/l ¹ | 3/week ⁴ | 24-Hour Composite ⁵ |
| TSS (November 1 - April 30) | 570 lbs/day | 950 lbs/day | 15 mg/l | 25 mg/l | Report mg/l ¹ | 3/week ⁴ | 24-Hour Composite ⁵ |
| TSS (May 1 - October 31) | 265 lbs/day | 380 lbs/day | 7 mg/l | 10 mg/l | Report mg/l ¹ | 3/week ⁴ | 24-Hour Composite ⁵ |
| pH RANGE ¹ | 6.5 - 8.3 SU See Permit Page 6, Paragraph I.A.1.b. | | | | | 1/day | Grab |
| TOTAL CHLORINE RESIDUAL ^{1,6,7} (March 1 - November 30) | ***** | ***** | 17 ug/l | ***** | 30 ug/l | 2/day | Grab |
| FECAL COLIFORM ^{1,6} (March 1 - November 30) | ***** | ***** | 200 cfu/100 ml | ***** | 400 cfu/100 ml | 3/week | Grab |
| ESCHERICHIA COLI BACTERIA ^{1,6} (March 1 - November 30) | ***** | ***** | 126 cfu/100 ml | ***** | 409 cfu/100 ml | 3/week | Grab |
| DISSOLVED OXYGEN (April 1 - October 31) | Not less than 6 mg/l | | | | | 1/day | Grab or Meter |
| WHOLE EFFLUENT TOXICITY SEE FOOTNOTES 8, 9, 10, and 11 | Acute LC ₅₀ ≥ 100% Chronic C-NOEC > 63% | | | | | 4/year | 24-Hour Composite ⁵ |

CONTINUED FROM PREVIOUS PAGE

| A.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge treated effluent from outfall serial number 001 to the Charles River. Such discharges shall be limited and monitored as specified below. | | | | | | | |
|---|------------------------|-----------------------|------------------------|-----------------------|--------------------------------|------------------------------|--------------------------------|
| <u>EFFLUENT CHARACTERISTIC</u> | <u>EFFLUENT LIMITS</u> | | | | <u>MONITORING REQUIREMENTS</u> | | |
| PARAMETER | AVERAGE MONTHLY | AVERAGE WEEKLY | AVERAGE MONTHLY | AVERAGE WEEKLY | MAXIMUM DAILY | MEASUREMENT FREQUENCY | SAMPLE³ TYPE |
| TOTAL AMMONIA-NITROGEN, as N (November 1 - March 31) | Report lbs/day | Report lbs/day | Report mg/l | ***** | Report mg/l | 1/month | 24-Hour Composite ⁵ |
| TOTAL AMMONIA-NITROGEN, as N (April 1 - April 30) | 380 lbs/day | 570 lbs/day | 10 mg/l | 15 mg/l | 20 mg/l | 1/month | 24-Hour Composite ⁵ |
| TOTAL AMMONIA-NITROGEN, as N (May 1 - May 31) | 190 lbs/day | 285 lbs/day | 5 mg/l | 7.5 mg/l | 10 mg/l | 3/week | 24-Hour Composite ⁵ |
| TOTAL AMMONIA-NITROGEN, as N (June 1 - October 31) | 38 lbs/day | 57 lbs/day | 1.0 mg/l | 1.5 mg/l | 2.0 mg/l | 3/week | 24-Hour Composite ⁵ |
| TOTAL PHOSPHORUS ¹² (November 1 - March 31) | ***** | ***** | 0.30 mg/l | ***** | ***** | 1/month | 24-Hour Composite ⁵ |
| TOTAL PHOSPHORUS ¹² (April 1 - October 31) | ***** | ***** | 0.10 mg/l | ***** | ***** | 3/week | 24-Hour Composite ⁵ |
| TOTAL COPPER | ***** | ***** | 13 ug/l | ***** | 23 ug/l | 1/month | 24-Hour Composite ⁵ |

Footnotes:

1. Required for State Certification.
2. For flow, report annual average, monthly average, maximum and minimum daily rates and total flow for each operating date. This is an annual average flow limit, which shall be reported as a rolling average. The annual average shall be calculated as the arithmetic mean of the monthly average flow from the reporting month and the monthly average flow from the previous 11 months.
3. All sampling shall be representative of the influent and of the effluent discharged through outfall 001, except whole effluent toxicity samples, shall be collected at the bottom of the cascade steps. Whole effluent toxicity samples shall be collected after filtration and prior to chlorination. A routine sampling program shall be developed in which samples are taken at the same location, same time, and same days of every month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report submitted to EPA. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. All samples shall be twenty-four hour composites unless specified as grab or meter sample in 40 CFR §136.
4. Sampling required for the influent and effluent.
5. A twenty-four hour composite sample will consist of at least twenty four (24) grab samples taken during a consecutive twenty-four hour period (e.g. 0700 Monday to 0700 Tuesday).
6. The average monthly limits for fecal coliform bacteria and *E. coli* are expressed as geometric means. Samples for fecal coliform bacteria and *E. coli* shall be taken at the same time as the total residual chlorine sample.

The bacteria limits and monitoring requirements are in effect from March 1 to November 30 after the effective date of this permit. The seasonal monitoring and reporting requirements for *E. coli* are in effect on the effective date of this permit; the monitoring frequency for *E. coli* during the first year is 1/month. The following season beginning March 1, the fecal coliform limit and monitoring requirement will end and the *E. coli* limits will be in effect and the monitoring frequency for *E. coli* will be 3/week.

Fecal coliform bacteria and total residual chlorine monitoring will be conducted during the period March 1 to November 30 to reflect the seasonal chlorination period. Fecal coliform bacteria discharges shall not exceed a monthly geometric mean of 200 colony forming units (cfu) per 100 ml, nor shall they exceed 400 cfu per 100 ml as a daily maximum. *E. coli* discharges shall not exceed a monthly geometric mean of 126 colony forming units (cfu) per 100 ml, nor shall they exceed 409 cfu per 100 ml as a daily maximum. This monitoring shall be conducted concurrently with the TRC sampling described below.

7. The minimum level (ML) for total residual chlorine is defined as 20 ug/l. This value is the minimum level for chlorine using EPA approved methods found in the most currently approved version of Standard Methods for the Examination of Water and Wastewater, 21st Edition,

Method 4500 CL-E and G, or USEPA Manual of Methods of Analysis of Water and Wastes, Method 330.5. One of these methods must be used to determine total residual chlorine.

For effluent limitations less than 20 ug/l, compliance/non-compliance will be determined based on the ML. Sample results of 20 ug/l or less shall be reported as zero on the discharge monitoring report.

8. The permittee shall conduct chronic (and modified acute) toxicity tests four times per year. The chronic test may be used to calculate the acute LC50 at the 48 hour exposure interval. The permittee shall test the fathead minnows, *Pimephales promelas* and the daphnid, *Ceriodaphnia dubia*. The tests must be performed in accordance with test procedures and protocols specified in **Attachment A, Freshwater Chronic Toxicity Test Procedure and Protocol** of this permit. If the results of any acute or chronic tests fail to comply with the LC₅₀ and Chronic NOEC limits, the permittee must perform an additional tests on an effluent sample obtained within fourteen days of the date on which the failed test sample was collected. Toxicity test samples shall be collected and the results submitted according to the following schedule:

| Test Date months | Submit Results By: | Test Species | Acute Limit LC50 | Chronic Limit C-NOEC |
|------------------|--------------------|---|------------------|----------------------|
| January | February 28 | <i>Ceriodaphnia dubia</i> (daphnid) | ≥100% | ≥ 63% |
| April | May 31 | | | |
| July | August 31 | <i>Pimephales promelas</i> (fathead minnows) | | |
| October | November 30 | | | |
| | | See Attachment A | | |

9. The LC50 is the concentration of effluent which causes mortality to 50% of the test organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.
10. C-NOEC (chronic-no observed effect concentration) is defined as the highest concentration of toxicant or effluent to which organisms are exposed in a life-cycle or partial life-cycle test which causes no adverse effect on growth, survival, or reproduction at a specific time of observation as determined from hypothesis testing where the test results exhibit a linear dose-response relationship. However, where the test results do not exhibit a linear dose-response relationship, the permittee must report the lowest concentration where there is no observable effect. The "63% or greater" limit is defined as a sample which is composed of 63% (or greater) effluent, the remainder being dilution water. This is a maximum daily limit derived as a percentage of the inverse of the dilution factor of 1.59.
11. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall either follow procedures outlined in **Attachment A, Freshwater Chronic Toxicity Test Procedure and Protocol, Section IV. Dilution Water** in order to obtain an individual approval for use of an alternate dilution water, or the permittee shall follow the Self-Implementing Alternative Dilution Water Guidance which maybe used to obtain automatic approval of an alternate dilution water, including the appropriate species for use with that water.

This guidance is found in Attachment G of NPDES Permit Program Instructions for the Discharge Monitoring Forms (DMR) which is sent to all permittees with their annual set of DMRs and may also be found on the EPA Region 1 web site at <http://www.epa.gov/region1/enforcementandassistance/dmr.html>. If this guidance is revoked, the permittee shall revert to obtaining approval as outlined in **Attachment A, Freshwater Chronic Toxicity Test Procedure and Protocol**.

When using alternate dilution water, the permittee shall continue to submit the results of chemistry tests for the all controls i.e., site water controls and lab water controls.

Any modification or revocation to this guidance will be transmitted to the permittees as part of the annual DMR instruction package. However, at any time, the permittee may choose to contact EPA-New England directly using the approach outlined in **Attachment A, Freshwater Chronic Toxicity Test Procedure and Protocol**.

12. See Section I.H. for compliance schedule.

Part I.A.1. (Continued)

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
 - b. The pH of the effluent shall not be less than 6.5 S.U. nor greater than 8.3 S.U. at any time, unless these values are exceeded as a result of an approved treatment process.
 - c. The discharge shall not cause objectionable discoloration of the receiving waters.
 - d. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
 - e. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand. The percent removal shall be based on monthly average values.
 - f. The permittee shall minimize the use of chlorine while maintaining adequate bacterial control.
 - g. Sample results using EPA approved methods for any parameter above its required frequency must also be reported.
 - h. If the average annual flow in any calendar year exceeds 80 percent of the facility's design flow, the permittee shall submit a report to MassDEP by March 31 of the following calendar year describing its plans for further flow increases and describing how it will maintain compliance with the flow limit and all other effluent limitations and conditions.
2. All POTWs must provide adequate notice to the Director of the following:
- a. Any new introduction of pollutants into that POTW from an indirect discharger in a primary industry category discharging process water; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - c. For purposes of this paragraph, adequate notice shall include information on:
 - (1) The quantity and quality of effluent introduced into the POTW; and
 - (2) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
3. Prohibitions Concerning Interference and Pass-Through:
- a. Pollutants introduced into POTW's by a non-domestic source (user) shall not pass through the POTW or interfere with the operation or performance of the works.
 - b. If, within 30 days after notice of an interference or pass-through violation has been sent by EPA to the POTW and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action.

4. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

5. Numerical Effluent Limitations for Toxicants

EPA or MassDEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.

B. UNAUTHORIZED DISCHARGES

The permit only authorizes discharges in accordance with the terms and conditions of this permit and only from the outfall listed in Part I A.1. of this permit. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs) are not authorized by this permit and shall be reported in accordance with Section D.I.e. (1) of the General Requirements of this permit (24-Hour Reporting). Notification of SSOs to MassDEP shall be made on its SSO Reporting Form (which includes MassDEP Regional Office telephone numbers).

The reporting form and instruction for its completion may be found on-line at <http://www.mass.gov/dep/water/approvals/surffms.htm#sso>.

C. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of NPDES Part II, Standard Conditions and the following terms and conditions. The permittee and each co-permittee are required to complete the following activities for the collection system which it owns:

1. Maintenance Staff

The permittee and each co-permittee shall provide adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. Provisions to meet this requirement shall be described in the Collection System O & M Plan required pursuant to Section C.5. below.

2. Preventive Maintenance Program

The permittee and each co-permittee shall maintain an ongoing preventive maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges. Plans and programs to meet this requirement shall be described in the Collection System O & M Plan required pursuant to Section C.5. below.

3. Infiltration/Inflow

The permittee and each co-permittee shall control infiltration and inflow (I/I) into the sewer system as necessary to prevent high flow related unauthorized discharges from their collection systems and high flow related violations of the wastewater treatment plant's effluent limitations. Plans and programs to control I/I shall be described in the Collection System O & M Plan required pursuant to Section C.5. below.

4. Collection System Mapping

Within 30 months of the effective date of this permit, the permittee and each co-permittee shall prepare a map of the sewer collection system it owns (see page 1 of this permit for the effective date). The map shall be a street map of the community, with sufficient detail and at a scale to allow easy interpretation. The collection system information shown on the map shall be based on current conditions and shall be kept up to date and available for review by federal, state, or local agencies. Such map(s) shall include, but not be limited to the following:

- a. All sanitary sewer lines and related manholes;
- b. All combined sewer lines, related manholes, and catch basins;
- c. All combined sewer regulators and any known or suspected connections between the sanitary sewer and storm drain systems (e.g. combination manholes);
- d. All outfalls, including the treatment plant outfall(s), CSOs, and any known or suspected SSOs, including stormwater outfalls that are connected to combination manholes;
- e. All pump stations and force mains;
- f. The wastewater treatment facility(ies);
- g. All surface waters (labeled);
- h. Other major appurtenances such as inverted siphons and air release valves;
- i. A numbering system which uniquely identifies manholes, catch basins, overflow points, regulators and outfalls;
- j. The scale and a north arrow; and
- k. The pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.

5. Collection System Operation and Maintenance Plan

The permittee and each co-permittee shall develop and implement a Collection System Operation and Maintenance Plan for the collection system it owns.

- a. **Within six (6) months of the effective date of the permit**, the permittee and each co-permittee shall submit to EPA and MassDEP
 - (1) A description of the collection system management goals, staffing, information management, and legal authorities;
 - (2) A description of the collection system and the overall condition of the collection system including a list of all pump stations and a description of recent studies and construction activities; and
 - (3) A schedule for the development and implementation of the full Collection System O & M Plan including the elements in paragraphs b.1. through b.8. below.
- b. The full Collection System O & M Plan shall be submitted to EPA and MassDEP within twenty four (24) months from the effective date of this permit. The full Collection System O & M plan shall be implemented within the same time frame. The Plan shall include:

- (1) The required submittal from paragraph 5.a. above, updated to reflect current information;
- (2) A preventive maintenance and monitoring program for the collection system;
- (3) Description of sufficient staffing necessary to properly operate and maintain the sanitary sewer collection system and how the operation and maintenance program is staffed;
- (4) Description of funding, the source(s) of funding and provisions for funding sufficient for implementing the plan;
- (5) Identification of known and suspected overflows and back-ups, including manholes. A description of the cause of the identified overflows and back-ups, corrective actions taken, and a plan for addressing the overflows and back-ups consistent with the requirements of this permit;
- (6) A description of the permittee's and co-permittee's programs for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include an inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts; and
- (7) An educational public outreach program for all aspects of I/I control, particularly private inflow.
- (8) An Overflow Emergency Response Plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the permit.

6. Annual Reporting Requirement

The permittee and each co-permittee shall submit a summary report of activities related to the implementation of its Collection System O & M Plan during the previous calendar year. The report shall be submitted to EPA and MassDEP annually by March 31. The summary report shall, at a minimum, include:

- a. A description of the staffing levels maintained during the year;
- b. A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year;
- c. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- d. A map with areas identified for investigation/action in the coming year;
- e. If treatment plant flow has reached 80% of the design flow [4.56 MGD, October 1 through June 30 and 3.6 MGD, July 1 through September 30] or there have been capacity related overflows, submit a calculation of the maximum daily, weekly, and monthly infiltration and the maximum daily, weekly, and monthly inflow for the reporting year; and
- f. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharges section of this permit.

7. Alternate Power Source

In order to maintain compliance with the terms and conditions of this permit, the permittee and each co-permittee shall provide an alternative power source(s) sufficient to operate the portion of the publicly owned treatment works¹ it owns and operates.

¹ As defined at 40 CFR §122.2, which references the definition at 40 CFR §403.3

D. CHLORINATION SYSTEM

Chlorination and dechlorination systems shall include an alarm system for indicating system interruptions or malfunctions. Any interruption or malfunction of the chlorine dosing system that may have resulted in levels of chlorine that were inadequate for achieving effective disinfection or interruptions or malfunctions of the dechlorination system that may have resulted in excessive levels of chlorine in the final effluent shall be reported with the monthly DMRs. The report shall include the date and time of the interruption or malfunction, the nature of the problem, and the estimated amount of time that the reduced or excessive levels of chlorine or dechlorination chemicals occurred.

E. LIMITATIONS FOR INDUSTRIAL USERS

1. Pollutants introduced into POTWs by a non-domestic source (user) shall not pass-through the POTW or interfere with the operation or performance of the works.
2. The permittee shall develop and enforce specific effluent limits (local limits) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW treatment plant facilities or operation, are necessary to ensure continued compliance with the POTW's NPDES permit or sludge disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice to respond. Within 120 days of the effective date of this permit, the permittee shall prepare and submit a written technical report to EPA analyzing local limits. As part of the evaluation, the permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, activated sludge inhibition, worker health and safety, and collection system concerns. In preparing this evaluation, the permittee shall complete and submit the attached form of **Attachment B, EPA New England Reassessment of Technically Based Industrial Discharge Limits** with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data, if available and should be included in the report. Upon completion of its review, EPA will notify the POTW if the evaluation reveals that the local limits should be revised. Should the local limits need to be revised, the permittee shall complete the revisions within 120 days of notification by EPA and submit the revisions to EPA for approval. The permittee shall carry out the local limits analysis in accordance with EPA's Local Limit Development Guidance (EPA 833-R-04-002A, July 2004).

F. INDUSTRIAL PRETREATMENT PROGRAM

1. The permittee shall implement the industrial pretreatment program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, 40 CFR 403. At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):
 - a. Carry out the inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users shall be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.
 - b. Issue or renew all necessary industrial user control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.
 - c. Obtain appropriate remedies for non-compliance by any industrial user with any pretreatment standard and/or requirement.

- d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.
2. The permittee shall provide the EPA and MassDEP with an annual report in accordance with 40 CFR 403.12(i), describing the permittee's pretreatment program activities for the period from July 1 to June 30. The annual report shall be consistent with the format described in **Attachment C, NPDES Permit Requirement for Industrial Pretreatment Annual Report** of this permit and shall be submitted no later than September 1 of each year.
3. The permittee must obtain approval from EPA prior to making any significant changes to the industrial pretreatment program in accordance with 40 CFR 403.18(c).
4. The permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the Federal Regulations at 40 CFR 405 et. seq.
5. The permittee must modify its pretreatment program to conform to all changes in the Federal Regulations that pertain to the implementation and enforcement of the industrial pretreatment program. The permittee must provide EPA, in writing, within 180 days of this permit's effective date proposed changes, if applicable, to the permittee's pretreatment program deemed necessary to assure conformity with current federal regulations. At a minimum, the permittee must address in its written submission the following areas: (1) enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee will implement these proposed changes pending EPA Region I's approval under 40 CFR 403.18. This submission is separate and distinct from any local limits analysis submission described in Part I.E.2.
6. On October 14, 2005 EPA published in the Federal Register final changes to the General Pretreatment Regulations. The final "Pretreatment Streamlining Rule" is designed to reduce the burden to industrial users and provide regulatory flexibility in technical and administrative requirements of industrial users and POTWs. Within 90 days of the effective date of this permit, the permittee must submit to EPA all required modifications of the Streamlining Rule in order to be consistent with the provisions of the newly promulgated Rule. To the extent that the POTW legal authority is not consistent with the required changes, they must be revised and submitted to EPA for review.

G. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices and with the CWA Section 405(d) technical standards.
2. The permittee shall comply with the more stringent of either the state or federal (40 CFR Part 503) requirements.
3. The requirements and technical standards of 40 CFR Part 503 apply to facilities which perform one or more of the following use or disposal practices.
 - a. Land application - the use of sewage sludge to condition or fertilize the soil.
 - b. Surface disposal - the placement of sewage sludge in a sludge-only landfill.
 - c. Sewage sludge incineration in a sludge-only incinerator.
4. The 40 CFR Part 503 conditions do not apply to facilities which place sludge within a municipal solid waste landfill. These conditions also do not apply to facilities which do not dispose of sewage sludge during the life of the permit but rather treat the sludge (i.e., lagoons-reed beds), or are otherwise excluded under 40 CFR Part 503.6,

5. The permittee shall use and comply with the attached compliance guidance document to determine appropriate conditions. Appropriate conditions contain the following elements:

- General requirements
- Pollutant limitations
- Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
- Management practices
- Record keeping
- Monitoring
- Reporting

Depending upon the quality of material produced by a facility, all conditions may not apply to the facility.

6. The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year:

| | |
|-------------------------|------------|
| less than 290 | 1/ year |
| 290 to less than 1500 | 1 /quarter |
| 1500 to less than 15000 | 6 /year |
| 15000 + | 1 /month |

7. The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR 503.8.

8. The permittee shall submit an annual report containing the information specified in the guidance by February 19. Reports shall be submitted to the address contained in the reporting section of the permit. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge disposal. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such case, the permittee is required only to submit an annual report by February 19 containing the following information:

- * Name and address of contractor responsible for sludge disposal.
- * Quantity of sludge in dry metric tons removed from the facility by the sludge contractor.

H. COMPLIANCE SCHEDULE

The permittee shall achieve compliance with the total phosphorus limits no later than 2.5 years from the effective date of the permit in accordance with the following schedule:

- Within 30 months of the effective date of the permit complete construction of the necessary upgrades.

The permittee shall notify EPA and MassDEP of the completion of this milestone, and in addition shall file a progress report each year, on the effective date of the permit (on page 1 of the Final Permit), detailing the status of the upgrades including a projected date for project completion.

For 30 months after the effective date of the permit, the monthly average phosphorus limit for the months of June through October is 0.2 mg/l and the monthly average limit for the months of November through March is 1.0 mg/l.

I. MONITORING AND REPORTING

1. For a period of one year from the effective date of the permit, the permittee may either submit monitoring data and other reports to EPA in hard copy form, or report electronically using NetDMR, a web-based tool that allows permittees to electronically submit discharge monitoring reports (DMRs) and other required reports via a secure internet connection. Beginning no later than one year after the effective date of the permit, the permittee shall begin reporting using NetDMR, unless the facility is able to demonstrate on a reasonable basis that precludes the use of NetDMR for submitting all DMRs and reports. Specific requirements regarding submittal of data and reports in hard copy form and submittal using NetDMR are described below.

- a. Submittal of Reports Using NetDMR

NetDMR is accessed from: <http://www.epa.gov/netdmr>. The permittee shall submit DMRs and reports required under this permit electronically to EPA using NetDMR, unless the facility is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs and reports ("opt out request").

DMRs shall be submitted electronically to EPA no later than the 15th day of the month following the completed reporting period. All reports required under the permit shall be submitted to EPA, including the MassDEP Monthly Operations and Maintenance Report, as an electronic attachment to the DMR. Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to EPA and will no longer be required to submit hard copies of DMRs to MassDEP.

However, permittees shall continue to send hard MassDEP until further notice from MassDEP.

- b. Submittal of NetDMR Opt-Out Requests

Opt out requests must be submitted in writing to EPA for written approval at least sixty (60) days prior to the date a facility would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of EPA approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to EPA unless the permittee submits a renewed opt out request and such request is approved by EPA. All opt out requests should be sent to the following addresses:

Attn: NetDMR Coordinator
U.S. Environmental Protection Agency, Water Technical Unit
5 Post Office Square, Suite 100 (OES04-1)
Boston, MA 02109-3912

And

Massachusetts Department of Environmental Protection
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608

- c. Submittal of Reports in Hard Copy Form

Monitoring results shall be summarized for each calendar month and reported on separate hard copy Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month following the completed reporting period. All reports required under this permit, including MassDEP

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Monthly Operation and Maintenance Reports, shall be submitted as an attachment to the DMRs. Signed and dated originals of the DMRs, and all other reports or notifications required herein or in Part II shall be submitted to the Director at the following address:

**U.S. Environmental Protection Agency
Water Technical Unit
5 Post Office Square, Suite 100 (OES04-1)
Boston, MA 02109-3912**

Duplicate signed copies of all reports or notifications required above shall be submitted to the State at the following addresses:

**Massachusetts Department of Environmental Protection
Central Regional Office
Bureau of Resource Protection
627 Main Street
Worcester, Massachusetts 01608**

Industrial pretreatment reports required in Parts I.E.2 and I.F.2 shall be submitted to the agencies listed above and to:

**Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
Industrial Wastewater Section
1 Winter Street
Boston, Massachusetts 02108**

And

**Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
Industrial Wastewater Section
627 Main Street, 1st Floor
Worcester, Massachusetts 01608**

J. STATE PERMIT CONDITIONS

1. This authorization to discharge includes two separate and independent permit authorizations. The two permit authorizations are (i) a federal National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Clean Water Act, 33 U.S.C. §§1251 et seq.; and (ii) an identical state surface water discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53, and 314 CMR 3.00. All of the requirements contained in this authorization, as well as the standard conditions contained in 314 CMR 3.19, are hereby incorporated by reference into this state surface water discharge permit.
2. This authorization also incorporates the state water quality certification issued by MassDEP under § 401(a) of the Federal Clean Water Act, 40 CFR 124.53, M.G.L. c. 21, § 27 and 314 CMR 3.07. All of the requirements (if any) contained in MassDEP's water quality certification for the permit are hereby incorporated by reference into this state surface water discharge permit as special conditions pursuant to 314 CMR 3.11.
3. Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency

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taking such action, and shall not affect the validity or status of this permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared invalid, illegal or otherwise issued in violation of state law such permit shall remain in full force and effect under federal law as a NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this permit is declared invalid, illegal or otherwise issued in violation of federal law, this permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts.