



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**1 Congress Street, Suite 1100**  
**BOSTON, MA 02114-2023**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

October 9, 2009

David Schofield, Chairman  
Town of Wayland Wastewater Management District Commission  
41 Cochituate Road  
Wayland, MA 01778

Dear Mr. Schofield:

Enclosed is your final National Pollutant Discharge Elimination System (NPDES) permit modification issued pursuant to the Clean Water Act (the "Federal Act"), as amended, and the Massachusetts Clean Waters Act (the "State Act"), 21 M.G.L. §§43-45, as amended. The permit modification will become effective on the same date that the September 30, 2008 permit becomes effective.<sup>1</sup>

There was only one set of public comments submitted to EPA on the permit modification. These comments were submitted by the National Park Service and supported the conditions in the modification and requested no changes.

In its review of the final modification, which incorporates both the modified condition and the unmodified condition of the September 30, 2008 permit, EPA noted some numbering errors which could have potentially created confusion regarding the requirements of the September 30, 2008 permit. We have corrected the numbering, which does not affect the requirements of either the modification or the September 30, 2008 permit. Specifically, beginning on page 9 of the modification, we have re-numbered the sections of Part I.A following the footnotes to Part I.A.2 (the limitations on the discharge to the Sudbury River) as Part I.A.3 (rather than a continuation of Part I.A.2). This was done to make it clear that the conditions of Part I.A.3 a-f (formerly I.A.2 a-f) apply to both the discharge authorized by Parts I.A.1 (wetland) and Part I.A.2 (Sudbury River). This change necessitated changes to other references in the permit, specifically to the pH limitations rows in Parts I.A.1 and I.A.2 of the permit and to the internal references of Part I.A.8 (formerly I.A.7).

Also enclosed is a copy of the Massachusetts State Water Quality Certification for your final permit and information relative to appeals and stays of NPDES permits. Should you desire to

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<sup>1</sup> The September 30, 2008 permit was appealed, and pursuant to 40 CFR 124.16 all of the conditions were stayed. Pursuant to the settlement agreement signed by the petitioners, the Town and EPA, the appeals will be withdrawn upon issuance of this permit modification. Upon withdrawal of the appeals, EPA will file a motion to dismiss the appeal with the EAB, and upon the date that the EAB dismisses the appeal, EPA will move to notify the Town, pursuant to 40 CFR 124.19(f), that the September 30, 2008 permit is in effect. This notice will include the effective date.

contest any provision of the permit, your petition should be submitted to the Environmental Appeals Board as outlined in the enclosure and a similar request should also be filed with the Director of the Division of Watershed Management in accordance with the provisions of the Massachusetts Administrative Procedures Act, the Division's Rules for the Conduct of Adjudicatory Proceedings and the Timely Action Schedule and Fee Provisions (see enclosure).

We appreciate your cooperation throughout the development of this permit. Should you have any questions concerning the permit modification, feel free to contact Brian Pitt at 617-918-1875.

Sincerely,

Roger Janson, Chief  
NPDES Municipal Permits Branch  
Office of Ecosystem Protection

Enclosures

cc: MassDEP, Division of Watershed Management  
Adam Kahn, Esq., Foley Hoag  
Robin Lepore, Esq., DOI  
Jamie Fosburgh, NPS  
Deidre Menoyo, Esq.  
Thomas Arnold

**Information for Filing an Adjudicatory Hearing Request  
with the Commonwealth of Massachusetts  
Department of Environmental Protection**

Within thirty days of the receipt of this letter the adjudicatory hearing request should be sent to:

Docket Clerk  
Office of Administrative Appeals  
Department of Environmental Protection  
One Winter Street, Second Floor  
Boston, MA 02108

In addition, a valid check payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The hearing request to the Commonwealth will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver.

The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee for a permittee who shows that paying the fee will create an undue financial hardship. A permittee seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

MODIFICATION OF  
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),

**Town of Wayland  
Wastewater Management District Commission  
41 Cochituate Road  
Wayland, MA 01778**

is authorized to discharge from the facility located at

**Town of Wayland Wastewater Treatment Plant  
430/440 Boston Post Road  
Wayland, MA 01778**

to receiving water named

**Wetland adjacent to the Sudbury River (Concord River Watershed - MA 82)**

or to receiving water named

**Sudbury River (Concord River Watershed - MA82)**

in accordance with effluent limitations, monitoring requirements and other conditions set in the permit issued September 30, 2008, except as described below:

- page 1 - added clarification that the permit authorizes the discharge to the Sudbury River
- page 2 - added more stringent total phosphorus limit, deleted orthophosphorus monitoring requirement
- page 3 - corrected a typographical error in WET test frequency
- page 6 - added more stringent total phosphorus limit
- page 7 - deleted orthophosphorus monitoring requirement, added copper monitoring requirement
- page 8 - corrected a typographical error in footnote 6
- pages 9-10 - corrected typographical errors in numbering
- page 10 - added instream monitoring requirement

This modifies the permit issued on September 30, 2008. This permit modification only affects the permit conditions identified in the preceding paragraph.

This permit modification shall become effective on the same date that the September 30, 2008 permit becomes effective.

This permit modification does not affect the expiration date of the September 30, 2008 permit. Therefore, this permit modification expires at the same time as the September 30, 2008 permit.

**Signed this 9<sup>th</sup> day of October, 2009**

**/S/ SIGNATURE ON FILE**

\_\_\_\_\_  
Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA

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

PART I

A.1. During the period beginning the effective date and lasting until the outfall is extended to the Sudbury River or permit expiration, the permittee is authorized to discharge from outfall serial number **001**, treated effluent to a wetland adjacent to the Sudbury River. Such discharges shall be limited and monitored as specified below. Effluent samples shall be taken after appropriate treatment and prior to discharge to Outfall 001. All sampling shall be representative of the effluent that is discharged through Outfall 001. A routine sampling program shall be developed in which samples are taken at the same location, same time and same day(s) of every month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report that is submitted to EPA. Additionally, all samples shall be analyzed using the analytical methods found in 40 §CFR 136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.

<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>					<u>MONITORING REQUIREMENTS</u>	
<u>PARAMETER</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE TYPE</u>
FLOW	***	***	0.052 MGD <sup>2</sup>	***	REPORT	CONTINUOUS	RECORDER <sup>2</sup>
FLOW <sup>2</sup>	***	***	Report (MGD)	***	REPORT	CONTINUOUS	RECORDER <sup>2</sup>
BOD <sub>5</sub> <sup>4</sup>	13.0 lbs/Day 6.0 kgs/Day	20 lbs/Day 9 kgs/Day	30 mg/l	45 mg/l	REPORT	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>
TSS <sup>4</sup>	13.0 lbs/Day 6.0 kgs/Day	20 lbs/Day 9 kgs/Day	30 mg/l	45 mg/l	REPORT	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>
pH RANGE <sup>1</sup>	6.5 - 8.3 SU SEE PERMIT PAGE 9 OF 14, PARAGRAPH I.A.3.b.					1/DAY	GRAB <sup>3</sup>
FECAL COLIFORM <sup>1,6</sup>	***	***	200 cfu/100 ml	***	400 cfu/100 ml	1/WEEK <sup>6</sup>	GRAB <sup>3</sup>
E. COLI <sup>1,6</sup>	***	***	126 cfu/100 ml	***	409 cfu/100 ml	1/WEEK <sup>6</sup>	GRAB <sup>3</sup>
OIL & GREASE	***	***	REPORT	***	***	1/MONTH	GRAB <sup>3</sup>
TOTAL PHOSPHORUS <sup>13</sup>	***	***	0.1mg/l	***	***	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>
ALUMINUM <sup>11, 13</sup>	***	***	87 ug/l	***	750 ug/l	1/MONTH	24-HOUR COMPOSITE <sup>3,5</sup>

A.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge from outfall serial number **001**, treated effluent to a wetland adjacent to the Sudbury River. Such discharges shall be limited and monitored as specified below. Effluent samples shall be taken after appropriate treatment and prior to discharge to Outfall 001. All sampling shall be representative of the effluent that is discharged through Outfall 001. A routine sampling program shall be developed in which samples are taken at the same location, same time and same day(s) of every month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report that is submitted to EPA. Additionally, all samples shall be analyzed using the analytical methods found in 40 §CFR 136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.

<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>					<u>MONITORING REQUIREMENTS</u>	
<u>PARAMETER</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE TYPE</u>
COPPER <sup>13</sup>	***	***	9.2 ug/l	***	13.7 ug/l	1/MONTH	24-HOUR COMPOSITE <sup>3,5</sup>
LEAD <sup>12, 13</sup>	***	***	3.1 ug/l	***	79.6 ug/l	1/MONTH	24-HOUR COMPOSITE <sup>3,5</sup>
TOTAL AMMONIA, AS N	***	***	Report (mg/l)	***	Report (mg/l)	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>
WHOLE EFFLUENT TOXICITY Footnotes <sup>7, 8, 9, 10</sup>	Acute LC <sub>50</sub> ≥ 100% Chronic C-NOEC ≥ 100%					4/YEAR	24-HOUR COMPOSITE <sup>3,5</sup>

Footnotes:

1. Required for State Certification.
2. For flow, report maximum and minimum daily rates and total flow for each operating date. This is an annual average limit, which shall be reported as a rolling average. The first value will be calculated using the monthly average flow for the first full month ending after the effective date of the permit and the eleven previous monthly average flows. Each subsequent month's discharge monitoring report (DMR) will report the annual average flow for the previous 12 months.
3. Effluent samples shall be taken after appropriate treatment and prior to discharge to Outfall 001. All sampling shall be representative of the effluent that is discharged through Outfall 001 to the Sudbury River. A routine sampling program shall be developed in which samples are taken at the same location, same time and same day(s) of every month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report that is submitted to EPA. In addition, all samples shall be analyzed using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.
4. Sampling required for influent and effluent.
5. A 24-hour composite sample will consist of at least twenty four (24) grab samples, which are flow proportional, and taken during a 24 hour cycle (e.g. 0700 Monday to 0700 Tuesday).
6. Fecal coliform and *E. coli* limits are in effect year round. The monthly average limits for fecal coliform and *E. coli* are expressed as geometric means. The fecal coliform limits and monitoring shall end one year after the effective date of this permit. The *E. coli* limits shall go into effect one year after the effective date of this permit. The monitoring requirements for *E. coli* are one sample per month for the first year that the permit is in effect and one sample per week once the limits go into effect (one year following the effective date of the permit). This is a State certification requirement.
7. The permittee will conduct 7-day chronic (and modified acute) toxicity tests four times per year, and will test the daphnid, *Ceriodaphnia dubia* as the test species. Toxicity test samples will be collected during the second week in March, June, September and December. The test results will be submitted by the last day of the month following the completion of the test. The results are due April 30<sup>th</sup>, July 31<sup>st</sup>, October 31<sup>st</sup>, and January 31<sup>st</sup>, respectively. The tests must be performed in accordance with test procedures and protocols specified in **Attachment A** of this permit.

Test Date Second Week in	Submit Results By:	Test Species	Acute Limit LC <sub>50</sub> <sup>8</sup>	Chronic Limit C-NOEC <sup>9</sup>
March	April 30 <sup>th</sup>	<i>Ceriodaphnia dubia</i>	≥ 100%	≥ 100%
June	July 31 <sup>st</sup>			
September	October 31 <sup>st</sup>	See Attachment A		
December	January 31 <sup>st</sup>			

After submitting four consecutive sets of whole effluent toxicity (WET) test results, all of which demonstrate compliance with the WET permit limits, the permittee may request a reduction in the

WET testing requirements. The permittee is required to continue testing in accordance with the permit until notice is received by certified mail from the EPA that the WET testing requirements have been changed.

8. The  $LC_{50}$  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.
9. 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 "100% or greater" limit is defined as a sample which is composed of 100% effluent. This is a maximum daily limit derived as a percentage of the inverse of the dilution factor of 1.
10. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall follow procedures outlined in **Attachment A Section IV., DILUTION WATER** in order to obtain permission to use an alternate dilution water. In lieu of individual approvals for alternate dilution water required in **Attachment A**, EPA-New England has developed a Self-Implementing Alternative Dilution Water Guidance document (called "Guidance Document") which may be used to obtain automatic approval of an alternate dilution water, including the appropriate species for use with that water. If this Guidance document is revoked, the permittee shall revert to obtaining approval as outlined in **Attachment A**. The "Guidance Document" has been sent to all permittees with their annual set of DMRs and Revised Updated Instructions for Completing EPA's Pre-Printed NPDES Discharge Monitoring Report (DMR) Form 3320-1 and is not intended as a direct attachment to this permit. Any modification or revocation to this "Guidance Document" 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**.
11. Aluminum sampling shall be conducted concurrently with phosphorus sampling.
12. The minimum level (ML) for lead is defined as 3 ug/l. This value is the minimum level for lead using the Furnace Atomic Absorption analytical method (Standard Method 3113B). This method, or a 40 CFR Part 136 method achieving an equal or lower ML must be used to determine total lead. For effluent limitations less than the ML, compliance/non-compliance will be determined based on the ML. Sample results less than the ML shall be reported as zero on the Discharge Monitoring Report.
13. The Permittee shall comply with the limits in accordance with the compliance schedule appearing in Section F. During the interim, a limit of 0.5 mg/l total phosphorus shall apply with monitoring once per week (1/Week) and there shall be no effluent limitations for aluminum, copper and lead, which shall be monitored once per month (1/Month) using 24 hour composite samples. These interim requirements are in effect until the actions required by the compliance schedule are completed.



A.2. \*\*  
During the period beginning with the completion of the outfall relocation to the Sudbury River, and lasting through expiration, the permittee is authorized to discharge from outfall serial number **001**, treated effluent to the Sudbury River. Such discharges shall be limited and monitored as specified below. Effluent samples shall be taken after appropriate treatment and prior to discharge to Outfall 001. All sampling shall be representative of the effluent that is discharged through Outfall 001. A routine sampling program shall be developed in which samples are taken at the same location, same time and same day(s) of every month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report that is submitted to EPA. Additionally, all samples shall be analyzed using the analytical methods found in 40 §CFR 136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.

<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>					<u>MONITORING REQUIREMENTS</u>	
PARAMETER	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE TYPE</u>
FLOW	***	***	0.052 MGD <sup>2</sup>	***	REPORT	CONTINUOUS	RECORDER <sup>2</sup>
FLOW <sup>2</sup>	***	***	Report (MGD)	***	REPORT	CONTINUOUS	RECORDER <sup>2</sup>
BOD <sub>5</sub> <sup>4</sup>	13.0 lbs/Day 6.0 kgs/Day	20 lbs/Day 9 kgs/Day	30 mg/l	45mg/l	REPORT	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>
TSS <sup>4</sup>	13.0 lbs/Day 6.0 kgs/Day	20 lbs/Day 9 kgs/Day	30 mg/l	45 mg/l	REPORT	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>
pH RANGE <sup>1</sup>	6.5 - 8.3 SU SEE PERMIT PAGE 9 OF 14 PARAGRAPH I.A.3.b.					1/DAY	GRAB <sup>3</sup>
FECAL COLIFORM <sup>1,6</sup>	***	***	200 cfu/100 ml	***	400 cfu/100 ml	1/WEEK <sup>6</sup>	GRAB <sup>3</sup>
E. COLI <sup>1,6</sup>	***	***	126 cfu/100 ml	***	409 cfu/100 ml	1/WEEK <sup>6</sup>	GRAB <sup>3</sup>
OIL & GREASE	***	***	Report	***	***	1/MONTH	GRAB <sup>3</sup>
TOTAL PHOSPHORUS	***	***	0.1 mg/l	***	***	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>

**\*\*The Permittee shall notify both EPA and DEP 60 days prior to commencing the discharge to the Sudbury River. The limits found on Pages 6-7 this permit shall apply beginning with the first full calendar month after commencing the discharge to the Sudbury River.**

A.2. \*\* During the period beginning with the completion of the outfall relocation to the Sudbury River, and lasting through expiration, the permittee is authorized to discharge from outfall serial number **001**, treated effluent to the Sudbury River. Such discharges shall be limited and monitored as specified below. Effluent samples shall be taken after appropriate treatment and prior to discharge to Outfall 001. All sampling shall be representative of the effluent that is discharged through Outfall 001. A routine sampling program shall be developed in which samples are taken at the same location, same time and same day(s) of every month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report that is submitted to EPA. Additionally, all samples shall be analyzed using the analytical methods found in 40 §CFR 136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.

<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>					<u>MONITORING REQUIREMENTS</u>	
PARAMETER	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE TYPE</u>
TOTAL AMMONIA, AS N	***	***	Report (mg/l)	***	Report (mg/l)	1/WEEK	24-HOUR COMPOSITE <sup>3,5</sup>
COPPER	***	***	Report (mg/l)	***	Report (mg/l)	1/MONTH	24-HOUR COMPOSITE <sup>3,5</sup>
ALUMINUM <sup>10</sup>	***	***	Report (mg/l)	***	***	1/MONTH	24-HOUR COMPOSITE <sup>3,5</sup>
WHOLE EFFLUENT TOXICITY Footnotes <sup>7,8,9</sup>	Acute LC <sub>50</sub> ≥ 100%					1/YEAR	24-HOUR COMPOSITE <sup>3,5</sup>

**\*\*The Permittee shall notify both EPA and DEP 60 days prior commencing discharge to the Sudbury River. The limits found on Pages 6-7 this permit shall apply beginning with the first full calendar month after commencing discharge to the Sudbury River.**

Footnotes:

1. Required for State Certification.
2. For flow, report maximum and minimum daily rates and total flow for each operating date. This is an annual average limit, which shall be reported as a rolling average. The first value will be calculated using the monthly average flow for the first full month ending after the effective date of the permit and the eleven previous monthly average flows. Each subsequent month's discharge monitoring report will report the annual average flow for the previous 12 months.
3. Effluent samples shall be taken after appropriate treatment and prior to discharge to Outfall 001. All sampling shall be representative of the effluent that is discharged through Outfall 001 to the Sudbury River. A routine sampling program shall be developed in which samples are taken at the same location, same time and same day(s) of every month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report that is submitted to EPA. In addition, all samples shall be analyzed using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.
4. Sampling required for influent and effluent.
5. A 24-hour composite sample will consist of at least twenty four (24) grab samples, which are flow proportional, and taken during a 24 hour cycle (e.g. 0700 Monday to 0700 Tuesday).
6. Fecal coliform and *E. coli* limits are in effect year round. The monthly average limits for fecal coliform and *E. coli* are expressed as geometric means. The fecal coliform limits and monitoring shall end one year after the effective date of this permit. The *E. coli* limits shall go into effect one year after the effective date of this permit. The monitoring requirements for *E. coli* are one sample per month for the first year that the permit is in effect and one sample per week when the limits become effective (one year following the effective date of the permit.) This is a State certification requirement.
7. The permittee shall conduct acute whole effluent toxicity (WET) testing for the effluent discharged through Outfall 001 once per year using *Ceriodaphnia dubia* and *Pimphales promelas* as test species. Toxicity test samples shall be collected during the second week of August, and the results shall be submitted by September 30<sup>th</sup>. The test must be performed in accordance with test procedures and protocols specified in **Attachment A** of this permit.

Test Date Second Week in	Submit Results By:	Test Species	Acute Limit LC <sub>50</sub> <sup>8</sup>
August	September 30 <sup>th</sup>	<i>Ceriodaphnia dubia</i> <i>Pimphales promelas</i>  See Attachment A	≥ 100%

8. The  $LC_{50}$  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.
9. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall follow procedures outlined in **Attachment A Section IV., DILUTION WATER** in order to obtain permission to use an alternate dilution water. In lieu of individual approvals for alternate dilution water required in **Attachment A**, EPA-New England has developed a Self-Implementing Alternative Dilution Water Guidance document (called "Guidance Document") which may be used to obtain automatic approval of an alternate dilution water, including the appropriate species for use with that water. If this Guidance document is revoked, the permittee shall revert to obtaining approval as outlined in **Attachment A**. The "Guidance Document" has been sent to all permittees with their annual set of DMRs and Revised Updated Instructions for Completing EPA's Pre-Printed NPDES Discharge Monitoring Report (DMR) Form 3320-1 and is not intended as a direct attachment to this permit. Any modification or revocation to this "Guidance Document" 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**.
10. Aluminum sampling shall be conducted concurrently with phosphorus sampling.

**Part I.A.3.**

- a. The discharge shall not cause an excursion of the water quality standards of the receiving waters.
  - b. The pH of the effluent shall not be less than 6.5 nor greater than 8.3 Standard Units (SU) at any time.
  - 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 results of sampling for any parameter above its required frequency must also be reported.
4. The permittee must provide adequate notice to the Director of the following:
- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into the 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.
5. Prohibitions Concerning Interference and Pass-Through:

- a. Pollutants introduced into the POTW by a non-domestic source (user) shall not pass through the POTW or interfere with the operation or performance of the works.

#### 6. 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.

#### 7. 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.

#### 8. Instream Monitoring Program

Beginning in 2011, the permittee, either by itself, or in cooperation with the Town of Wayland ("Town") and/or another entity, shall conduct in-stream monitoring in the Sudbury River, as described below:

- a. The permittee shall sample two locations, one location upstream and one downstream of the treatment plant outfall, once per month, including quality control sampling, from May to September as follows: The permittee will take in-situ measurements of pH, dissolved oxygen, water temperature, and conductivity and will submit water samples to a state-certified laboratory for analysis of chlorophyll a, total and ortho-phosphorus, nitrates, ammonia, and total suspended solids. All samples will be taken prior to 8:30 am. Monitoring results shall be attached to the monthly discharge monitoring report submitted for the month the samples were collected (see Part I.G. for discharge monitoring report schedule).
- b. As an alternate method of compliance in lieu of Part I.A.8(a) above, in any calendar year the permittee may participate in the "Water Quality Monitoring in the Lower Sudbury River Project" ("WQM") monitoring program to fulfill its in-stream monitoring obligation. The WQM is described in Attachment C but may be revised from time to time, in accordance with the MassDEP approved amended QAPP WQM for the Lower Sudbury River, or otherwise with the prior written approval of MassDEP. If the permittee elects this option in a given calendar year, the permittee shall notify EPA and MassDEP of this election in writing by April 1st of that year.
- c. If a QAPP for the Lower Sudbury River has been approved in writing by the MassDEP and EPA as part of the WQM, then, starting with the date of the latter such approval, for any calendar year in which the permittee elects to proceed pursuant to Part I.A.8(a), the permittee shall conduct the in-stream monitoring program consistent with the QAPP.
- d. For any calendar year in which the permittee conducts monitoring pursuant to Part I.A.8(a), the permittee shall submit a report on May 15 of the following year, summarizing the instream monitoring data collected during the previous calendar year.

### **B. UNAUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfalls listed in Parts I.A.1. and I.A.2. 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.1.e. (1) of the General Requirements of this permit (Twenty-four hour reporting).

### **C. INFILTRATION/INFLOW**

The permittee shall control infiltration and inflow (I/I) to the separate sewer system to prevent infiltration/inflow-related effluent limit violations, and any unauthorized discharges of wastewater, including overflows and by-passes, due to excessive infiltration/inflow.

### **D. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM**

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions:

#### **1. Maintenance Staff**

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

#### **2. Preventative Maintenance Program**

The permittee shall maintain an ongoing preventative 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.

#### **3. Alternate Power Source**

In order to maintain compliance with the terms and conditions of this permit, the permittee shall provide an alternative power source with which to sufficiently operate its treatment works (as defined at 40 CFR §122.2).

### **E. 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 (e.g. lagoons- reed beds), or are otherwise excluded under 40 CFR 503.6.

5. The permittee shall use and comply with the attached compliance guidance document (Attachment B) 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

## F. COMPLIANCE SCHEDULE

In order to comply with the permit limits for total phosphorus, copper, lead and aluminum, the permittee shall take the following actions:

1. Within twelve (12) months of the effective date of the permit, the permittee shall evaluate and select an option for:
- a) extending the outfall to the Sudbury River, or
  - b) upgrading the Wayland WWTF , including, but not limited to, evaluating groundwater discharge

and water conservation measures.

The permittee shall document its evaluation and selection process in a report, which it shall be submitted to EPA and MassDEP no later than 30 days following completion of the evaluation of the option(s).

2. Within twelve (12) months of completing this evaluation, the permittee shall complete the design for the selected option(s). The Permittee shall submit the design to MassDEP.
3. Within two (2) years of completing the design, the permittee shall complete construction of the selected option(s) and achieve the effluent limitations in the permit. Notification of construction completion shall be submitted to EPA and MassDEP.

## **G. MONITORING AND REPORTING**

### **1. Reporting**

Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the following month.

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency  
Water Technical Unit (SEW)  
P.O. Box 8127  
Boston, Massachusetts 02114

The State Agency is (this office should receive all reports except toxicity test reports):

Massachusetts Department of Environmental Protection  
Northeast Regional Office- Bureau of Resource Protection  
205b Lowell Street  
Wilmington, Massachusetts 01887

Signed and dated Discharge Monitoring Report Forms and toxicity test reports required by this permit shall also be submitted to the State at:

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

## **H. STATE PERMIT CONDITIONS**

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MassDEP pursuant to M.G.L. Chap. 21, §43.

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 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 an 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.