

**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 Lee, Massachusetts**

is authorized to discharge from the facility located at

**Lee Wastewater Treatment Plant  
379 Pleasant Street  
Lee, MA 01238**

to receiving water named

**Housatonic River (MA21-19)  
Connecticut River Watershed – USGS Code: 0100005  
Class B – Warm Water Fishery**

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit issued on September 23, 2019, except as modified with new language in **bold** in the Table in Part I.A.1, Footnotes 9 and 10 of Part I.A.1, and Special Conditions, Part I.G.1.

This permit modification shall become effective upon the date of signature.

This modified permit and the authorization to discharge expire at midnight, November 30, 2024.

This modified permit is issued pursuant to 40 CFR § 124.5, and revises and supersedes the relevant portions of the permit that was issued on September 23, 2019.

This permit consists of this Cover Page; Part I; Attachment A (Freshwater Acute Toxicity Test Procedure and Protocol, February 2011); Attachment B (Freshwater Chronic Toxicity Test Procedure and Protocol, March 2013); and Part II (NPDES Part II Standard Conditions, April 2018).

Signed this 27<sup>th</sup> of September, 2022

**KENNETH MORAFF** Digitally signed by  
KENNETH MORAFF  
Date: 2022.09.27  
15:09:19 -0400



Ken Moraff, Director  
Water Division  
Environmental Protection Agency  
Region 1  
Boston, MA

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

**PART I**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date and lasting through the expiration date, the Permittee is authorized to discharge treated effluent through Outfall Serial Number 001 to the Housatonic River. The discharge shall be limited and monitored as specified below; the receiving water and the influent shall be monitored as specified below.

Effluent Characteristic	Effluent Limitation			Monitoring Requirements <sup>1,2,3</sup>	
	Average Monthly <sup>4</sup>	Average Weekly <sup>4</sup>	Maximum Daily	Measurement Frequency	Sample Type <sup>5</sup>
Aluminum <sup>9,10</sup>	87 µg/L	—	—	1/month	Composite

Footnotes:

...

9. ~~Aluminum analysis must be completed using a test method in 40 C.F.R. § 136 that achieves a minimum level no greater than 87 µg/L.~~

N/A

10. ~~See Part I.G., Special Conditions for a schedule of compliance.~~

N/A

...

## G. SPECIAL CONDITIONS

### 1. Aluminum

~~a. The effluent limit for total aluminum shall be subject to a schedule of compliance whereby the limit takes effect three years after the effective date of the permit.<sup>1</sup> For the period starting on the effective date of this permit and ending three (3) years after the effective date, the permittee shall report only the monthly average aluminum concentration on the monthly DMR. After this initial three (3) year period, the permittee shall comply with the monthly average total aluminum limit of 87 µg/L (“final aluminum effluent limit”). The permittee shall submit an annual report due by January 15th of each of the first three (3) years of the permit that will detail its progress towards meeting the final aluminum effluent limit.~~

~~b. If during the three-year period after the effective date of the permit, Massachusetts adopts revised aluminum criteria, then the permittee may request a permit modification, pursuant to 40 C.F.R. § 122.62(a)(3), for a further delay in the effective date of the final aluminum effluent limits. If new criteria are approved by EPA before the effective date of the final aluminum effluent limit, the permittee may apply for a permit modification, pursuant to 40 C.F.R. § 122.62(a)(3), to revise the time to meet the final aluminum effluent limit and/or for revisions to the permit based on whether there is reasonable potential for the facility’s aluminum discharge to cause or contribute to a violation of the newly approved aluminum criteria.~~

N/A

---

<sup>1</sup> The final effluent limit of 87 µg/l for aluminum may be modified prior to the end of the three-year compliance schedule if warranted by the new criteria and a reasonable potential analysis, and if consistent with anti-degradation requirements. Such a modification would not trigger anti-backsliding prohibitions, as reflected in CWA § 402(o) and 40 C.F.R. § 122.44(l), provided that such modification is finalized before the final limit takes effect.

**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 Lee, Massachusetts**

is authorized to discharge from the facility located at

**Lee Wastewater Treatment Plant  
379 Pleasant Street  
Lee, MA 01238**

to receiving water named

**Housatonic River (MA21-19)  
Connecticut River Watershed – USGS Code: 0100005  
Class B – Warm Water Fishery**

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit issued on September 23, 2019, except as modified with new language in **bold** in the Table in Part I.A.1, Footnotes 9 and 10 of Part I.A.1, and Special Conditions, Part I.G.1.

This permit modification shall become effective on the first day of the calendar month immediately following 30 days after signature. <sup>1</sup>

This modified permit and the authorization to discharge expire at midnight, November 30, 2024.

This modified permit is issued pursuant to 40 CFR § 124.5, and revises and supersedes the relevant portions of the permit that was issued on September 23, 2019.

This permit consists of this Cover Page; Part I; Attachment A (Freshwater Acute Toxicity Test Procedure and Protocol, February 2011); Attachment B (Freshwater Chronic Toxicity Test Procedure and Protocol, March 2013); and Part II (NPDES Part II Standard Conditions, April 2018).

Signed this        day of

\_\_\_\_\_  
Ken Moraff, Director  
Water Division  
Environmental Protection Agency  
Region 1  
Boston, MA

\_\_\_\_\_  
Lealdon Langley, Director  
Division of Watershed Management  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

<sup>1</sup> Pursuant to 40 Code of Federal Regulations (CFR) § 124.15(b)(3), if no comments requesting a change to the Draft Permit Modification are received, the permit modification will become effective upon the date of signature. Procedures for appealing EPA’s Final Permit decision may be found at 40 CFR § 124.19.

**PART I**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date and lasting through the expiration date, the Permittee is authorized to discharge treated effluent through Outfall Serial Number 001 to the Housatonic River. The discharge shall be limited and monitored as specified below; the receiving water and the influent shall be monitored as specified below.

*Note: If the revised SWQS are not approved by EPA at the time this Permit Modification is issued the following will be included in the final Permit Modification.*

Effluent Characteristic	Effluent Limitation			Monitoring Requirements <sup>1,2,3</sup>	
	Average Monthly <sup>4</sup>	Average Weekly <sup>4</sup>	Maximum Daily	Measurement Frequency	Sample Type <sup>5</sup>
Aluminum <sup>9,10</sup>	87 µg/L	---	---	1/month	Composite

-or-

*Note: If the revised 2021 Massachusetts Surface Water Quality Standards (SWQS) are approved by EPA before this Permit Modification is issued the following will be included in the final Permit Modification.*

Effluent Characteristic	Effluent Limitation			Monitoring Requirements <sup>1,2,3</sup>	
	Average Monthly <sup>4</sup>	Average Weekly <sup>4</sup>	Maximum Daily	Measurement Frequency	Sample Type <sup>5</sup>
<del>Aluminum<sup>9,10</sup></del>	<del>87 µg/L</del>	<del>---</del>	<del>---</del>	<del>1/month</del>	<del>Composite</del>

Footnotes:

...

9. *Note: If the revised SWQS are not approved by EPA at the time this Permit Modification is issued the following will be included in the final Permit Modification.*

Aluminum analysis must be completed using a test method in 40 C.F.R. § 136 that achieves a minimum level no greater than 87 µg/L.

-or-

*Note: If the revised 2021 Massachusetts Surface Water Quality Standards (SWQS) are approved by EPA before this Permit Modification is issued the following will be included in the final Permit Modification.*

~~Aluminum analysis must be completed using a test method in 40 C.F.R. § 136 that achieves a minimum level no greater than 87 µg/L.~~

N/A

10. *Note: If the revised SWQS are not approved by EPA at the time this Permit Modification is issued the following will be included in the final Permit Modification.*

See Part I.G., Special Conditions for a schedule of compliance.

-or-

*Note: If the revised 2021 Massachusetts Surface Water Quality Standards (SWQS) are approved by EPA before this Permit Modification is issued the following will be included in the final Permit Modification.*

~~See Part I.G., Special Conditions for a schedule of compliance.~~

N/A

...

## G. SPECIAL CONDITIONS

*Note: If the revised SWQS are not approved by EPA at the time this Permit Modification is issued the following will be included in the final Permit Modification.*

### 1. Aluminum

- a. The effluent limit for total aluminum shall be subject to a schedule of compliance whereby the limit takes effect **four** years after the effective date of the permit.<sup>2</sup> For

---

<sup>2</sup> The final effluent limit of 87 µg/l for aluminum may be modified prior to the end of the **four**-year compliance schedule if warranted by the new criteria and a reasonable potential analysis, and if consistent with anti-degradation requirements. Such a modification would not trigger anti-backsliding prohibitions, as reflected in CWA § 402(o) and 40 C.F.R. § 122.44(l), provided that such modification is finalized before the final limit takes effect.

the period starting on the effective date of this permit and ending **four (4)** years after the effective date, the permittee shall report only the monthly average aluminum concentration on the monthly DMR. After this initial **four (4)** year period, the permittee shall comply with the monthly average total aluminum limit of 87 µg/L (“final aluminum effluent limit”). The permittee shall submit an annual report due by January 15th of each of the first **four (4)** years of the permit that will detail its progress towards meeting the final aluminum effluent limit.

- b. If during the **four-year** period after the effective date of the permit, ~~Massachusetts adopts revised aluminum criteria~~ **MassDEP’s revised aluminum criteria have not yet been approved by EPA**, then the Permittee may request a permit modification, pursuant to 40 CFR § 122.62(a)(3), for a further delay of the effective date of the final aluminum effluent limit. If new criteria are approved by EPA before the effective date of the final aluminum effluent limit, the Permittee may apply for a permit modification, pursuant to 40 CFR § 122.62(a)(3), to revise the time to meet the final aluminum effluent limit and/or for revisions to the permit based on whether there is reasonable potential for the facility’s aluminum discharge to cause or contribute to a violation of the newly approved aluminum criteria.

-or-

*Note: If the revised SWQS are approved by EPA before this Permit Modification is issued the following will be included in the final Permit Modification.*

## 1. Aluminum

- a. ~~The effluent limit for total aluminum shall be subject to a schedule of compliance whereby the limit takes effect three years after the effective date of the permit.<sup>3</sup> For the period starting on the effective date of this permit and ending three (3) years after the effective date, the permittee shall report only the monthly average aluminum concentration on the monthly DMR. After this initial three (3) year period, the permittee shall comply with the monthly average total aluminum limit of 87 µg/L (“final aluminum effluent limit”). The permittee shall submit an annual report due by January 15th of each of the first three (3) years of the permit that will detail its progress towards meeting the final aluminum effluent limit.~~
- b. ~~If during the three-year period after the effective date of the permit, Massachusetts adopts revised aluminum criteria, then the permittee may request a permit modification, pursuant to 40 C.F.R. § 122.62(a)(3), for a further delay in the effective date of the final aluminum effluent limits. If new criteria are~~

---

<sup>3</sup>The final effluent limit of 87 µg/l for aluminum may be modified prior to the end of the three year compliance schedule if warranted by the new criteria and a reasonable potential analysis, and if consistent with anti-degradation requirements. Such a modification would not trigger anti-backsliding prohibitions, as reflected in CWA § 402(o) and 40 C.F.R. § 122.44(l), provided that such modification is finalized before the final limit takes effect.

~~approved by EPA before the effective date of the final aluminum effluent limit, the permittee may apply for a permit modification, pursuant to 40 C.F.R. § 122.62(a)(3), to revise the time to meet the final aluminum effluent limit and/or for revisions to the permit based on whether there is reasonable potential for the facility's aluminum discharge to cause or contribute to a violation of the newly approved aluminum criteria.~~

N/A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**STATEMENT OF BASIS**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
MODIFICATION TO DISCHARGE TO WATERS OF THE UNITED STATES  
PURSUANT TO THE CLEAN WATER ACT (CWA)

NPDES PERMIT NO.: **MA0100153**

PUBLIC NOTICE START AND END DATES: **June 6, 2022 – July 5, 2022**

NAME AND ADDRESS OF APPLICANT:

**Town of Lee  
32 Main Street  
P.O. Box 630  
Lee, MA 01238**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**Lee Wastewater Treatment Plant  
379 Pleasant St  
Lee, MA 01238**

RECEIVING WATERS: **Housatonic River, (MA21-19)**

CLASSIFICATION: **B, Warm Water Fishery**

**1.0 PROPOSED ACTION**

On September 23, 2019, Region 1 of the U.S. Environmental Protection Agency (“Region”) and the Massachusetts Department of Environmental Protection issued a NPDES Permit (“2019 Permit”) to the Town of Lee (“Permittee”) for discharges from the Lee Wastewater Treatment Plant to the Housatonic River via Outfall 001.

This statement of basis explains the rationale for a Permit Modification to the Final 2019 NPDES Permit pursuant to federal regulations found at 40 C.F.R. §122.62.

This Permit Modification proposes to either remove the monthly average aluminum limit of 87 µg/L or extend the compliance period for the final aluminum limit to four (4) years from the original effective date of the 2019 Permit.

**2.0 BASIS OF PERMIT MODIFICATION**

The 2008 permit did not include an aluminum limit. The analysis conducted for the 2019 Permit indicated that a new monthly average aluminum limit would be required to continue to meet WQS under current conditions at that time. Therefore, the 2019 Permit proposed a new monthly average limit of 87 µg/L with

a three-year compliance schedule and therefore, this limit is not yet in effect.<sup>1</sup> Part I.G.1 of the 2019 Permit includes a compliance schedule for the monthly average aluminum effluent limit with a reopener clause. Specifically, it states:

If during the three-year period after the effective date of the permit, Massachusetts adopts revised aluminum criteria, then the permittee may request a permit modification, pursuant to 40 C.F.R. § 122.62(a)(3), for a further delay in the effective date of the final aluminum effluent limits. If new criteria are approved by EPA before the effective date of the final aluminum effluent limit, the permittee may apply for a permit modification, pursuant to 40 C.F.R. § 122.62(a)(3), to revise the time to meet the final aluminum effluent limit and/or for revisions to the permit based on whether there is reasonable potential for the facility's aluminum discharge to cause or contribute to a violation of the newly approved aluminum criteria.

In accordance with this reopener provision, the Permittee requested a modification of the aluminum limit by email on April 11, 2022.

EPA notes that MassDEP promulgated final revised Surface Water Quality Standards (SWQS)<sup>2</sup>, including revised aluminum criteria, on November 12, 2021. The revised SWQS still need to go through the EPA review and approval process before they can be used in NPDES permits.

Given the pending status of the revised SWQS which may be approved before this Permit Modification is issued, EPA has developed this Permit Modification with two potential outcomes depending on the status of the EPA approval process at the time this Permit Modification is issued. EPA is soliciting comments on both options which are summarized below.

- If the revised SWQS are approved before this Permit Modification is issued, EPA has determined that both the aluminum limit of 87 ug/ and the compliance schedule would be removed. The justification for this change is described below.
- If the revised SWQS are not approved before this Permit Modification is issued, the changes described below will not be made to the final Modified Permit and instead the compliance schedule for the final aluminum limit of 87 µg/L will be extended to four (4) years from the original effective date of the Final 2019 Permit to allow additional time for EPA to review the new SWQS proposed by MassDEP.

#### Determination of Changes if revised SWQS are Approved before this Permit Modification is Issued

Since MassDEP has promulgated revised aluminum criteria, EPA reassessed whether a limit is still needed to meet the revised aluminum criteria.

The mass balance equation, presented in the 2019 Fact Sheet, is used to project the aluminum concentration downstream of the facility and the downstream concentration is compared to the revised

---

<sup>1</sup> The final effluent limit of 87 µg/L for aluminum may be modified prior to the end of the three-year compliance schedule if warranted by the new criteria and a reasonable potential analysis and consistent with anti-degradation requirements. Such a modification would not trigger anti-backsliding prohibitions, as reflected in CWA 402 § (o) and 40 C.F.R. § 122.44(l).

<sup>2</sup> <https://www.mass.gov/doc/314-cmr-4-massachusetts-surface-water-quality-standards/download>

watershed default aluminum criteria<sup>3</sup> for the Housatonic/Hudson watershed to assess how the new criteria would change the results of the analysis already conducted for aluminum in the 2019 Permit.

The following mass balance equation is used to determine whether or not an aluminum limit would be required to meet WQS under current conditions:

$$Q_e C_e + Q_s C_s = Q_r C_r$$

rewritten as:

$$C_r = \frac{Q_e C_e + Q_s C_s}{Q_r}$$

Where:

$Q_e$  = Effluent flow = 1.25 MGD = 0.81 cfs (design flow)

$C_e$  = Effluent concentration =  $88 \frac{\mu\text{g}}{\text{L}}$  (95th percentile of effluent concentration according to DMR data from 2017-2021)

$Q_s$  = Low flow in Housatonic river =  $7Q_{10\text{Upstream}}$  = 38.8 cfs (See 2019 Fact Sheet Section 4.1)

$C_s$  = Instream aluminum =  $83 \frac{\mu\text{g}}{\text{L}}$  (median in-stream aluminum concentration according to WET tests from 2017-2021)

$Q_r$  = Flow immediately downstream of effluent =  $Q_e + Q_s$  = 39.61 cfs

$C_r$  = Aluminum concentration immediately downstream of effluent

Evaluation & Result:

$$\frac{(0.81 \text{ cfs})(88 \frac{\mu\text{g}}{\text{L}}) + (38.8 \text{ cfs})(83 \frac{\mu\text{g}}{\text{L}})}{39.61 \text{ cfs}} = \frac{71.3 + 3,220}{39.61} = 83.1 \frac{\mu\text{g}}{\text{L}} = C_r$$

$$83.1 \frac{\mu\text{g}}{\text{L}} < 515 \frac{\mu\text{g}}{\text{L}}$$

Since the estimated aluminum concentration downstream of the effluent is less than the applicable watershed default water quality criterion of 515  $\mu\text{g}/\text{L}$  (presented in Appendix A of 314 CMR 4.06), there is no reasonable potential to cause or contribute to an excursion of the revised chronic SWQS for aluminum. As a result, the Modified Permit proposes to remove the new aluminum limit of 87  $\mu\text{g}/\text{L}$  and does not propose any new limits.

Additionally, under this scenario the compliance schedule included in Part I.G.1 of the 2019 Permit is unnecessary and will be removed from the final Modified Permit.

### 3.0 STATE CERTIFICATION

EPA may not issue a permit unless the State Water Pollution Control Agency with jurisdiction over the receiving water(s) either certifies that the effluent limitations contained in the Draft Permit Modification are stringent enough to assure that the discharge will not cause the receiving water to violate the State

<sup>3</sup> EPA conducted this analysis using the watershed defaults, but EPA would consider calculating site-dependent criteria using site-specific pH, DOC and hardness data if sufficient data is provided during the comment period for the receiving water.

WQs or it is deemed that the state has waived its right to certify. Regulations governing state certification are set forth in 40 C.F.R. § 124.53 and § 124.55. EPA has requested permit certification by the State pursuant to 40 C.F.R. § 124.53 and expects that the Draft Permit Modification will be certified.

If the State believes that any conditions more stringent than those contained in the Draft Permit Modification are necessary to meet the requirements of either the CWA §§ 208(e), 301, 302, 303, 306 and 307, and with appropriate requirements of State law, the State should include such conditions and, in each case, cite the CWA or State law reference upon which that condition is based. Failure to provide such a citation waives the right to certify as to that condition. The only exception to this is that the sludge conditions/requirements implementing § 405(d) of the CWA are not subject to the § 401 State Certification requirements. Reviews and appeals of limitations and conditions attributable to State Certification shall be made through the applicable procedures of the State and may not be made through the applicable procedures of 40 C.F.R. § 124.

In addition, the State should provide a statement of the extent to which any condition of the Draft Permit Modification can be made less stringent without violating the requirements of State law. Since the State's certification is provided prior to permit issuance, any failure by the State to provide this statement waives the State's right to certify or object to any less stringent condition.

It should be noted that under CWA § 401, EPA's duty to defer to considerations of state law is intended to prevent EPA from relaxing any requirements, limitations or conditions imposed by state law. Therefore, "[a] State may not condition or deny a certification on the grounds that State law allows a less stringent permit condition." *See* 40 C.F.R. § 124.55(c). In such an instance, the regulation provides that, "The Regional Administrator shall disregard any such certification conditions or denials as waivers of certification." *Id.* EPA regulations pertaining to permit limits based upon water quality standards and state requirements are contained in 40 C.F.R. § 122.4(d) and 40 C.F.R. § 122.44(d).

#### **4.0 ADMINISTRATIVE RECORD, PUBLIC COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISION**

All persons, including applicants, who believe any condition of the Draft Permit Modification is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period to:

Michele Duspiva  
EPA Region 1  
5 Post Office Square, Suite 100 (06-4)  
Boston, MA 02109-3912  
Telephone: (617) 918-1682  
Email: [Duspiva.Michele@epa.gov](mailto:Duspiva.Michele@epa.gov)

Any person, prior to such date, may submit a request in writing for a public hearing to consider the Draft Permit Modification to EPA and the State Agency. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public meeting may be held if the criteria stated in 40 C.F.R. § 124.12 are satisfied. In reaching a decision on the Final Permit Modification, EPA will respond to all significant comments and make these responses available to the public on EPA's website and at EPA's Boston office.

Following the close of the comment period, and after any public hearings, if such hearings are held, EPA will issue a decision regarding the proposed Permit Modification and forward a copy of the final decision



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY–REGION 1 (EPA)  
WATER DIVISION  
5 POST OFFICE SQUARE  
BOSTON, MASSACHUSETTS 02109

MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION (MASSDEP)  
COMMONWEALTH OF MASSACHUSETTS  
1 WINTER STREET  
BOSTON, MASSACHUSETTS 02108

JOINT PUBLIC NOTICE OF A DRAFT NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMIT MODIFICATION TO DISCHARGE INTO  
THE WATERS OF THE UNITED STATES UNDER SECTION 301, 316(a), AND 402  
OF THE CLEAN WATER ACT (THE "ACT"), AS AMENDED, AND REQUEST FOR  
STATE CERTIFICATION UNDER SECTION 401 OF THE ACT.

PUBLIC NOTICE PERIOD: **June 6, 2022 – July 5, 2022**

PERMIT NUMBER: **MA0100153**

NAME AND MAILING ADDRESS OF APPLICANT:

**Town of Lee  
32 Main Street  
P.O. Box 630  
Lee, MA 01238**

NAME AND ADDRESS OF THE FACILITY WHERE DISCHARGE OCCURS:

**Lee Wastewater Treatment Plant  
379 Pleasant St  
Lee, MA 01238**

RECEIVING WATER AND CLASSIFICATION:

**Housatonic River, (MA21-19), Class B**

PREPARATION OF THE DRAFT PERMIT MODIFICATION:

The U.S. Environmental Protection Agency (“EPA”) and the Massachusetts Department of Environmental Protection (“MassDEP”) have cooperated in the development of a draft permit modification for the above identified facility. The effluent limits and permit conditions imposed have been drafted to assure compliance with the Clean Water Act (“CWA”), 33 U.S.C. sections 1251 et seq., the Massachusetts Clean Waters Act, G.L. c. 21, §§ 26-53, 314 CMR 3.00 and State Surface Water Quality Standards at 314 CMR 4.00.

INFORMATION ABOUT THE DRAFT PERMIT:

The Draft Permit Modification and explanatory Statement of Basis may be obtained at no cost at <https://www.epa.gov/npdes-permits/massachusetts-draft-individual-npdes-permits> or by contacting:

Michele Duspiva  
EPA Region 1  
5 Post Office Square, Suite 100 (06-4)  
Boston, MA 02109-3912  
Telephone: (617) 918-1682  
Email: [Duspiva.Michele@epa.gov](mailto:Duspiva.Michele@epa.gov)

Following U.S. Centers for Disease Control and Prevention (CDC) and U.S. Office of Personnel Management (OPM) guidance and specific state guidelines impacting our regional offices, EPA's workforce has been directed to telework to help prevent transmission of the coronavirus. While in this workforce telework status, there are practical limitations on the ability of Agency personnel to allow the public to review the administrative record in person at the EPA Boston office. However, any electronically available documents that are part of the administrative record can be requested from the EPA contact above.

#### PUBLIC COMMENT AND REQUESTS FOR PUBLIC HEARINGS:

All persons, including applicants, who believe any condition of this Draft Permit Modification is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by **July 5, 2022**, which is the close of the public comment period. Comments, including those pertaining to EPA's request for CWA § 401 certification, should be submitted to the EPA contact at the address or email listed above. Upon the close of the public comment period, EPA will make all comments available to MassDEP. All commenters who want MassDEP to consider their comments in the state decision-making processes (i.e., the separate state permit and the CWA § 401 certification) must submit such comments to MassDEP during the state comment period for the state Draft Permit Modification and CWA § 401 certification. For information on submitting such comments to MassDEP, please follow the instructions found in the state public notice at: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>.

Any person, prior to the close of the public comment period, may submit a request in writing to EPA for a public hearing on the Draft Permit Modification under 40 CFR § 124.10. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice if the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on this Draft Permit Modification, the Regional Administrator will respond to all significant comments and make the responses available to the public.

Due to the COVID-19 National Emergency, if comments are submitted in hard copy form, please also email a copy to the EPA contact above.

#### FINAL PERMIT DECISION:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit decision and notify the applicant and each person who has submitted written comments or requested notice.

KEN MORAFF, DIRECTOR  
WATER DIVISION  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY – REGION 1

LEALDON LANGLEY, DIRECTOR  
DIVISION OF WATERSHED MANAGEMENT  
MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION