

**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 Webster Sewer Department
Hill Street
P.O. Box 793
Webster, MA 01570-0793**

is authorized to discharge from a facility located at

**Town of Webster Sewer Department
38 Hill Street
P.O. Box 793
Webster, MA 01570-0793**

to a receiving water named the **French River**

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

The **Town of Dudley** is co-permittee for Part I.B. Unauthorized Discharges and Part I.C. Operation and Maintenance of the Sewer System, which include conditions regarding the operation and maintenance of the collection systems owned and operated by the Town's Sewer Department located at W. Main Street, Dudley, Massachusetts 01571.

This permit shall become effective 60 days from the date of signature.

This permit and the authorization to discharge expire at midnight, five years from the effective date.

This permit supersedes the permit issued on September 29, 2000.

This permit consists of 14 pages in Part I including effluent limitations, monitoring requirements, etc., and Attachments A, B and C and 35 pages in Part II including General Conditions and Definitions.

Signed this 24th day of March, 2006

/s/ SIGNATURE ON FILE

Linda M. Murphy, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

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

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. a. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge treated effluent from outfall serial number 001 (treated sanitary and industrial wastewater). Such discharge shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		<u>Monitoring Requirement</u>		
	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, MGD *1	6.0*1	----	---	Continuous	See Footnote *1
Flow, MGD *1	Report	----	Report	Continuous	Recorder
BOD ₅ , mg/l (October 1 - March 31)	30	45	Report	3/Week *2	24-Hour Composite*3
	1500	2250	----	3/Week *2	
CBOD ₅ , mg/l (April 1 - September 30)	10	10	Report	3/Week *2	24-Hour Composite*3
	500	500	----	3/Week *2	
TSS, mg/l (October 1 - March 31)	30	45	Report	3/Week *2	24-Hour Composite*3
	1500	2250	----	3/Week *2	24-Hour Composite*3
TSS, mg/l (April 1 - September 30)	15	15	Report	3/Week *2	24-Hour Composite*3
	750	750	----	3/Week *2	24-Hour Composite*3
pH	(See Part I.A.1.d. on Page 6)			1/Day	Grab
Fecal Coliform Bacteria,*4	200	----	400	2/Week	Grab
cfu/100 ml (April 1 - October 31)					
Total Residual Chlorine,*5 ug/l (April 1 - Oct. 31)	29.7	----	51.3	1/Day	Grab
Total Residual Chlorine,*5 ug/l (April 1 - Oct. 31)	Report	----	Report	Continuous	Recorder
Dissolved Oxygen, mg/l (April 1 - October 31)	Maintain a minimum of 6 mg/l at all times			1/Day	Grab
Ammonia-Nitrogen, mg/l (April 1 - April 30)	10	10	15	2/Week	24-Hour Composite*3

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		<u>Monitoring Requirement</u>		
	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Ammonia-Nitrogen, mg/l (May 1 - May 31)	5.0	5.0	8.0	2/Week	24-Hour Composite*3
Ammonia-Nitrogen, mg/l (June 1 - Sep. 30)	2.0	2.0	3.0	2/Week	24-Hour Composite*3
Ammonia-Nitrogen, mg/l (Oct. 1 - March 31)	Report	----	Report	1/Month	24-Hour Composite*3
Total Kjeldahl Nitrogen, mg/l	Report	----	Report	1/Month	24-Hour Composite*3
Total Nitrate, mg/l	Report	----	Report	1/Month	24-Hour Composite*3
Total Nitrite, mg/l	Report	----	Report	1/Month	24-Hour Composite*3
Copper, Total Recoverable*6 ug/l	17.8	----	25.7	1/Month	24-Hour Composite*3
Lead, Total Recoverable*7 ug/l	5.1	----	Report	1/Month	24-Hour Composite*3
Phosphorus (Total), *12, *13 mg/l (April 1 - Oct.31)	0.2	----	Report	2/Week	24-Hour Composite*3
Phosphorus (Total), mg/l (Nov.1 - March 31)	1.0	----	Report	1/Week	24-Hour Composite*3
Ortho Phosphorus, Dissolved*14 (Nov. 1- March 31)	Report mg/l and lbs/day	----	Report mg/l and lbs/day	1/Week	24 Hour Composite*3
LC50 *8,*9,*11	----	----	≥ 100%	4/Year	24-Hour Composite*3
Chronic NOEC*9,*10,*11	----	----	≥ 37%	4/Year	24-Hour Composite*

Sampling Location :

All sampling shall be representative of the effluent that is discharged through outfall 001 to the French River. 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 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.

Footnotes:

- *1. The flow limit is an annual average. The annual average flow shall be reported each month and shall be calculated using the monthly average flow from the reporting month and the monthly average flows from the preceding 11 months. The monthly average and maximum daily flow for each month shall also be reported.
- *2. Sampling is required for influent and effluent.
- *3. A 24-hour composite sample will consist of at least twenty four (24) grab samples collected at equal time intervals over a 24 hour period (e.g. 7 a.m. Monday to 7 a.m. Tuesday) and combined proportional to flow, or collected proportionally to flow over a 24 hour period.
- *4. The monthly average limit is expressed as a geometric mean. This monitoring shall be conducted concurrently with TRC sampling described below.
- *5. The minimum detection level (ML) for total residual chlorine (TRC) is defined as 20 ug/l. This value is the minimum detection level for chlorine using EPA approved methods found in EPA Standard Methods for the Examination of Water and Wastewater, 20th Edition, Method 4500 CL-E and G, or EPA Manual of Methods of Analysis of Water and Wastes, Method 330.5. One of these methods must be used to determine total residual chlorine. Sample results of 20 ug/l or less shall be reported as zero on the discharge monitoring report.

The permittee shall collect and analyze one grab sample per day for compliance purposes. Any additional grab sample monitoring results must be included in the compliance report.

The permittee shall also report the average monthly and daily maximum discharge of TRC using data collected by the continuous TRC analyzer. The permittee shall collect and analyze, a minimum of one grab sample per day for calibration purposes. Four continuous recording charts, (1/week) showing weekly data shall be submitted with the monthly DMRs. The result of the grab sample(s) and a comparison to the continuous analyzer reading, including the time of the grab samples, shall be included with the DMRs.

- *6. The minimum detection level (ML) for copper is defined as 5.0 ug/l. This value is the minimum detection level for copper using the Furnace Atomic Absorption analytical method. Sample results of 5 ug/l or less shall be reported as zero on the discharge monitoring report.
- *7. The minimum detection level (ML) for lead is defined as 1.0 ug/l. This value is the minimum detection level for lead using the Furnace Atomic Absorption analytical method. Sample results of 1.0 ug/l or less shall be reported as zero on the discharge monitoring report.

- *8. 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.
- *9. 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 Daphnid (*Ceriodaphnia dubia*), only. Toxicity test samples shall be collected during the second week of the months of February, May, August and November. The test results shall be submitted by the last day of the month following the completion of the test. The results are due March 31st, June 30th, September 30th and December 31st, respectively. The tests must be performed in accordance with test procedures and protocols specified in **Attachment A** of this permit.

Test Dates Second Week in	Submit Results By:	Test Species	Acute Limit LC ₅₀	Chronic Limit C-NOEC
February May August November	March 31st June 30th September 30th December 31st	Daphnid (<i>Ceriodaphnia dubia</i>) See Attachment A	≥ 100%	≥ 37%

After submitting **one year** and a **minimum** of four consecutive sets of 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 at the frequency specified in the permit until notice is received by certified mail from the EPA that the WET testing requirement has been changed.

- *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 "37% or greater" limit is defined as a sample which is composed of 37% (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 2.7.
- *11. 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**.

- *12. The permittee shall comply with the 0.2 mg/l total phosphorus limit in accordance with the schedule contained in Section G below. Upon the effective date of the permit, and until the date specified in Section G below for compliance with the total phosphorus final limit of 0.2 mg/l, the current monthly average and maximum daily limits of 1.0 mg/l and 1.5 mg/l shall be met and monitoring shall be conducted twice per week.
- *13. The 0.2 mg/l total phosphorus limit is a monthly average limit. A lower limit may be required upon completion of a future TMDL, or an updated water quality analysis, including a better understanding of the reductions in upstream concentrations that may be achievable. Consistent with Section B.1 of Part II of the Permit, the Permittee shall properly operate and maintain the phosphorus removal facilities in order to obtain the lowest effluent concentration possible.
- *14. The maximum daily concentration and loading values reported for dissolved ortho-phosphorus shall be the values from the same day that the maximum daily total phosphorus concentration and loading values were measured.

Part I.A.1. (continued)

- b. In addition to the effluent and monitoring requirements listed in Part I.A.1.a. of this permit, the discharge shall not cause or contribute to an exceedance of the current state water quality standards.
- c. Samples taken in compliance with the monitoring requirements stated above shall be taken at a point prior to mixing with other streams and shall be representative of the discharge.
- d. The pH of the discharge shall not be less than 6.5 nor greater than 8.3 at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
- e. The effluent shall be free from floating, suspended and settleable solids in concentrations or combinations that would: (1) impair any use assigned to class B waters, (2) cause aesthetically objectionable conditions, (3) impair the benthic biota, or (4) degrade the

- chemical composition of the bottom.
- f. The effluent shall not cause or contribute to an exceedance of the water quality standard which requires that the receiving water shall be free from oil and grease and petrochemicals that produce a visible film on the surface of the water, impart an oily taste to the water or an oily or other undesirable taste to the edible portions of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.
 - g. 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.
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 which would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants; 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 the MassDEP may use the results of the quarterly 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 permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from outfall 001 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.1.e.(1) of the General Requirements of this permit (Twenty-four hour reporting).

C. 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 and co-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. Infiltration/Inflow

The permittee and co-permittee shall develop and implement a plan to control infiltration and inflow (I/I) to the separate sewer system. The plan shall be submitted to EPA and MassDEP **within six months of the effective date of this permit** (see page 1 of this permit for the effective date) and shall describe the permittee's program for preventing infiltration/inflow related effluent limit violations, and all unauthorized discharges of wastewater, including overflows and by-passes due to excessive infiltration/inflow.

The plan shall include:

- An ongoing program to identify and remove sources of infiltration and inflow. The program shall include the necessary funding level and the source(s) of funding.
- An inflow identification and control program that focuses on the disconnection and

redirection of illegal sump pumps and roof down spouts. Priority should be given to removal of public and private inflow sources that are upstream from, and potentially contribute to, known areas of sewer system backups and/or overflows.

- Identification and prioritization of areas that will provide increased aquifer recharge as the result of reduction/elimination of infiltration and inflow to the system.
- An educational public outreach program for all aspects of I/I control, particularly private inflow.

Reporting Requirements:

A summary report of all actions taken to minimize I/I during the previous calendar year shall be submitted to EPA and the MassDEP annually, **by the anniversary date of the effective date of this permit**. The summary report shall, at a minimum, include:

- A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year.
- Expenditures for any infiltration/inflow related maintenance activities and corrective actions taken during the previous year.
- A map with areas identified for I/I-related investigation/action in the coming year.
- A calculation of the annual average I/I, the maximum month I/I for the reporting year.
- A report of any infiltration/inflow related corrective actions taken as a result of unauthorized discharges reported pursuant to 314 CMR 3.19(20) and reported pursuant to the Unauthorized Discharges section of this permit.

3. Alternate Power Source

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

D. 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 (see 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. Reports are due annually by February 19. Reports shall be submitted to the address contained in the reporting section of the permit.

E. DEVELOPMENT OF 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's Facilities or operation, are necessary to ensure continued compliance with the POTW's NPDES permit or sludge use or disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

F. INDUSTRIAL PRETREATMENT PROGRAM

1. The permittee shall implement an industrial pretreatment program as required by 40 CFR Part 403. The industrial pretreatment program shall be operated in accordance with the permittee's approved pretreatment program plan and 40 CFR Part 403. At a minimum, the permittee shall perform the following activities in implementing and operating its industrial pretreatment program:
 - a. Carry out 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 noncompliance 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 the MassDEP with an annual report required by 40 CFR 403.12(i) by November 30 of each year for the permittee's reporting period of October 1- September 30. The annual report shall be consistent with the format described in **Attachment C** of this permit.
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 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 the New England EPA's approval under 40 CFR 403.18.

G. COMPLIANCE SCHEDULE

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

1. Within six (6) months of the effective date of the permit, the Permittee shall submit to EPA and MassDEP a status report relative to the planning and design of the facilities necessary to achieve the permit limits.
2. Within twelve (12) months of the effective date of the permit, the Permittee shall complete design of the facility improvements required to achieve the total phosphorus limits.
3. Within eighteen (18) months of the effective date of the permit, the Permittee shall initiate construction of the facility improvements required to achieve the total phosphorus limits.
4. Within thirty (30) months of the effective date of the permit, the Permittee shall submit to EPA and MassDEP a status report relative to construction of the facility improvements required to achieve the total phosphorus limits.
5. Within forty two (42) months of the effective date of the permit, the Permittee shall complete construction of the facility improvements required to achieve the total phosphorus limits.

H. MONITORING AND REPORTING

1. Reporting

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

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:

Massachusetts Department of Environmental Protection
Central Regional Office - Bureau of Resource Protection
627 Main Street, 2nd Floor
Worcester, MA 01608

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

Reports required in Section E. [Development of Limitations for Industrial Users] and Section F. [Industrial Pretreatment Program] shall be submitted to the state at:

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

I. 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.