

MA0101427  
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),

**City of Newburyport**

is authorized to discharge from the facility located at

**Newburyport Wastewater Treatment Plant  
157 Water Street  
Newburyport, MA 01950**

to receiving water named

**Merrimack River (Merrimack River Watershed - 84)**

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

This permit shall become effective 60 days after signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on September 17, 1998.

This permit consists of 13 pages in Part I including effluent limitations, monitoring requirements, Attachments A, B & C and 35 pages in Part II including General Conditions and Definitions.

Signed this 7<sup>th</sup> day of May, 2004

/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.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge from outfall serial number <b>001</b> , treated effluent to Merrimack River. Such discharges shall be limited and monitored as specified below.							
<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<sup>4</sup> TYPE</u>
FLOW <sup>3</sup>	***	***	3.4 MGD <sup>2</sup>	***	REPORT MGD	CONTINUOUS	RECORDER
BOD <sub>5</sub> <sup>5</sup>	851 lbs/Day 387 kgs/Day	1276 lbs/Day 580 kgs/Day	30 mg/l	45 mg/l	REPORT	3/WEEK	24-HOUR COMPOSITE <sup>6</sup>
TSS <sup>5</sup>	851 lbs/Day 387 kgs/Day	1276 lbs/Day 580 kgs/Day	30 mg/l	45 mg/l	REPORT	3/WEEK	24-HOUR COMPOSITE <sup>6</sup>
pH <sup>1</sup>	6.5 - 8.5 SU SEE PERMIT PAGE 5 PARAGRAPH I.A.1.b.					1/DAY	GRAB
TOTAL RESIDUAL CHLORINE <sup>8</sup>	6.5 lbs/Day 3 kgs/Day	11 lbs/Day 5 kgs/Day	0.23 mg/l	***	0.39 mg/l	2/DAY	GRAB
FECAL COLIFORM BACTERIA <sup>1,8,9</sup>	***	***	200 cfu/100 ml	***	400 cfu/100 ml	1/DAY	GRAB
FECAL COLIFORM BACTERIA <sup>1,8,9</sup> (Four months after the permit effective date)	***	***	88 MPN/100 ml	***	260MPN/100 ml	1/DAY	GRAB
AMMONIA NITROGEN	***	***	***	***	REPORT	1/MONTH	24-HOUR COMPOSITE <sup>6</sup>
TOTAL KJELDAHL NITROGEN	***	***	***	***	REPORT	1/MONTH	24-HOUR COMPOSITE <sup>6</sup>
NITRITE & NITRATE NITROGEN	***	***	***	***	REPORT	1/MONTH	24-HOUR COMPOSITE <sup>6</sup>
WHOLE EFFLUENT TOXICITY <sup>10,11</sup>	Acute LC <sub>50</sub> ≥ 100%					4/YEAR	24-HOUR COMPOSITE <sup>6</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 DMR will report the annual average flow that is calculated from that month and the previous 11 months.
3. The permittee must develop a plan for conducting a monthly calibration to assure representative flows are reported. A copy of the plan must be submitted to EPA and DEP **within 60 days of the effective date** of the permit. The plan methodology shall be followed within 30 days of submittal, if there is no comment from EPA or DEP. If comments are received by either EPA or DEP, the plan shall become effective within 30 days of approval by EPA and DEP. Annually, **by July 1 of each year**, the permittee shall submit a report documenting the annual calibration of the influent and effluent meters. The annual calibration must include a volumetric test. All reported flows must be certified as consistent with the Part II - General Conditions. This requirement will be reconsidered should the facility install new flow meters.
4. Samples taken in compliance with monitoring requirements specified in this permit shall be taken at a representative point prior to mixing with the receiving water. Any change in sampling location must be reviewed and approved in writing by EPA and MADEP. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. All samples shall be 24-hour composites unless specified as a grab sample in 40 CFR §136.
5. Sampling required for influent and effluent.
6. A 24-hour composite sample will consist of at least twenty four (24) grab samples taken during one working day.
7. The minimum level (ML) for total residual chlorine is defined as 20 ug/l. This value is the minimum level for chlorine using EPA approved methods found in the most currently approved version of Standard Methods for the Examination of Water and Wastewater, Method 4500 CL-E and G, or USEPA manual of Methods of Analysis of Water and Wastes, Method 330.5. One of these methods must be used to determine total residual chlorine. For effluent limitations less than 20 ug/l, compliance/non-compliance will be determined based on the ML. Sample results of 20 ug/l or less shall be reported as zero on the discharge monitoring report.
8. Total Residual Chlorine (TRC) shall be monitored continuously both pre and post dechlorination, however, the permittee shall report the results of grab samples on its DMRs for compliance determinations. The permittee must collect four (4) TRC grab samples daily, two (2) prior to dechlorination and two (2) post-dechlorination. One set of samples must be collected concurrent with the daily Fecal Coliform Bacteria sample.

Grab samples shall be compared with data from the continuous analyzers, including the date and time each grab sample is taken, and this information shall be attached to the monthly DMRs. Eight (8) continuous recording charts, two charts per week showing weekly data, one for pre-dechlorination and one for post-dechlorination, shall be submitted with the monthly DMRs. The permittee shall report the average monthly and daily maximum discharge of TRC using the grab sample data collected post-dechlorination.

9. For four months following the effective date of this permit, a fecal coliform monthly geometric mean limit of 200 cfu/100 ml and maximum daily limit of 400 cfu/100 ml shall apply. Following that period, a monthly geometric mean MPN limit of 88 per 100 ml and a maximum daily MPN limit of 260 per 100 ml shall apply. This monitoring shall be conducted concurrently with the TRC sampling.
10. The permittee shall perform modified acute toxicity tests four times per year. The tests must be performed in accordance with test procedures and protocols specified in **Attachment A** of this permit.

<b>Test Dates</b> Second Week in:	<b>Submit Results</b> <b>By:</b>	<b>Test Species</b>	<b>Acute Limit</b> <b>LC<sub>50</sub></b>
February May August November	March 31 <sup>st</sup> June 30 <sup>th</sup> September 30 <sup>th</sup> December 31 <sup>st</sup>	Mysid Shrimp Inland Silverside	≥ 100%

After submitting 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 frequency of required WET testing. 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.

11. The LC<sub>50</sub> 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.

Part I.A.1. (Continued)

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time and not more than 0.2 units outside the normally occurring range, unless these values are exceeded due to natural causes.
- 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. When the effluent discharged for a period of 90 consecutive days exceeds 80 percent of the designed flow, the permittee shall submit to the permitting authorities a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.
- g. The permittee shall minimize the use of chlorine while maintaining adequate bacterial control.
- h. The results of sampling for any parameter above its required frequency must also be reported.

2. All POTWs must provide adequate notice to the Director of the following:

- a. Any new introduction of pollutants into that POTW from an indirect discharger in a primary industry category discharging process water; and
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For purposes of this paragraph, adequate notice shall include information on:
  - (1) the quantity and quality of effluent introduced into the POTW; and
  - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

3. Prohibitions Concerning Interference and Pass Through

- a. Pollutants introduced into POTW's by a non-domestic source (user) shall not pass through the POTW or interfere with the operation or performance of the works.
- b. If, within 30 days after notice of an interference or pass through violation has been sent by EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action.

4. Toxics Control

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

#### 5. Numerical Effluent Limitations for Toxicants

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

### **B. UNAUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfall listed in Part I A.1. of this permit. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs) are not authorized by this permit and shall be reported in accordance with Section D.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 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. Infiltration/Inflow Control Plan:

The 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 MA DEP **within six (6) 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 MA DEP 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.

#### 4. Alternate Power Source

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

#### 5. Outfall Inspection and Report

**Within eighteen (18) months of the effective date of the permit**, the permittee shall conduct an inspection of the diffuser. The inspection is necessary to achieve several objectives: confirm the diffuser was installed as designed, gather important details of the diffuser design, including the diameter of jets in the orifice plate, and evaluate the current condition of the diffuser.

The inspection report will detail the information gathered during the inspection including rectifying the installation details and conditions with the design plans. The report shall also address the current condition of the outfall and prioritize maintenance activities so the design dilution can be achieved.

#### 6. Immediate Warning System

**Within twelve (12) months of the effective date of the permit**, the permittee shall submit a letter to EPA and MA DEP detailing the design and operation of the immediate warning system developed with input of the Massachusetts Division of Marine Fisheries (MA DMF).

The system shall automatically notify the plant operators and MA DMF of a disinfection failure (fecal coliform bacteria results exceeding the permit limits or a failure of the chlorination system). The system shall also automatically notify the plant operators and MA DMF if total residual chlorine levels exceed the permit limits or a failure of the dechlorination system. Notification by this system shall be immediate due to the short travel time to the shellfish beds. Details of the system should be acceptable to resource managers at the Division of Marine Fisheries.

### 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 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

#### **E. INDUSTRIAL PRETREATMENT PROGRAM**

1. 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.

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.

Within **90 days of the effective date of this permit**, the permittee shall prepare and submit a written technical evaluation to the EPA analyzing the need to revise local limits. As part of this evaluation, the permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In order to assist with this evaluation, the permittee shall also complete the attached form (Attachment C) with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data if available and should be included in the report. EPA has received a letter dated 2/5/03 reviewing current local limits, however, the completion of Attachment C will further assist with this re-evaluation. Should the evaluation reveal the need to revise local limits, the permittee shall complete the revisions within 120 days of notification by EPA and submit the revisions to EPA for approval. The Permittee shall carry out the local limits revisions in accordance with EPA Guidance Manual for the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program (December, 1987).

3. The permittee shall implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, 40 CFR 403. At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):
  - a. Carry out 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.

4. The permittee shall provide the EPA (and States) with an annual report describing the permittee's pretreatment program activities for the twelve (12) month period ending 60 days prior to the due date in accordance with 403.12(i). The annual report shall be consistent with the format described in Attachment B of this permit and shall be submitted **no later than March 1 of each year**.
5. 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).
6. 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.
7. The permittee must modify its pretreatment program, if necessary, to conform to all changes in the Federal Regulations that pertain to the implementation and enforcement of the industrial pretreatment program. The permittee must provide EPA, in writing, **within 180 days of this permit's effective date** proposed changes, if applicable, to the permittee's pretreatment program deemed necessary to assure conformity with current Federal Regulations. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee will implement these proposed changes pending EPA Region I's approval under 40 CFR 403.18. This submission is separate and distinct from any local limits analysis submission described in Part I.A.3.b.

## F. 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:

Massachusetts Department of Environmental Protection  
Northeast Regional Office- Bureau of Resource Protection  
1 Winter Street  
Boston, MA 02108

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

## G. STATE PERMIT CONDITIONS

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) 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 MA DEP 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.