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 Billerica

is authorized to discharge from the facility located at

Billerica Wastewater Treatment Plant
Wastewater Division
70 Letchworth Avenue
Billerica, MA 01862

to receiving water named

Concord River

in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein, including, but not limited to conditions requiring the proper operation and maintenance of Billerica's wastewater collection system.

This permit will become effective 60 days after the date of 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 November 2, 2001.

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

Signed this 9th day of September, 2005

/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

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 the Concord River. Such discharges shall be limited and monitored as specified below.

EFFLUENT CHARACTERISTIC	EFFLUENT LIMITS						MONITORING REQUIREMENTS	
	Mass Limits			Concentration Limits				
PARAMETER	**AVERAGE MONTHLY**	**AVERAGE WEEKLY**	**MAXIMUM DAILY**	**AVERAGE MONTHLY**	**AVERAGE WEEKLY**	**MAXIMUM DAILY**	**MEASUREMENT FREQUENCY**	**SAMPLE TYPE**
FLOW	***	***	***	5.4 MGD [1]	***	Report MGD	CONTINUOUS[1]	RECORDER
BOD_5	1350 lbs/Day	2030 lbs/Day	Report	30 mg/l	45 mg/l	Report mg/l	3/WEEK[2]	24-HOUR COMPOSITE[3]
TSS	1350 lbs/Day	2030 lbs/Day	Report	30 mg/l	45 mg/l	Report mg/l	3/WEEK[2]	24-HOUR COMPOSITE[3]
pH RANGE	6.5 - 8.3 SU SEE PERMIT PAGE 6 OF 13, PARAGRAPH I.A.1.b.						1/DAY	GRAB
DISSOLVED OXYGEN	6 mg/l minimum						1/DAY	GRAB
FECAL COLIFORM[4]	***	***	***	200 cfu/100 ml	***	400 cfu/100 ml	3/WEEK	GRAB
TOTAL RESIDUAL CHLORINE[5,6,7]	***	***	***	45 ug/l	***	78 ug/l	3/DAY[7]	GRAB
TOTAL AMMONIA NITROGEN, AS N (Nov. 1 - April 30)	***	***	***	Report mg/l	***	Report mg/l	2/MONTH	24-HOUR COMPOSITE[3]

TOTAL AMMONIA NITROGEN, AS N (May 1 - Oct. 31)	***	***	***	6 mg/l	6 mg/l	9 mg/l	1/WEEK	24-HOUR COMPOSITE[3]
A.1. (continued) 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 the Concord River. Such discharges shall be limited and monitored as specified below.								
EFFLUENT CHARACTERISTIC	EFFLUENT LIMITS						MONITORING REQUIREMENTS	
	Mass Limits			Concentration Limits				
PARAMETER	**AVERAGE MONTHLY**	**AVERAGE WEEKLY**	**MAXIMUM DAILY**	**AVERAGE MONTHLY**	**AVERAGE WEEKLY**	**MAXIMUM DAILY**	**MEASUREMENT FREQUENCY**	**SAMPLE TYPE**
PHOSPHORUS, TOTAL[8, 14] (April 1 - October 31)	***	***	***	0.2 mg/l[8, 14]	***	Report mg/l	2/WEEK	24-HOUR COMPOSITE[3]
PHOSPHORUS, TOTAL (November 1 - March 31)	***	***	***	1.0 mg/l	***	Report mg/l	1/WEEK	24-HOUR COMPOSITE[3]
PHOSPHORUS, ORTHO (November 1 - March 31)	***	***	***	Report mg/l	***	Report mg/l	1/WEEK	24-HOUR COMPOSITE[3]
TOTAL ALUMINUM [13]	***	***	***	357 ug/l	***	Report ug/l	2/MONTH	24-HOUR COMPOSITE[3]
WHOLE EFFLUENT TOXICITY[9, 10, 11, 12]	Acute $LC_{50} \geq 100\%$ Chronic C-NOEC $\geq 24\%$						4/YEAR	24-HOUR COMPOSITE[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 Concord 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.

Footnotes:

1. 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.

2. Sampling is required for the influent and effluent.

3. A 24-hour composite sample will consist of at least twenty four (24) grab samples taken during a consecutive 24 hour period.

4. Fecal coliform monitoring and disinfection shall be conducted year round. This is a State certification requirement. Fecal coliform discharges shall not exceed a monthly geometric mean of 200 colony forming units (cfu) per 100 ml, nor shall they exceed a daily maximum of 400 cfu per 100 ml. This sampling shall be conducted concurrently with the TRC sampling described below.

5. The minimum detection level (ML) for total residual chlorine is defined as 20 ug/l. This value is the minimum detection level for chlorine using EPA approved methods found in Standard Methods for the Examination of Water and Wastewater, 20th Edition, Method 4500 CL- E and G, or USEPA Manual of Methods of Analysis of Water and Wastes, Method 330.5. One of these methods must be used to determine total residual chlorine. For effluent limitations less than 20 ug/l, compliance/non-compliance will be determined based on the ML. Sample results of 20 ug/l or less shall be reported as zero on the discharge monitoring report.

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

7. Reporting individual TRC daily results (three per day) shall include 1) individual sample result, 2) the time which the sample was taken, and 3) the sampling date. This information for each sample shall be reported in an attachment to the monthly DMRs.

8. The 0.2 mg/l limit is a 60 day rolling average limit and applies for the period of April through October. The 60 day average value for each day in a given month, beginning on the 60th day after April 1, must be calculated and the highest 60 day average value for that month must be reported on the monthly discharge monitoring report (DMR). In addition, the maximum daily value must be reported for each month. For the months of April and May, the 30 day average value shall be reported as a report only requirement.

   This permit limit may be modified, subject to public notice and comment, based upon revisions to the water quality standards, compliance with the requirements of a Total Maximum Daily Load, or upon a demonstration that an alternative permit limit will achieve water quality standards and the goals of the Clean Water Act.

9. 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.

10. The permittee shall conduct chronic (and modified acute) toxicity tests four times per year. The chronic test may be used to calculate the acute LC_{50} at the 48 hour exposure interval. The permittee shall test the daphnid, Ceriodaphnia dubia and the fathead minnow, Pimephales promelas. Toxicity test samples shall be collected on the second week of March, June, September, and December. Results are to be submitted by the 30th day of the month following the sample i.e. April, July, October, and January. See Permit **Attachment A**, Toxicity Test Procedure and Protocol.

    After submitting **one year** and a **minimum** of two 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.

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. 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 "24% or greater" limit is defined as a sample which is composed of 24% (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 4.1.

13. Aluminum sampling shall be conducted concurrently with phosphorus sampling.

14. The permittee shall comply with the 0.2 mg/l total phosphorus limit in accordance with the schedule contained in Section F below. Upon effective date of the permit, and until the date specified in Section F below for compliance with the total phosphorus final limit of 0.2 mg/l, an interim limit of 0.75 mg/l shall be met and monitoring shall be conducted twice per week.

This permit limit may be modified, subject to public notice and comment, based upon revisions to the water quality standards, compliance with the requirements of a Total Maximum Daily Load, or upon a demonstration that an alternative permit limit will achieve water quality standards and the goals of the Clean Water Act.

Part I.A.1. (Continued)

a. The discharge shall not cause an excursion from 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 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. 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.

2. The Billerica Publicly Owned Treatment Works (POTW) must provide adequate notice to the Director of the following:

a. Any new introduction of pollutants into the 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 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.

3. 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.

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. Limitations for Industrial Users:

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.

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 120 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 preparing this evaluation, the permittee shall complete the attached form (**Attachment B**) 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. 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's Local Limits Development Guidance (June 2004).

6. 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, state water quality criteria, and any other appropriate information, 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. Infiltration/Inflow

The permittee shall develop and implement a plan to control infiltration and inflow to the sewer system. The plan shall be submitted to EPA and MA DEP **within one year of the**

effective date of the permit. The plan shall address, at a minimum:

- elimination of high flow related effluent limit violations and all high flow-related unauthorized discharges of wastewater.
- a prioritized removal of public and private inflow sources that are upstream from, and potentially contribute to, known areas of sewer system backups and/or overflows, taking into account the health and environmental impacts of such overflows or backups.
- development of a formal written infiltration and inflow removal program with defined funding sources.
- an ongoing program of internal pipeline and manhole inspections designed to provide an understanding of the sewerage system, identify significant I/I sources, identify all potential and actual unauthorized discharges of sanitary sewage, and identify/prioritize areas that will provide increased aquifer recharge as the result of reduction/elimination of infiltration to the system.
- development and implementation of a private source identification and control program focusing on the re-direction of sump pumps and disconnection/re-direction of roof downspouts. The permittee should target distribution of public education materials prior to and during projects to remove private inflow sources and rehabilitate/replace sewer service connections as an integral part of local public works projects for roadway construction and utility improvement.
- an ongoing preventive maintenance program designed to avoid high flow related effluent limit violations and unauthorized discharges due to malfunctions or failures of the sewer system infrastructure.
- development and implementation of an educational public outreach program for all aspects of I/I control, particularly private inflow.

A summary report of all actions taken to minimize I/I by the permittee during the previous calendar year shall be submitted to EPA and the MA DEP by **February 28th of each year**. The summary report shall include:

- a map of the sewer system with priority areas identified.
- a graph of flows to the treatment plant during the year and an analysis of I/I trends (i.e. is I/I being reduced).
- a description of inspection and maintenance activities conducted and progress made relative to priority areas.
- an accounting of I/I related expenditures.
- a report of unauthorized discharges during the previous calendar year which were caused by inadequate sewer system capacity, excessive I/I and operational/maintenance problems including a status of action items necessary to

eliminate the discharges. The information reported shall include the date, location, duration and volume of discharge as well as the cause of the overflow and the receiving water.

3. Alternative 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).

D. INDUSTRIAL PRETREATMENT PROGRAM (IPP)

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

a. Carry out 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. Additionally, all facilities shall maintain adequate records.

b. Issue or renew all necessary industrial user control mechanisms within 120 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; and

d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.

2. The permittee shall provide the EPA and the MA DEP with an annual report, in accordance with 403.12(I), describing the permittee's pretreatment program activities over the twelve month reporting period ending 60 days prior to the due date. The annual report shall be consistent with the format described in **Attachment C** of this permit and shall be due no later than **March 15** of each year. The annual report shall be mailed to the address found in **Section G** of the 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.

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 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. 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. The permittee is required only to submit an annual report by February 19, to the address contained in the reporting section of the permit, 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, the Permittee shall take the following actions with regard to total phosphorus and aluminum:

1. Within twelve (12) months of the issuance date of the permit, the Permittee shall complete a design of the Facility improvements required to achieve the total phosphorus limit of 0.2 mg/l and the total aluminum limit of 357 ug/l.

2. Within twenty-four (24) months of the issuance date of the permit, the Permittee shall submit to EPA and DEP a status report relative to construction of the Facility improvements required to achieve the total phosphorus and aluminum limits.

3. Within thirty-six (36) months of the issuance date of the permit, the Permittee shall complete construction and initiate operation of the Facility improvements required to achieve the total phosphorus and aluminum limits.

4. Within forty-eight (48) months of the issuance date of the permit, the Permittee shall achieve the total phosphorus and aluminum limits.

G. 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
Bureau of Resource Protection
Northeast Regional Office
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

Signed and dated Annual IPP reports required by this permit shall be submitted to the State at:

Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
Industrial Wastewater Section
1 Winter Street
Boston, Massachusetts 01208

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 (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.