

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
100 CAMBRIDGE STREET, SUITE 900
BOSTON, MASSACHUSETTS 02114

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

PUBLIC NOTICE PERIOD: May 31, 2023 – July 31, 2023

NAME AND MAILING ADDRESS OF APPLICANT:

Massachusetts Water Resources Authority
Deer Island
33 Tafts Avenue
Boston, MA 02128

NAME AND ADDRESS OF THE FACILITY WHERE DISCHARGE OCCURS:

Massachusetts Water Resources Authority (MWRA)
Deer Island Treatment Plant (DITP)
190 Tafts Avenue
Winthrop, MA 02152

RECEIVING WATER AND CLASSIFICATION:

Massachusetts Bay (Class SA)
Boston Inner Harbor (Class SB CSO)
Charles River (Class B, variance)
Mystic River (Class SB)
Upper Mystic River (Class B, variance)
Little River (Class B)
Alewife Brook (Class B)

PREPARATION OF THE DRAFT PERMIT AND EPA REQUEST FOR CWA § 401 CERTIFICATION:

EPA is issuing for public notice and comment the Draft NPDES Permit for the MWRA DITP, which discharges treated municipal and industrial wastewater. Sludge from this facility is pumped via an underground harbor tunnel to the MWRA biosolids plant in Quincy, Massachusetts. The effluent limits and permit conditions have been drafted pursuant to, and assure compliance with, the CWA, including EPA-approved State Surface Water Quality Standards at 314 CMR 4.00. MassDEP cooperated with EPA in the development of the Draft NPDES Permit. MassDEP retains independent authority under State law to publish for public notice and issue a separate Surface Water Discharge Permit for the discharge, not the subject of this notice, under the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53.

In addition, EPA has requested that MassDEP grant or deny certification of this Draft Permit pursuant to Section 401 of the CWA and implementing regulations. Under federal regulations governing the NPDES program at 40 Code of Federal Regulations (CFR) § 124.53(e), state certification shall contain conditions

that are necessary to assure compliance with the applicable provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law, including any conditions more stringent than those in the Draft Permit that MassDEP finds necessary to meet these requirements. Furthermore, MassDEP may provide a statement of the extent to which each condition of the Draft Permit can be made less stringent without violating the requirements of State law.

INFORMATION ABOUT THE DRAFT PERMIT:

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

Michele Barden
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100 (06-1)
Boston, MA 02109-3912
Telephone: (617) 918-1539
Email: barden.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 MEETING AND PUBLIC HEARING:

The Regional Administrator has determined, pursuant to 40 CFR §124.12, that a significant degree of public interest exists in the proposed permit and that a public meeting and a public hearing will be held virtually to consider the permit. This notice serves to announce that a public meeting and public hearing will be held on the following dates and times:

Public Informational Meeting:

DATE: **July 12, 2023**

TIME: 7:00pm

LOCATION: Virtual Meeting Information will be provided on EPA's website, noted above

Public Hearing:

DATE: **July 12, 2023**

TIME: 8:00pm

LOCATION: Virtual Meeting Information will be provided on EPA's website, noted above

The following is a summary of the procedures that will be followed at the public informational meeting:

- a. The Presiding Chairperson will have the authority to open and conclude the meeting and to maintain order.
- b. EPA will make a short presentation describing the NPDES permit process and the draft permit conditions, and then accept clarifying questions from the audience.
- c. Formal oral comments concerning the draft permit will not be accepted at the public meeting. Formal oral comments will be accepted at the subsequent public hearing.

The following is a summary of the procedures that will be followed at the public hearing:

- a. The Presiding Chairperson will have the authority to open and conclude the hearing and to maintain order.
- b. Any person appearing at such a hearing may submit oral or written statements concerning the draft permit.

PUBLIC COMMENT:

All persons, including applicants, who believe any condition of this Draft Permit is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by July 31, 2023, 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 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>.

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