

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 Merrimac

is authorized to discharge from the facility located at

**Merrimac Wastewater Treatment Plant
50 Federal Way
Merrimac, MA 01860**

to receiving water named

Merrimack River (Merrimack Watershed, State Code 84)

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

This permit shall become effective on the first day of the calendar month immediately following 60 days after signature.

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

This permit supersedes the permit issued on November 5, 2002.

This permit consists of 10 pages in Part I including effluent limitations, monitoring requirements, Attachments A and B, and Part II including General Conditions and Definitions.

Signed this 30TH day of October, 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.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 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>SAMPLE³ TYPE</u>
FLOW ² Annual Ave	*****	*****	0.45 MGD	*****	*****	Continuous	Recorder
FLOW ²	*****	*****	Report MGD	*****	Report MGD	Continuous	Recorder
BOD ₅ ⁴	113 lbs/Day	169 lbs/Day	30 mg/l	45 mg/l	Report mg/l ¹	1/Week	24-Hour Composite ⁵
TSS ⁴	113 lbs/Day	169 lbs/Day	30 mg/l	45 mg/l	Report mg/l ¹	1/Week	24-Hour Composite ⁵
pH RANGE ¹	6.5 - 8.5 SU SEE PERMIT PAGE 4 OF 10, PARAGRAPH I.A.1.b.					1/Day	Grab
FECAL COLIFORM ^{1,6}	*****	*****	88 cfu/100 ml	*****	260 cfu/100 ml	1/Week	Grab
ENTEROCOCCUS	*****	*****	*****	*****	Report cfu/100ml	1/Month	Grab
WHOLE EFFLUENT TOXICITY SEE FOOTNOTES 7, 8, and 9	Acute LC ₅₀ ≥ 50%					1/Year	24-Hour Composite ⁵

Effluent Sampling Point : BOD, TSS, pH, Fecal Coliform and WET tests are performed after u/v system.

Footnotes:

1. Required for State Certification.
2. Report annual average, monthly average, and the maximum daily flow. The limit is an annual average, which shall be reported as a rolling average. The value will be calculated as the arithmetic mean of the monthly average flow for the reporting month and the monthly average flows of the eleven previous months.
3. All required effluent samples shall be collected at the point specified in the Permit. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP.

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.

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.

4. Sampling required for influent and effluent.
5. A 24-hour composite sample will consist of at least twenty four (24) grab samples taken during one consecutive 24 hour period, either collected at equal intervals and combined proportional to flow or continuously collected proportionally to flow.
6. Fecal coliform monitoring will be conducted year round. This is also a State certification requirement. Fecal coliform discharges shall not exceed a monthly geometric mean of 88 colony forming units per 100 ml, nor shall they exceed 260 cfu per 100 ml as a daily maximum.
7. The permittee shall conduct acute toxicity test once per year. The permittee shall test the Mysid shrimp only. Toxicity test samples shall be collected during the second week of the months of July. The test results shall be submitted by the last day of the month following the completion of the test. The results are due August 31st. The test 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
July	August 31st	Mysid shrimp See Attachment A	≥50%	N/A

After submitting **four years** 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.

8. The LC₅₀ is the concentration of effluent which causes mortality to 50% of the test organisms. Therefore, a 50% limit means that a sample of 50% effluent shall cause no more than a 50% mortality rate.

9. 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**.

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, unless these values are exceeded as a result of an approved treatment process.

- 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. The permittee is required, when the average annual flow in any calendar year exceeds 80% of the facilities design flow, to submit a report to MassDEP on how the permittee will remain in compliance with the limitations in the permit, specifically flow. The report shall be submitted by March 31 of the following calendar year.
 - g. 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.
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 MassDEP 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). [Note: SSO Reporting Form (which includes MassDEP Regional Office telephone numbers) for submittal of written report to MassDEP is available on-line at <http://www/mass.gov/dep/water/approvals/surffms.htm#sso>.]

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 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 March 31**. 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).

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 practice:
 - 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 (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 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. 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
Northeast Regional Office - Bureau of Resource Protection
205B Lowell Street
Wilmington,, MA 01887

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

Any violation of a fecal coliform effluent limit, or any interruption of treatment due to plant failure shall be reported within 24 hours of the permittee being aware of such condition to the following:

Division of Marine Fisheries
Shellfish Management Program
30 Emerson Avenue
Gloucester, MA 01930

F. 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.