

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),

Entegris, Inc.

is authorized to discharge from a facility located at

129 Concord Road  
Billerica, MA 01821

to the receiving water named the Concord River, a Class B water, 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 following sixty (60) days after signature if comments are received. If no comments are received, this permit shall become effective upon the date of signature.

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

This permit supersedes the permit that was issued on September 23, 2009.

This permit consists of seven (7) pages, including the cover page in Part I and containing effluent limitations and monitoring requirements, and State permit conditions; and 25 pages in Part II, the Standard Conditions.

Signed this      day of                      , 2016

\_\_\_\_\_  
Ken Moraff, Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA

\_\_\_\_\_  
David Ferris, Director  
Massachusetts Wastewater Management Program  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

**PART I.A. Effluent Limitations and Monitoring Requirements**

1. During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge reverse osmosis (RO) reject water from outfall serial number <b>001</b> . Such discharges shall be limited and monitored by the permittee as specified below:				
<u>EFFLUENT CHARACTERISTIC</u>		<u>EFFLUENT LIMITS</u>		<u>MONITORING REQUIREMENTS</u>
<u>PARAMETER</u>	<u>AVERAGE MONTHLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE <sup>1</sup> TYPE</u>
Flow	80,000 GPD	100,000 GPD	Continuous	Recorder <sup>2</sup>
pH Range <sup>3</sup>	6.5 – 9.0 s.u.		1/Week	Grab
Dissolved Oxygen <sup>3</sup>	Not less than 6.0 mg/l		1/Week	Grab
Total Suspended Solids	30 mg/l	45 mg/l	1/Month	Grab
Total Ammonia Nitrogen	Report µg/l	Report µg/l	1/Month	Grab
Total Residual Chlorine	1.0 mg/l	1.0 mg/l	1/Week	Grab
Copper, Total Recoverable <sup>4</sup>	Report µg/l	Report µg/l	1/Quarter	Grab

Footnotes:

1. Sampling shall be conducted at a point prior to discharge to Outfall 001 which contains the RO reject water flow, and prior to mixing with any other stream. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP. 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.
2. The flow shall be continuously measured and recorded using a flow meter.
3. Requirement for State Certification. For pH, the minimum and maximum values for each month shall be reported.
4. For copper, sampling shall be conducted during the middle month of each calendar quarter (February, May, August, and November) and the results shall be reported on the 15<sup>th</sup> day of the month following the month of sampling.

## Part I.A.1. (continued)

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The effluent pH shall be in the range of 6.5 through 9.0 standard units and not more than 0.5 standard units outside of the naturally occurring range.
- 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 results of sampling for any parameter above its required frequency must also be reported.
- f. The discharge of cooling tower blowdown, wastewaters from the cleaning of any RO unit components, or backwash water from any carbon filters, multi-media filters or water softeners to the Concord River is prohibited.

## 2. 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.

## 3. Numerical Effluent Limitations for Toxicants

EPA or MassDEP may use the results of the 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 §122.

4. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) One hundred micrograms per liter (100 µg/l);

- (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
  - (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f).
- b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
  - (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f).
- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
5. This permit may be modified, or revoked and reissued, on the basis of new information in accordance with 40 CFR §122.62.

## **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 are not authorized by this permit and shall be reported in accordance with Section D.1.e. (1) of the Standard Conditions (Part II) of this permit (Twenty-four hour reporting).

## **C. REOPENER CLAUSE**

This permit shall be modified, or alternately, revoked and reissued, to comply with any applicable standard or limitation promulgated or approved under sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b. Controls any pollutants not limited in the permit.

#### **D. MONITORING AND REPORTING**

The monitoring program in the permit specifies sampling and analysis, which will provide continuous information on compliance and the reliability and effectiveness of the installed pollution abatement equipment. The approved analytical procedures found in 40 CFR §136 are required unless other procedures are explicitly required in the permit. The Permittee is obligated to monitor and report sampling results to EPA and the MassDEP within the time specified within the permit.

Unless otherwise specified in this permit, the permittee shall submit reports, requests, and information and provide notices in the manner described in this section.

##### **1. Submittal of DMRs Using NetDMR**

The permittee shall continue to submit its monthly monitoring data in discharge monitoring reports (DMRs) to EPA and MassDEP no later than the 15<sup>th</sup> day of the month electronically using NetDMR. When the permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to EPA or MassDEP.

##### **2. Submittal of Reports as NetDMR Attachments**

Unless otherwise specified in this permit, the permittee shall electronically submit all reports to EPA as NetDMR attachments rather than as hard copies. Permittees shall continue to send hard copies of reports other than DMRs to MassDEP until further notice from MassDEP. (See Part I.D.5. for more information on state reporting.) Because the due dates for reports described in this permit may not coincide with the due date for submitting DMRs (which is no later than the 15<sup>th</sup> day of the month), a report submitted electronically as a NetDMR attachment shall be considered timely if it is electronically submitted to EPA using NetDMR with the next DMR due following the particular report due date specified in this permit.

##### **3. Submittal of Requests and Reports to EPA/OEP**

The following requests, reports, and information described in this permit shall be submitted to the EPA/OEP NPDES Applications Coordinator in the EPA Office Ecosystem Protection (OEP).

- A. Transfer of Permit notice
- B. Request for changes in sampling location
- C. Request for reduction in testing frequency
- D. Notice of proposal to add or replace chemicals and bio-remedial agents including microbes

These reports, information, and requests shall be submitted to EPA/OEP electronically at [R1NPDES.Notices.OEP@epa.gov](mailto:R1NPDES.Notices.OEP@epa.gov) or by hard copy mail to the following address:

**U.S. Environmental Protection Agency  
Office of Ecosystem Protection  
EPA/OEP NPDES Applications Coordinator  
5 Post Office Square - Suite 100 (OEP06-03)  
Boston, MA 02109-3912**

4. Submittal of Reports in Hard Copy Form

The following notifications and reports shall be submitted as hard copy with a cover letter describing the submission. These reports shall be signed and dated originals submitted to EPA:

A. Written notifications required under Part II.

This information shall be submitted to EPA/OES at the following address:

**U.S. Environmental Protection Agency  
Office of Environmental Stewardship (OES)  
Water Technical Unit  
5 Post Office Square, Suite 100 (OES04-SMR)  
Boston, MA 02109-3912**

5. State Reporting

Transfer of Permit notices shall be submitted to:

**MassDEP  
Bureau of Water Resources  
Wastewater Management Program  
1 Winter Street, 5<sup>th</sup> Floor  
Boston, MA 02108**

Unless otherwise specified in this permit, duplicate signed copies of all reports, information, requests or notifications described in this permit, including the reports, information, requests or notifications described in Parts I.D.3 and I.D.4, shall also be submitted to the State at the following addresses:

**MassDEP – Northeast Region  
Bureau of Waste Prevention  
205B Lowell Street  
Wilmington, MA 01887**

## 6. Verbal Reports and Verbal Notifications

Any verbal reports or verbal notifications, if required in Parts I and/or II of this permit, shall be made to both EPA-New England and to MassDEP. This includes verbal reports and notifications which require reporting within 24 hours. (As examples, see Part II.B.4.c. (2), Part II.B.5.c. (3), and Part II.D.1.e.) Verbal reports and verbal notifications shall be made to EPA's Office of Environmental Stewardship at: **(617) 918-1510**

## E. STATE PERMIT CONDITIONS

1. This authorization to discharge includes two separate and independent permit authorizations. The two permit authorizations are (i) a federal National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Clean Water Act, 33 U.S.C. §§1251 *et seq.*; and (ii) an identical state surface water discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Clean Waters Act, MGL c. 21, §§ 26-53, and 314 CMR 3.00. All of the requirements contained in this authorization, as well as the standard conditions contained in 314 CMR 3.19, are hereby incorporated by reference into this state surface water discharge permit.
2. This authorization also incorporates the state water quality certification issued by MassDEP under § 401(a) of the Federal Clean Water Act, 40 CFR 124.53, MGL c. 21, § 27 and 314 CMR 3.07. All of the requirements (if any) contained in MassDEP's water quality certification for the permit are hereby incorporated by reference into this state surface water discharge permit as special conditions pursuant to 314 CMR 3.11.
3. 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.

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PART II. A. GENERAL REQUIREMENTS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- b. The CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any of such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402 (a)(3) or 402 (b)(8) of the CWA is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates such requirements is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Any person who knowingly violates such requirements is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
- c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

Note: See 40 CFR §122.41(a)(2) for complete “Duty to Comply” regulations.

2. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notifications of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

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4. Reopener Clause

The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Regional Administrator or Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under Section 405 (d) of the CWA. The Regional Administrator or Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or contains a pollutant or practice not limited in the permit.

Federal regulations pertaining to permit modification, revocation and reissuance, and termination are found at 40 CFR §122.62, 122.63, 122.64, and 124.5.

5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the CWA, or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges.

7. Confidentiality of Information

- a. In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).
- b. Claims of confidentiality for the following information will be denied:
  - (1) The name and address of any permit applicant or permittee;
  - (2) Permit applications, permits, and effluent data as defined in 40 CFR §2.302(a)(2).
- c. Information required by NPDES application forms provided by the Regional Administrator under 40 CFR §122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

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8. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

9. State Authorities

Nothing in Part 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

10. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local laws and regulations.

PART II. B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Bypass

a. Definitions

- (1) *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

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- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

### b. Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs B.4.c. and 4.d. of this section.

### c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D.1.e. of this part (Twenty-four hour reporting).

### d. Prohibition of bypass

Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3)
  - i) The permittee submitted notices as required under Paragraph 4.c. of this section.
  - ii) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph 4.d. of this section.

## 5. Upset

- a. Definition. *Upset* means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph B.5.c. of this section are met. No determination made during

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administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in paragraphs D.1.a. and 1.e. (Twenty-four hour notice); and
  - (4) The permittee complied with any remedial measures required under B.3. above.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**PART II. C. MONITORING REQUIREMENTS**

1. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records for monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application except for the information concerning storm water discharges which must be retained for a total of 6 years. This retention period may be extended by request of the Regional Administrator at any time.
- c. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- d. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by

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imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

### 2. Inspection and Entry

The permittee shall allow the Regional Administrator or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

## PART II. D. REPORTING REQUIREMENTS

### 1. Reporting Requirements

- a. **Planned Changes.** The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR§122.29(b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantities of the pollutants discharged. This notification applies to pollutants which are subject neither to the effluent limitations in the permit, nor to the notification requirements at 40 CFR§122.42(a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. **Anticipated noncompliance.** The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. **Transfers.** This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and

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incorporate such other requirements as may be necessary under the CWA. (See 40 CFR Part 122.61; in some cases, modification or revocation and reissuance is mandatory.)

- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
  - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
  - (3) Calculations for all limitations which require averaging or measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Twenty-four hour reporting.
- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.  
  
A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
    - (a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
    - (b) Any upset which exceeds any effluent limitation in the permit.
    - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
  - (3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph D.1.e. if the oral report has been received within 24 hours.

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- f. Compliance Schedules. Reports of compliance or noncompliance with, any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
  - g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under Paragraphs D.1.d., D.1.e., and D.1.f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D.1.e. of this section.
  - h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.
2. Signatory Requirement
- a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See 40 CFR §122.22)
  - b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.
3. Availability of Reports.

Except for data determined to be confidential under Paragraph A.8. above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

PART II. E. DEFINITIONS AND ABBREVIATIONS

1. Definitions for Individual NPDES Permits including Storm Water Requirements

*Administrator* means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

*Applicable standards and limitations* means all, State, interstate, and Federal standards and limitations to which a “discharge”, a “sewage sludge use or disposal practice”, or a related activity is subject to, including “effluent limitations”, water quality standards, standards of performance, toxic effluent standards or prohibitions, “best management practices”, pretreatment standards, and “standards for sewage sludge use and disposal” under Sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the CWA.



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*Application* means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in “approved States”, including any approved modifications or revisions.

*Average* means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms and Escherichia coli, the average shall be the geometric mean.

*Average monthly discharge limitation* means the highest allowable average of “daily discharges” over a calendar month calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

*Average weekly discharge limitation* means the highest allowable average of “daily discharges” measured during the calendar week divided by the number of “daily discharges” measured during the week.

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Best Professional Judgment (BPJ)* means a case-by-case determination of Best Practicable Treatment (BPT), Best Available Treatment (BAT), or other appropriate technology-based standard based on an evaluation of the available technology to achieve a particular pollutant reduction and other factors set forth in 40 CFR §125.3 (d).

*Coal Pile Runoff* means the rainfall runoff from or through any coal storage pile.

*Composite Sample* means a sample consisting of a minimum of eight grab samples of equal volume collected at equal intervals during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportional to flow, or a sample consisting of the same number of grab samples, or greater, collected proportionally to flow over that same time period.

*Construction Activities* - The following definitions apply to construction activities:

- (a) Commencement of Construction is the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- (b) Dedicated portable asphalt plant is a portable asphalt plant located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term dedicated portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR Part 443.
- (c) Dedicated portable concrete plant is a portable concrete plant located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

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- (d) Final Stabilization means that all soil disturbing activities at the site have been complete, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (e) Runoff coefficient means the fraction of total rainfall that will appear at the conveyance as runoff.

*Contiguous zone* means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

*Continuous discharge* means a “discharge” which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or similar activities.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117; 33 USC §§1251 et seq.

*Daily Discharge* means the discharge of a pollutant measured during the calendar day or any other 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

*Director* normally means the person authorized to sign NPDES permits by EPA or the State or an authorized representative. Conversely, it also could mean the Regional Administrator or the State Director as the context requires.

*Discharge Monitoring Report Form (DMR)* means the EPA standard national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by “approved States” as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA’s.

*Discharge of a pollutant* means:

- (a) Any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source”, or
- (b) Any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation (See “Point Source” definition).

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead

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to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works.

This term does not include an addition of pollutants by any “indirect discharger.”

*Effluent limitation* means any restriction imposed by the Regional Administrator on quantities, discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States”, the waters of the “contiguous zone”, or the ocean.

*Effluent limitation guidelines* means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise “effluent limitations”.

*EPA* means the United States “Environmental Protection Agency”.

*Flow-weighted composite sample* means a composite sample consisting of a mixture of aliquots where the volume of each aliquot is proportional to the flow rate of the discharge.

*Grab Sample* – An individual sample collected in a period of less than 15 minutes.

*Hazardous Substance* means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the CWA.

*Indirect Discharger* means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (CWA), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resources Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SDWA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

*Landfill* means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

*Land application unit* means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

*Large and Medium municipal separate storm sewer system* means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and 40 CFR Part 122); or (ii) located in the counties with unincorporated urbanized

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populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships, or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or (iii) owned or operated by a municipality other than those described in Paragraph (i) or (ii) and that are designated by the Regional Administrator as part of the large or medium municipal separate storm sewer system.

*Maximum daily discharge limitation* means the highest allowable “daily discharge” concentration that occurs only during a normal day (24-hour duration).

*Maximum daily discharge limitation (as defined for the Steam Electric Power Plants only) when applied to Total Residual Chlorine (TRC) or Total Residual Oxidant (TRO)* is defined as “maximum concentration” or “Instantaneous Maximum Concentration” during the two hours of a chlorination cycle (or fraction thereof) prescribed in the Steam Electric Guidelines, 40 CFR Part 423. These three synonymous terms all mean “a value that shall not be exceeded” during the two-hour chlorination cycle. This interpretation differs from the specified NPDES Permit requirement, 40 CFR § 122.2, where the two terms of “Maximum Daily Discharge” and “Average Daily Discharge” concentrations are specifically limited to the daily (24-hour duration) values.

*Municipality* means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under Section 208 of the CWA.

*National Pollutant Discharge Elimination System* means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA. The term includes an “approved program”.

*New Discharger* means any building, structure, facility, or installation:

- (a) From which there is or may be a “discharge of pollutants”;
- (b) That did not commence the “discharge of pollutants” at a particular “site” prior to August 13, 1979;
- (c) Which is not a “new source”; and
- (d) Which has never received a finally effective NPDES permit for discharges at that “site”.

This definition includes an “indirect discharger” which commences discharging into “waters of the United States” after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a “site” for which it does not have a permit; and any offshore rig or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a “site” under EPA’s permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be in an area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 CFR §§125.122 (a) (1) through (10).

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An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a “new discharger” only for the duration of its discharge in an area of biological concern.

*New source* means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants”, the construction of which commenced:

- (a) After promulgation of standards of performance under Section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

*NPDES* means “National Pollutant Discharge Elimination System”.

*Owner or operator* means the owner or operator of any “facility or activity” subject to regulation under the NPDES programs.

*Pass through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

*Permit* means an authorization, license, or equivalent control document issued by EPA or an “approved” State.

*Person* means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

*Point Source* means any discernible, confined, and discrete conveyance, including but not limited to any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (see 40 CFR §122.2).

*Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

- (a) Sewage from vessels; or
- (b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by the authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

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*Primary industry category* means any industry category listed in the NRDC settlement agreement (Natural Resources Defense Council et al. v. Train, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D. D.C. 1979)); also listed in Appendix A of 40 CFR Part 122.

*Privately owned treatment works* means any device or system which is (a) used to treat wastes from any facility whose operation is not the operator of the treatment works or (b) not a "POTW".

*Process wastewater* means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

*Publicly Owned Treatment Works (POTW)* means any facility or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality".

This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

*Regional Administrator* means the Regional Administrator, EPA, Region I, Boston, Massachusetts.

*Secondary Industry Category* means any industry which is not a "primary industry category".

*Section 313 water priority chemical* means a chemical or chemical category which:

- (1) is listed at 40 CFR §372.65 pursuant to Section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986);
- (2) is present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and
- (3) satisfies at least one of the following criteria:
  - (i) are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols), or Table V (certain toxic pollutants and hazardous substances);
  - (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR §116.4; or
  - (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

*Septage* means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

*Sewage Sludge* means any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, Type III Marine Sanitation Device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

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*Sewage sludge use or disposal practice* means the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

*Significant materials* includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets, raw materials used in food processing or production, hazardous substance designated under section 101(14) of CERCLA, any chemical the facility is required to report pursuant to EPCRA Section 313, fertilizers, pesticides, and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

*Significant spills* includes, but is not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR §110.10 and §117.21) or Section 102 of CERCLA (see 40 CFR § 302.4).

*Sludge-only facility* means any “treatment works treating domestic sewage” whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to Section 405(d) of the CWA, and is required to obtain a permit under 40 CFR §122.1(b)(3).

*State* means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands.

*Storm Water* means storm water runoff, snow melt runoff, and surface runoff and drainage.

*Storm water discharge associated with industrial activity* means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. (See 40 CFR §122.26 (b)(14) for specifics of this definition.

*Time-weighted composite* means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

*Toxic pollutants* means any pollutant listed as toxic under Section 307 (a)(1) or, in the case of “sludge use or disposal practices” any pollutant identified in regulations implementing Section 405(d) of the CWA.

*Treatment works treating domestic sewage* means a POTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices.

For purposes of this definition, “domestic sewage” includes waste and wastewater from humans or household operations that are discharged to or otherwise enter a treatment works. In States where there is no approved State sludge management program under Section 405(f) of the CWA, the Regional Administrator may designate any person subject to the standards for sewage sludge use and disposal in 40 CFR Part 503 as a “treatment works treating domestic sewage”, where he or she finds that there is a potential for adverse effects on public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR Part 503.

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*Waste Pile* means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

*Waters of the United States* means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of tide;
- (b) All interstate waters, including interstate “wetlands”;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands”, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) Which are or could be used by interstate or foreign travelers for recreational or other purpose;
  - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in Paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in Paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the United States.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

*Whole Effluent Toxicity (WET)* means the aggregate toxic effect of an effluent measured directly by a toxicity test. (See Abbreviations Section, following, for additional information.)

2. Definitions for NPDES Permit Sludge Use and Disposal Requirements.

*Active sewage sludge unit* is a sewage sludge unit that has not closed.



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*Aerobic Digestion* is the biochemical decomposition of organic matter in sewage sludge into carbon dioxide and water by microorganisms in the presence of air.

*Agricultural Land* is land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

*Agronomic rate* is the whole sludge application rate (dry weight basis) designed:

- (1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and
- (2) To minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water.

*Air pollution control device* is one or more processes used to treat the exit gas from a sewage sludge incinerator stack.

*Anaerobic digestion* is the biochemical decomposition of organic matter in sewage sludge into methane gas and carbon dioxide by microorganisms in the absence of air.

*Annual pollutant loading rate* is the maximum amount of a pollutant that can be applied to a unit area of land during a 365 day period.

*Annual whole sludge application rate* is the maximum amount of sewage sludge (dry weight basis) that can be applied to a unit area of land during a 365 day period.

*Apply sewage sludge or sewage sludge applied to the land* means land application of sewage sludge.

*Aquifer* is a geologic formation, group of geologic formations, or a portion of a geologic formation capable of yielding ground water to wells or springs.

*Auxiliary fuel* is fuel used to augment the fuel value of sewage sludge. This includes, but is not limited to, natural gas, fuel oil, coal, gas generated during anaerobic digestion of sewage sludge, and municipal solid waste (not to exceed 30 percent of the dry weight of the sewage sludge and auxiliary fuel together). Hazardous wastes are not auxiliary fuel.

*Base flood* is a flood that has a one percent chance of occurring in any given year (i.e. a flood with a magnitude equaled once in 100 years).

*Bulk sewage sludge* is sewage sludge that is not sold or given away in a bag or other container for application to the land.

*Contaminate an aquifer* means to introduce a substance that causes the maximum contaminant level for nitrate in 40 CFR §141.11 to be exceeded in ground water or that causes the existing concentration of nitrate in the ground water to increase when the existing concentration of nitrate in the ground water exceeds the maximum contaminant level for nitrate in 40 CFR §141.11.

*Class I sludge management facility* is any publicly owned treatment works (POTW), as defined in 40 CFR §501.2, required to have an approved pretreatment program under 40 CFR §403.8 (a) (including any POTW located in a state that has elected to assume local program responsibilities pursuant to 40 CFR §403.10 (e) and any treatment works treating domestic sewage, as defined in 40 CFR § 122.2,

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classified as a Class I sludge management facility by the EPA Regional Administrator, or, in the case of approved state programs, the Regional Administrator in conjunction with the State Director, because of the potential for sewage sludge use or disposal practice to affect public health and the environment adversely.

*Control efficiency* is the mass of a pollutant in the sewage sludge fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the sewage sludge fed to the incinerator.

*Cover* is soil or other material used to cover sewage sludge placed on an active sewage sludge unit.

*Cover crop* is a small grain crop, such as oats, wheat, or barley, not grown for harvest.

*Cumulative pollutant loading rate* is the maximum amount of inorganic pollutant that can be applied to an area of land.

*Density of microorganisms* is the number of microorganisms per unit mass of total solids (dry weight) in the sewage sludge.

*Dispersion factor* is the ratio of the increase in the ground level ambient air concentration for a pollutant at or beyond the property line of the site where the sewage sludge incinerator is located to the mass emission rate for the pollutant from the incinerator stack.

*Displacement* is the relative movement of any two sides of a fault measured in any direction.

*Domestic septage* is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

*Domestic sewage* is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

*Dry weight basis* means calculated on the basis of having been dried at 105 degrees Celsius (°C) until reaching a constant mass (i.e. essentially 100 percent solids content).

*Fault* is a fracture or zone of fractures in any materials along which strata on one side are displaced with respect to the strata on the other side.

*Feed crops* are crops produced primarily for consumption by animals.

*Fiber crops* are crops such as flax and cotton.

*Final cover* is the last layer of soil or other material placed on a sewage sludge unit at closure.

*Fluidized bed incinerator* is an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

*Food crops* are crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

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*Forest* is a tract of land thick with trees and underbrush.

*Ground water* is water below the land surface in the saturated zone.

*Holocene time* is the most recent epoch of the Quaternary period, extending from the end of the Pleistocene epoch to the present.

*Hourly average* is the arithmetic mean of all the measurements taken during an hour. At least two measurements must be taken during the hour.

*Incineration* is the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

*Industrial wastewater* is wastewater generated in a commercial or industrial process.

*Land application* is the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

*Land with a high potential for public exposure* is land that the public uses frequently. This includes, but is not limited to, a public contact site and reclamation site located in a populated area (e.g., a construction site located in a city).

*Land with low potential for public exposure* is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

*Leachate collection system* is a system or device installed immediately above a liner that is designed, constructed, maintained, and operated to collect and remove leachate from a sewage sludge unit.

*Liner* is soil or synthetic material that has a hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per second or less.

*Lower explosive limit for methane gas* is the lowest percentage of methane gas in air, by volume, that propagates a flame at 25 degrees Celsius and atmospheric pressure.

*Monthly average (Incineration)* is the arithmetic mean of the hourly averages for the hours a sewage sludge incinerator operates during the month.

*Monthly average (Land Application)* is the arithmetic mean of all measurements taken during the month.

*Municipality* means a city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities) created by or under State law; an Indian tribe or an authorized Indian tribal organization having jurisdiction over sewage sludge management; or a designated and approved management agency under section 208 of the CWA, as amended. The definition includes a special district created under state law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201 (e) of the CWA, as amended, that has as one of its principal responsibilities the treatment, transport, use or disposal of sewage sludge.

NPDES PART II STANDARD CONDITIONS  
(January, 2007)

*Other container* is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

*Pasture* is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

*Pathogenic organisms* are disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

*Permitting authority* is either EPA or a State with an EPA-approved sludge management program.

*Person* is an individual, association, partnership, corporation, municipality, State or Federal Agency, or an agent or employee thereof.

*Person who prepares sewage sludge* is either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge.

*pH* means the logarithm of the reciprocal of the hydrogen ion concentration; a measure of the acidity or alkalinity of a liquid or solid material.

*Place sewage sludge or sewage sludge placed* means disposal of sewage sludge on a surface disposal site.

*Pollutant (as defined in sludge disposal requirements)* is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could on the basis on information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction) or physical deformations in either organisms or offspring of the organisms.

*Pollutant limit (for sludge disposal requirements)* is a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilogram of total solids); the amount of pollutant that can be applied to a unit of land (e.g., kilograms per hectare); or the volume of the material that can be applied to the land (e.g., gallons per acre).

*Public contact site* is a land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

*Qualified ground water scientist* is an individual with a baccalaureate or post-graduate degree in the natural sciences or engineering who has sufficient training and experience in ground water hydrology and related fields, as may be demonstrated by State registration, professional certification, or completion of accredited university programs, to make sound professional judgments regarding ground water monitoring, pollutant fate and transport, and corrective action.

*Range land* is open land with indigenous vegetation.

*Reclamation site* is drastically disturbed land that is reclaimed using sewage sludge. This includes, but is not limited to, strip mines and construction sites.

NPDES PART II STANDARD CONDITIONS  
(January, 2007)

*Risk specific concentration* is the allowable increase in the average daily ground level ambient air concentration for a pollutant from the incineration of sewage sludge at or beyond the property line of a site where the sewage sludge incinerator is located.

*Runoff* is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off the land surface.

*Seismic impact zone* is an area that has 10 percent or greater probability that the horizontal ground level acceleration to the rock in the area exceeds 0.10 gravity once in 250 years.

*Sewage sludge* is a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to: domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in treatment works.

*Sewage sludge feed rate* is either the average daily amount of sewage sludge fired in all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located for the number of days in a 365 day period that each sewage sludge incinerator operates, or the average daily design capacity for all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located.

*Sewage sludge incinerator* is an enclosed device in which only sewage sludge and auxiliary fuel are fired.

*Sewage sludge unit* is land on which only sewage sludge is placed for final disposal. This does not include land on which sewage sludge is either stored or treated. Land does not include waters of the United States, as defined in 40 CFR §122.2.

*Sewage sludge unit boundary* is the outermost perimeter of an active sewage sludge unit.

*Specific oxygen uptake rate (SOUR)* is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in sewage sludge.

*Stack height* is the difference between the elevation of the top of a sewage sludge incinerator stack and the elevation of the ground at the base of the stack when the difference is equal to or less than 65 meters. When the difference is greater than 65 meters, stack height is the creditable stack height determined in accordance with 40 CFR §51.100 (ii).

*State* is one of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and an Indian tribe eligible for treatment as a State pursuant to regulations promulgated under the authority of section 518(e) of the CWA.

*Store or storage of sewage sludge* is the placement of sewage sludge on land on which the sewage sludge remains for two years or less. This does not include the placement of sewage sludge on land for treatment.

*Surface disposal site* is an area of land that contains one or more active sewage sludge units.

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*Total hydrocarbons* means the organic compounds in the exit gas from a sewage sludge incinerator stack measured using a flame ionization detection instrument referenced to propane.

*Total solids* are the materials in sewage sludge that remain as residue when the sewage sludge is dried at 103 to 105 degrees Celsius.

*Treat or treatment of sewage sludge* is the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. This does not include storage of sewage sludge.

*Treatment works* is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

*Unstable area* is land subject to natural or human-induced forces that may damage the structural components of an active sewage sludge unit. This includes, but is not limited to, land on which the soils are subject to mass movement.

*Unstabilized solids* are organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

*Vector attraction* is the characteristic of sewage sludge that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

*Volatile solids* is the amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550 degrees Celsius in the presence of excess air.

*Wet electrostatic precipitator* is an air pollution control device that uses both electrical forces and water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

*Wet scrubber* is an air pollution control device that uses water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

3. Commonly Used Abbreviations

BOD	Five-day biochemical oxygen demand unless otherwise specified
CBOD	Carbonaceous BOD
CFS	Cubic feet per second
COD	Chemical oxygen demand
Chlorine	
Cl <sub>2</sub>	Total residual chlorine
TRC	Total residual chlorine which is a combination of free available chlorine (FAC, see below) and combined chlorine (chloramines, etc.)

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TRO	Total residual chlorine in marine waters where halogen compounds are present
FAC	Free available chlorine (aqueous molecular chlorine, hypochlorous acid, and hypochlorite ion)
Coliform	
Coliform, Fecal	Total fecal coliform bacteria
Coliform, Total	Total coliform bacteria
Cont. (Continuous)	Continuous recording of the parameter being monitored, i.e. flow, temperature, pH, etc.
Cu. M/day or M <sup>3</sup> /day	Cubic meters per day
DO	Dissolved oxygen
kg/day	Kilograms per day
lbs/day	Pounds per day
mg/l	Milligram(s) per liter
ml/l	Milliliters per liter
MGD	Million gallons per day
Nitrogen	
Total N	Total nitrogen
NH <sub>3</sub> -N	Ammonia nitrogen as nitrogen
NO <sub>3</sub> -N	Nitrate as nitrogen
NO <sub>2</sub> -N	Nitrite as nitrogen
NO <sub>3</sub> -NO <sub>2</sub>	Combined nitrate and nitrite nitrogen as nitrogen
TKN	Total Kjeldahl nitrogen as nitrogen
Oil & Grease	Freon extractable material
PCB	Polychlorinated biphenyl
pH	A measure of the hydrogen ion concentration. A measure of the acidity or alkalinity of a liquid or material
Surfactant	Surface-active agent

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Temp. °C	Temperature in degrees Centigrade
Temp. °F	Temperature in degrees Fahrenheit
TOC	Total organic carbon
Total P	Total phosphorus
TSS or NFR	Total suspended solids or total nonfilterable residue
Turb. or Turbidity	Turbidity measured by the Nephelometric Method (NTU)
ug/l	Microgram(s) per liter
WET	“Whole effluent toxicity” is the total effect of an effluent measured directly with a toxicity test.
C-NOEC	“Chronic (Long-term Exposure Test) – No Observed Effect Concentration”. The highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specified time of observation.
A-NOEC	“Acute (Short-term Exposure Test) – No Observed Effect Concentration” (see C-NOEC definition).
LC <sub>50</sub>	LC <sub>50</sub> is the concentration of a sample that causes mortality of 50% of the test population at a specific time of observation. The LC <sub>50</sub> = 100% is defined as a sample of undiluted effluent.
ZID	Zone of Initial Dilution means the region of initial mixing surrounding or adjacent to the end of the outfall pipe or diffuser ports.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NEW ENGLAND - REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912**

**FACT SHEET**

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES  
PURSUANT TO THE CLEAN WATER ACT (CWA)**

**NPDES PERMIT NUMBER:** MA0040339

**PUBLIC NOTICE START AND END DATES:** January 20, 2016 – February 18, 2016

**NAME AND MAILING ADDRESS OF APPLICANT:**

Entegris, Inc.  
129 Concord Road  
Billerica, MA 01821

**NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:**

Entegris, Inc.  
129 Concord Road  
Billerica, MA 01821

**RECEIVING WATER(S):** Concord River (MA82A-07)  
(USGS Hydrologic Code #01070005 - Merrimack River Basin)

**RECEIVING WATER CLASSIFICATION(S):** Class B - Warm water fishery

**LATITUDE:** 42° 32' 57" N **LONGITUDE:** 71° 17' 7" W

**SIC CODE:** 3089 - Plastic products; 3499 – Fabricated metal products  
3569 - General industrial machinery equipment

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Table 1 - Outfall 001 Discharge Monitoring Data

Figure 1 - Facility Location and Outfall

Figure 2 - Water Flow Schematic

## 1.0 PROPOSED ACTION, TYPE OF FACILITY AND DISCHARGE LOCATION

Entegris, Incorporated, or “Entegris”(the permittee), operates a facility in Billerica, Massachusetts. This facility is engaged in the manufacture of plastic and stainless steel filtration products and industrial machinery equipment. The current permit, which was issued in 2009, authorized the discharge of up to a daily maximum of 100,000 gallons per day (gpd) of reverse osmosis (RO) reject water to the Concord River through Outfall 001. EPA and the MassDEP intend to reissue a NPDES permit to Entegris, Inc. The draft permit is based on, in part, the information provided in the permit application and on the site visit of May 20, 2015.

The effluent is routed underneath the building after connecting with storm water from the roof and ties into a storm drain connection which contains storm water from this site and an adjacent property, prior to discharging to Outfall 001. See **Figure 1** for a map of the facility and the outfall location, and **Figure 2** for a water flow schematic.

EPA received a completed permit renewal application from the applicant dated November 18, 2014. Since the permit renewal application was deemed timely and complete by EPA, the permit has been administratively continued pursuant to 40 CFR § 122.6.

## 2.0 DESCRIPTION OF TREATMENT SYSTEM AND OUTFALLS

### 2.1 Outfall 001 – Reverse Osmosis Reject Water

To achieve the required level of water purity for its manufacturing and research and development (R&D) processes, Entegris employs reverse osmosis (RO) units to treat the incoming water that is supplied by the Town of Billerica. The outputs of these RO units are a purified water which is used in production and research and development (R&D) and the RO reject water, which is discharged to Outfall 001 at up to 100,000 gallons per day (gpd). This reject water contains the typical constituents that are found in drinking water, except at higher concentrations.

The Town of Billerica source water contains some residual chlorine and other chlorination byproducts. Since chlorine is detrimental to the operation of RO units, this source water is passed through a carbon pre-treatment bed. This water is also passed through multi-media filtration for solids removal and a water softener prior to entering the RO units. The carbon filters, multi-media filters and water softeners are automatically or manually backwashed typically once or twice per week. This backwash water is discharged to the Town of Billerica sanitary sewer system and is prohibited from being discharged to the Concord River through Outfall 001. If needed, sulfuric acid is added to the RO units' incoming water to lower the pH in order to comply with the permit limit. For routine and preventative maintenance, the RO membrane units are taken off-line periodically and taken off site for cleaning and replaced with other units.

Reject water is first sent to a holding tank inside the facility. Typically, when water in this tank reaches a pre-determined level, it is pumped out to the Concord River through Outfall 001. Dissolved oxygen DO, pH, and flow are measured at the outlet of this tank. If the pH or DO does not meet the permit limits, the water is discharged back to the holding tank. If the tank reaches a high level, it overflows to the town sewer. Other parameters are also sampled at the outlet of this holding tank. During the cooling season, the permittee uses this RO reject water for its cooling tower and often discharges very low amounts between June and August since the cooling towers use and evaporate much of this water. The cooling tower blowdown discharge is sent to the Town of Billerica's sewer system and not discharged to the Concord River. The permittee also has the option to discharge the reject water from the holding tank to the Town of Billerica if it is not expected to meet the NPDES permit limits.

### 3.0 RECEIVING WATER DESCRIPTION

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The Massachusetts Surface Water Quality Standards (MASWQS), found at 314 CMR 4.00<sup>1</sup>, classify the stretch of the Concord River to which Entegris discharges, which runs from the confluence of the Assabet and Sudbury Rivers in Concord to the Billerica Water Supply intake in Billerica (Segment MA82A-07) as a Class B water (314 CMR 4.00).

In accordance with MA SWQS [314 CMR 4.05(3)(b)] Class B waters are “designated as a habitat for fish, other aquatic life, and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation. Where designated in 314 CMR 4.06, they shall be suitable as a source of public water supply with appropriate treatment (“Treated Water Supply”) and suitable for irrigation and other agricultural uses and for compatible industrial cooling and process uses. These waters shall have consistently good aesthetic value.” A warm water fishery is defined in the MA SWQS as “waters in which the maximum mean monthly temperature generally exceeds 68° F (20° C) during the summer months and are not capable of sustaining a year-round population of cold water stenothermal aquatic life” (314 CMR 4.02).

Sections 305(b) and 303(d) of the CWA require that States complete a water quality inventory and develop a list of impaired waters. Specifically, Section 303(d) of the CWA requires States to identify those water bodies that are not expected to meet surface water quality standards after the implementation of technology-based controls, and as such, require the development of a Total Maximum Daily Load (TMDL) for each pollutant that is prohibiting a designated use(s) from being attained. In Massachusetts, these two evaluations have been combined into an Integrated List of Waters. The integrated list format provides the status of all assessed waters in a single, multi-part list.

This segment of the Concord River does not currently meet the state water quality standards prescribed for Class B waters. This segment of the Concord River is listed on

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<sup>1</sup> <http://www.mass.gov/eea/docs/dep/service/regulations/314cmr04.pdf>

the *Final Massachusetts Year 2012 Integrated List of Waters*<sup>2</sup> as a Category 5 waterbody, and therefore classified as “Waters requiring a TMDL”. This segment of the Concord River is impaired for fecal coliform, mercury in fish tissue, total phosphorus, non-native aquatic plants, and Eurasian Water Milfoil (*Myriophyllum spicatum*). The last two items are non-pollutant impairments for which a Total Maximum Daily Load (TMDL) is not required. The list of impairments for this waterbody segment remains the same in the *Proposed Massachusetts Year 2014 Integrated List of Waters*.

MassDEP is required under the CWA to develop a TMDL for waterbodies that are identified as impaired. A TMDL is essentially a pollution budget designed to restore the health of a waterbody. A TMDL first identifies the source(s) of the pollutant from direct and indirect discharges in order to then determine the maximum amount of pollutant (including a margin of safety) that can be discharged to a specific waterbody while maintaining water quality standards for designated uses. It then outlines a plan to meet the goal. The discharge from the Entegris facility is not expected to be a source of fecal coliform, mercury, or phosphorus and no TMDLs have been finalized for this waterbody segment.

#### 4.0 LIMITATIONS AND CONDITIONS

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The effluent limitations, monitoring requirements, and any implementation schedule, if required, may be found in Part I.A. (Effluent Limitations and Monitoring Requirements) of the draft permit. The permit reapplication is part of the administrative permit file.

##### 4.1 Permit Basis: Statutory and Regulatory Authority

###### 4.1.1 General Background

The Clean Water Act (CWA) prohibits the discharge of pollutants to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit unless such a discharge is otherwise authorized by the CWA. The NPDES permit is the mechanism used to implement technology and water quality-based effluent limitations and other requirements including monitoring and reporting. This draft NPDES permit was developed in accordance with various statutory and regulatory requirements established pursuant to the CWA and any applicable State regulations. The regulations governing the EPA NPDES permit program are generally found at 40 CFR §§ 122, 124, 125, and 136.

When developing permit limits, EPA must consider the most recent technology-based treatment and water quality-based requirements. Subpart A of 40 CFR §125 establishes criteria and standards for the imposition of technology-based treatment requirements in permits under Section 301(b) of the CWA, including the application of EPA-promulgated effluent limitations and case-by-case determinations of effluent limitations under Section 402(a)(1) of the CWA. EPA is required to consider technology and water quality-based

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<sup>2</sup> <http://www.mass.gov/eea/agencies/massdep/water/watersheds/total-maximum-daily-loads-tmdls.html>

requirements as well as all limitations and requirements in the existing permit when developing permit limits.

#### *4.1.2 Technology-Based Requirements*

Technology-based treatment requirements represent the minimum level of control that must be imposed under Sections 301(b) and 402 of the CWA (see 40 CFR §125 Subpart A) to meet best practicable control technology currently available (BPT) for conventional pollutants and some metals, best conventional control technology (BCT) for conventional pollutants, and best available technology economically achievable (BAT) for toxic and non-conventional pollutants. There are no effluent limitations guidelines which are applicable to this facility.

In general, the statutory deadline for non-POTW, technology-based effluent limitations must be complied with as expeditiously as practicable but in no case later than three years after the date such limitations are established and in no case later than March 31, 1989 (see 40 CFR §125.3(a)(2)). Compliance schedules and deadlines not in accordance with the statutory provisions of the CWA cannot be authorized by a NPDES permit.

In the absence of published technology-based effluent guidelines, the permit writer is authorized under Section 402(a)(1)(B) of the CWA to establish effluent limitations on a case-by-case basis using best professional judgment (BPJ).

#### *4.1.3 Water Quality-Based Requirements*

Water quality-based effluent limitations (WQBEL) are required in NPDES permits when EPA and the State determine that effluent limits more stringent than technology-based limits are necessary to maintain or achieve state or federal water quality standards (WQS). See Section 301(b)(1)(C) of the CWA.

Receiving water requirements are established according to numerical and narrative standards adopted under state law for each stream classification. When using chemical-specific numeric criteria to develop permit limits, both the acute and chronic aquatic-life criteria, expressed in terms of maximum allowable in-stream pollutant concentration, are used. Acute aquatic-life criteria are considered applicable to daily time periods (maximum daily limit) and chronic aquatic-life criteria are considered applicable to monthly time periods (average monthly limit). Chemical-specific limits are allowed under 40 CFR §122.44(d)(1) and are implemented under 40 CFR §122.45(d) and (f). Therefore, the Region establishes, pursuant to 40 CFR §122.45(d)(2), maximum daily and average monthly limits for specific chemical pollutants, based, in part, on a reasonable measure of the facility's actual or projected rates on a maximum daily and average monthly basis for all production-based facilities that have a continuous discharge. In addition, the dilution provided by the receiving water is factored into this process where appropriate. Furthermore, narrative criteria from the state's water quality standards are often used to limit toxicity in discharges where (a) a specific pollutant can

be identified as causing or contributing to the toxicity but the state has no numeric standard; or (b) toxicity cannot be traced to a specific pollutant.

The NPDES permit must establish limits for any pollutant or pollutant parameter (conventional, non-conventional, toxic and whole effluent toxicity) that is or may be discharged at a level that causes or has “reasonable potential” to cause or contribute to an excursion above any water quality criterion. See 40 CFR §122.44(d)(1). An excursion occurs if the projected or actual in-stream concentration exceeds the applicable criterion.

In determining reasonable potential, EPA considers (a) existing controls on point and non-point sources of pollution; (b) pollutant concentration and variability in the effluent and receiving water as determined from the permit application, Monthly Discharge Monitoring Reports (DMRs), and State and Federal Water Quality Reports; (c) sensitivity of the species to toxicity testing; (d) known water quality impacts of processes on wastewater; and, where appropriate, (e) dilution of the effluent in the receiving water.

Generally, water quality standards (WQS) consist of three parts: (a) beneficial designated uses for a water body or a segment of a water body; (b) numeric and/or narrative water quality criteria sufficient to protect the assigned designated use(s); and (c) antidegradation requirements to ensure that once a use is attained it will not be degraded. The Massachusetts Surface Water Quality Standards (MA SWQS), found at 314 CMR 4.00, include these elements. The State Water Quality Regulations will limit or prohibit discharges of pollutants to surface waters to assure that surface water quality standards of the receiving waters are protected and maintained and/or attained. These standards also include requirements for the regulation and control of toxic constituents and require that EPA criteria, established pursuant to Section 304(a) of the CWA, shall be used unless a site-specific criterion is established. The conditions of the permit reflect the goal of the CWA and EPA to achieve and then to maintain WQS.

#### 4.2 Antibacksliding

A permit may not be renewed, reissued or modified with less stringent limitations or conditions than those contained in the previous permit unless in compliance with the anti-backsliding requirements of the CWA [see Sections 402(o) and 303(d)(4) of the CWA and 40 CFR §122.44(l)(1 and 2)]. EPA's antibacksliding provisions prohibit the relaxation of permit limits, standards, and conditions except under certain circumstances. Effluent limits based on BPJ, water quality, and state certification requirements must also meet the antibacksliding provisions found at Section 402(o) and 303(d)(4) of the CWA.

The effluent monitoring requirement for total copper has been changed from monthly to quarterly as described below. This change in permit conditions is not considered a violation of the antibacksliding provisions of the CWA because data obtained during the last permit term and the analysis below constitute new information indicating that there is no reasonable potential to violate WQS.

All other proposed permit conditions are at least as stringent as those of the current permit. Therefore, this draft permit complies with the antibacksliding requirements of the CWA.

#### 4.3 Antidegradation

Federal regulations found at 40 CFR §131.12 require states to develop and adopt a statewide antidegradation policy which maintains and protects existing instream water uses and the level of water quality necessary to protect the existing uses, and maintains the quality of waters which exceed levels necessary to support propagation of fish, shellfish, and wildlife and to support recreation in and on the water. The Massachusetts Antidegradation Regulations, found at 314 CMR 4.04, apply to any new or increased activity that would lower water quality or affect existing or designated uses, including increased loadings to a waterbody from an existing activity. All existing instream uses and the level of water quality necessary to protect the existing uses of the Concord River shall be maintained and protected.

This draft permit is being reissued with allowable effluent limits as stringent or more stringent than the previous permit and accordingly will continue to protect the existing uses of the Concord River. Therefore, MassDEP is not required to conduct an antidegradation review regarding this permit reissuance.

#### 4.4 State Certification

Under Section 401 of the CWA, EPA is required to obtain certification from the state in which the discharge is located that all water quality standards or other applicable requirements of state law, in accordance with Section 301(b)(1)(C) of the CWA, are satisfied. EPA permits are to include any conditions required in the state's certification as being necessary to ensure compliance with state water quality standards or other applicable requirements of state law. (See CWA Section 401(a) and 40 CFR §124.53(e).) Regulations governing state certification are set out at 40 CFR §124.53 and §124.55. EPA regulations pertaining to permit limits based upon water quality standards and state requirements are contained in 40 CFR §122.44(d). Section 9 of this fact sheet includes the state certification requirements pertinent to this facility.

### 5.0 EXPLANATION OF PERMIT'S EFFLUENT LIMITATIONS AND CONDITIONS

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#### 5.1 Outfall 001

##### *5.1.1 Flow*

The current permit established effluent flow limits based on its operational needs of a monthly average of 80,000 gallons per day (GPD) and a daily maximum of 100,000 GPD. During the monitoring period of January 2010 through February 2015, the effluent flows of RO reject water were in the range of 0 to 21,400 GPD, with no violations of the



permitted limits. Since these permit limits are adequate to service the needs of this facility, they remain in the draft permit.

The limitations on effluent flow are within EPA's authority to condition a permit in order to carry out the objectives of the CWA. *See* CWA §§ Sections 402(a)(2) and 301(b)(1)(C); 40 C.F.R. §§ 122.4(a) and (d); 122.43 and 122.44(d). A condition on the discharge designed to protect EPA's WQBEL and reasonable potential calculations is encompassed by the references to "condition" and "limitations" in 402 and 301 and implementing regulations, as they are designed to assure compliance with applicable water quality regulations, including antidegradation. Regulating the quantity of pollutants in the discharge through a restriction on the quantity of effluent is consistent with the overall structure and purposes of the CWA.

In addition, as provided in Part II.B.1 of this permit and 40 CFR §122.41(e), the Permittee is required to properly operate and maintain all facilities and systems of treatment and control. Operating the facility's wastewater treatment systems as designed includes operating within the facility's design effluent flow. Thus, the permit's effluent flow limitation is necessary to ensure proper facility operation, which in turn is a requirement applicable to all NPDES permits. *See* 40 CFR §122.41.

### 5.1.2 Copper

Copper may be toxic to aquatic life at low concentrations. The current permit established a monitor only requirement for total (recoverable) copper with no limits reflecting the fact that most effluent samples for total copper were low or not detected.

Massachusetts SWQS require that the available effluent dilution be calculated based upon the 7Q10 flow of the receiving water (314 CMR 4.03(3)(a)). The 7Q10 flow is the mean low flow over seven consecutive days, occurring every ten years. Use of the 7Q10 flow allows for the calculation of the available dilution under critical flow (worst-case) conditions, which in turn results in the derivation of conservative water quality-based effluent limitations as shown below.

Calculation of dilution factors:

Concord River 7Q10 flow at gaging station 01099500: **33.37 cfs = 21.6 MGD**

Average Flow = 80,000 GPD or **0.08 MGD**; Maximum Flow = **0.10 MGD**

average flow dilution:  $\frac{21.6 + 0.08}{0.08} = 271$     maximum flow dilution:  $\frac{21.6 + 0.1}{0.1} = 217$

Water Quality-Based Total Recoverable Copper limits that would apply to this discharge:

$$e (X [\ln( h )] + Y)$$

Where X is the chronic coefficient for dissolved fractions of a particular metal;  
 Y is the acute coefficient for dissolved fractions of a particular metal; and  
 h is the hardness of the receiving water; ln is the natural logarithm

Calculation of the applicable water quality based total recoverable copper limits:

$$\text{Chronic: } X = 0.8545 \quad Y = -1.702 \quad \text{Acute } X = 0.9422 \quad Y = -1.70$$

Estimated hardness = 50 mg/l as CaCO<sub>3</sub><sup>3</sup>

Thus;

$$e^{(0.8545 [\ln 50]) - 1.702} = 5.2 \mu\text{g/l} \quad e^{(0.9422 [\ln 50]) - 1.70} = 7.3 \mu\text{g/l}$$

Monthly Average (chronic)	Daily Maximum (acute)
271 (5.2) = 1410 mg/l = <b>1.41 mg/l</b>	217 (7.3) = 1580 ug/l = <b>1.58 mg/l</b>

These values must be divided by a conversion factor to attain the applicable total recoverable metal limits. The chronic value corresponds to a monthly average limit and the acute to a daily maximum limit.

Monthly average: 1.41 mg/l / 0.96 = **1.47 mg/l**

Daily Maximum: 1.58 mg/l / 0.96 = **1.65 mg/l**

During the monitoring period (January 2010 to February 2015), the Discharge Monitoring Reports (DMRs) have shown effluent total copper levels in the range of non-detect to 0.034 mg/l. Based on these results, there is not a reasonable potential that this discharge will violate either one of these values. Therefore, no permit limits are established and the monitoring frequency has been changed from monthly to quarterly for total recoverable copper due to antibacksliding and to verify that the effluent levels continue to remain well below the water quality criteria based values.

### 5.1.3 pH

The pH range in the permit issued prior to the current permit was limited to the range of 6.5 to 8.3 standard units (s.u.) which is the range required by the MA SWQS for Class B waters. See 314 CMR 4.05(3)(b)3. The permittee had previously demonstrated that its source water is often above 9.0 s.u. and that the effluent could not always be within this permitted range without pH adjustment. Therefore, the current permit allowed for the upper end of the range to be changed to 9.0 s.u. During the monitoring period, the effluent pH has been reported in the range of 6.5 to 8.69 s.u., with no violations of the permitted range.

<sup>3</sup> Estimated value based on Concord River water analyses from Whole Effluent Toxicity test reports conducted by the Town of Billerica's Publicly Owned Treatment Works (POTW) facility.

EPA has maintained the current permit's pH upper range at 9.0 s.u. In general, this is the highest level allowed in EPA's technology guidelines. EPA expects that the instream State WQS of 8.3 s.u. would still be met, due to the significant amount of dilution available to this discharge. Maintaining an upper range limit of 9.0 s.u. would also avoid the need to dose the effluent with sulfuric acid for periods when the pH was between 8.3 and 9.0 s.u. The draft permit continues to require weekly grab samples for pH and a reporting of the monthly pH range in the DMRs. EPA expects that the MassDEP will allow the continuation of this upper limit on pH through its certification of this permit.

#### 5.1.4 Total Suspended Solids (TSS)

Since RO systems concentrate solids in the intake water, the original ROGP had established permit limits of 30 mg/l (monthly average) and 45 mg/l (daily maximum) for TSS, based on BPJ, as well as a monitoring requirement for the mass of TSS discharged. All monitoring results during the monitoring period showed TSS levels to be consistently not detected. In order to assure that the filtration mechanisms are working properly and that suspended solids do not pass through to the effluent, the monthly TSS monitoring requirement has been maintained in the draft permit. The sample type continues to be a grab sample, because there is not expected to be significant variability in the discharge of TSS over time to necessitate composite sampling.

#### 5.1.5 Dissolved Oxygen (DO)

Consistent with the Class B State WQS (314 CMR 4.05(3)(b)1), the current permit requires a minimum DO level of 6.0 mg/l. During the monitoring period cited above, DMRs show the DO to be within the range of 6.1 to 10.64 mg/l. In order to assure that the minimum level of 6.0 mg/l is met, the weekly monitoring requirement for DO is maintained in the draft permit.

#### 5.1.6 Total Residual Chlorine (TRC)

The permittee does not use any chlorine based chemicals to clean or disinfect any RO filters or associated components. However, the Town of Billerica's water supply, the source of the water used at this facility, is chlorinated and TRC has been detected in the effluent in the range of 0 to 0.4 mg/l, with no violations of either the current permit's monthly average or daily maximum TRC limits of 1.0 mg/l.

The following calculation shows what the TRC limit would be based on the actual dilution:

Water Quality Criteria: Freshwater – Chronic: 0.011 mg/l ; Acute: 0.019 mg/l

Effluent Limitations: Monthly Average: 271 (0.011 mg/l) = **3.0 mg/l**  
Daily Maximum: 217 (0.019 mg/l) = **4.1 mg/l**

Since the current permit's TRC limits are more stringent than those based on the actual dilution, the limits of 1.0 mg/l as monthly average and a daily maximum will remain in this permit due to anti-backsliding and since the permittee has demonstrated that it can comply with these limits. The weekly monitoring requirement for TRC has been retained in this draft permit to assure that TRC levels are minimized in the discharge and that the carbon units are working as intended by removing residual chlorine in the source water prior to being sent through the RO units.

#### 5.1.7 *Total Ammonia Nitrogen (TAN)*

At some facilities, when RO units are bleached or cleaned with hypochlorite or other chlorine based compounds, chloramines are created, resulting in the reject water containing ammonia. Therefore, TAN monitoring was required in the current permit in the event that the permittee conducting such cleaning. The permittee has spent RO filters taken off site by a vendor and they are replaced with new filters. Therefore, there is no cleaning of RO filters that occurs on site.

During the monitoring period, the effluent data show TAN readings have ranged from non-detect to 750 µg/l, with an average reading of 49 µg/l. Since the effluent TAN levels are typical of the background levels present in the Concord River, no limit has been established in the draft permit, but the monthly monitoring requirement has been maintained due to anibacksliding.

#### 5.1.8 *Whole Effluent Toxicity (WET)*

WET testing is conducted to assess whether certain effluents, often containing potentially toxic pollutants, are discharged in a combination which produces a toxic amount of pollutants in a receiving water. Therefore, toxicity testing may be used in conjunction with pollutant specific control procedures to control the discharge of toxic pollutants.

There are two specific sources of legal authority which explain how regulatory authorities have the legal basis for establishing toxicity testing requirements and toxicity-based permit limits in NPDES permits. Sections 402(a)(2) and 308(a) of the CWA provide EPA and States with the authority to require toxicity testing data. Section 308 specifically describes biological monitoring methods as techniques which may be used to carry out objectives of the Act. Under certain State narrative water quality standards, and Sections 301, 303 and 402 of the CWA, EPA and the States may establish toxicity-based limits to implement the narrative "no toxics in toxic amounts".

The regulations at 40 CFR §122.44(d)(ii) state, "When determining whether a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criteria within a State water quality standard, the permitting authority shall use procedures which account for existing controls on point and non-point sources of pollution...(including) the sensitivity of the species to toxicity testing..." The current permit has no WET testing requirement.

Based on regulations at 40 CFR 122.44(d)(1) and the MA SWQS [(314 CMR 4.05(5)(e))], NPDES permits must include limitations for WET when there is reasonable potential for discharges to cause or contribute pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife.

For this draft permit, EPA has determined that there is not a reasonable potential for this facility's discharge to exhibit a toxic response in the receiving water. The discharge is not believed to contain toxic substances in toxic amounts and is considered a low risk for toxicity potential. The permittee uses City of Billerica municipal (drinking) water as its source water and treats this water for solids and chlorine prior to sending it through RO units for additional purification. Although the RO reject water concentrates the level of pollutants in the source water, the constituents present in this drinking water, the treatment it undergoes prior to the RO filtration system, and the historical DMR effluent data of this permit do not indicate a reasonable potential for toxicity in this discharge.

## 6.0 ESSENTIAL FISH HABITAT DETERMINATION (EFH)

Under the 1996 Amendments (PL 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq. (1998)), EPA is required to consult with the National Marine Fisheries Services (NMFS) if EPA's action or proposed actions that it funds, permits, or undertakes, may adversely impact any essential fish habitat. *See* 16 U.S.C. § 1855(b). The Amendments broadly define "essential fish habitat" (EFH) as: waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (16 U.S.C. § 1802 (10)). Adversely impact means any impact which reduces the quality and/or quantity of EFH (50 CFR § 600.910 (a)). Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Essential fish habitat (EFH) is only designated for species for which federal fisheries management plans exist (16 U.S.C. § 1855(b) (1) (A)). EFH designations for New England were approved by the U.S. Department of Commerce on March 3, 1999.

Entegris discharges to the Concord River, which ultimately drains into the Merrimack River. The Merrimack River system has been designated as EFH for Atlantic salmon. Although EFH has been designated for this general location, EPA has concluded that this activity is not likely to affect EFH or its associated species for the following reasons:

- The treated discharge from the facility is a daily maximum of 0.10 MGD and is very low in the summer months;
- The facility withdraws no water from the Concord River; therefore no life stages of Atlantic salmon are vulnerable to impingement or entrainment from this facility;
- The permit prohibits any violation of state water quality standards.

EPA believes that the conditions and limitations contained within the draft permit adequately protect all aquatic life, including those species with EFH designation. Impacts

associated with issuance of this permit to the EFH species, their habitat and forage, have been minimized to the extent that no significant adverse impacts are expected. Further mitigation is not warranted.

## 7.0 ENDANGERED SPECIES ACT (ESA)

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Section 7(a) of the Endangered Species Act of 1973, as amended (ESA) grants authority to and imposes requirements upon federal agencies regarding endangered or threatened species of fish, wildlife, or plants (“listed species”) and habitat of such species that has been designated as critical (a “critical habitat”). Section 7(a)(2) of the ESA requires every federal agency, in consultation with and with the assistance of the Secretary of Interior, to ensure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. The United States Fish and Wildlife Service (USFWS) typically administer Section 7 consultations for bird, terrestrial, and freshwater aquatic species. The NMFS typically administers Section 7 consultations for marine species and anadromous fish.

EPA has reviewed the available information pertaining to federal endangered or threatened species of fish, wildlife, and plants to see if any such listed species might potentially be impacted by the reissuance of this NPDES permit and has not found any such listed species. EPA has determined that there are no species of concern present in the vicinity of the outfall from this Facility. Therefore, EPA does not need to formally consult with NMFS or USFWS in regard to the provisions of the ESA.

EPA has structured the proposed limits to be sufficiently stringent to assure that Water Quality Standards will be met. The effluent limits established in this permit ensure the protection of aquatic life and maintenance of the receiving water as an aquatic habitat. If new information becomes available that changes this conclusion, EPA will notify the federal agency responsible for the protection of the species and initiate consultation. During the public comment period, EPA has provided a copy of the draft permit and fact sheet to both NMFS and USFWS.

## 8.0 MONITORING AND REPORTING

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The permit’s monitoring requirements have been established to yield data representative of the facility’s pollutant discharges under the authority of Sections 308(a) and 402(a)(2) of the CWA and consistent with 40 CFR §§ 122.41 (j), 122.43(a), 122.44(i) and 122.48. The monitoring program in the permit specifies routine sampling and analysis which will provide ongoing, representative information on the levels of regulated constituents in the wastewater discharge streams. The approved analytical procedures are found in 40 CFR §136 unless other procedures are explicitly required in the permit.

The Permittee is obligated to monitor and report sampling results to EPA and the MassDEP within the time specified within the permit. Timely reporting is essential for the regulatory agencies to expeditiously assess compliance with permit conditions.

The draft permit requires the permittee to continue to electronically report monitoring results obtained during each calendar month as Discharge Monitoring Report (DMRs) to EPA and the state using NetDMR no later than the 15th day of the month following the completed reporting period.

NetDMR is a national web-based tool for regulated CWA permittees to submit DMRs electronically via a secure internet application to U.S. EPA through the Environmental Information Exchange Network. NetDMR allows participants to discontinue mailing in hard copy forms under 40 CFR § 122.41 and § 403.12. NetDMR is accessed from the following url: <http://www.epa.gov/netdmr>. Further information about NetDMR can be found on the EPA Region 1 NetDMR website located at <http://www.epa.gov/region1/npdes/netdmr/index.html>.

In most cases, reports required under the permit shall be submitted to EPA as an electronic attachment through NetDMR. Certain exceptions are provided in the permit such as for providing written notifications required under the Part II Standard Permit Conditions. With the use of NetDMR to report DMRs and reports, the permittee is no longer be required to submit hard copies of DMRs or other reports to EPA and is no longer be required to submit hard copies of DMRs to MassDEP. However, permittees must continue to send hard copies of reports other than DMRs to MassDEP until further notice from MassDEP. State reporting requirements are further explained in the draft permit.

## 9.0 STATE CERTIFICATION REQUIREMENTS

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EPA may not issue a permit unless the State Water Pollution Control Agency with jurisdiction over the receiving waters certifies that the effluent limitations contained in the permit are stringent enough to assure that the discharge will not cause the receiving water to violate State WQS. MassDEP has reviewed the draft permit and advised EPA that the limitations are adequate to protect water quality. EPA has requested permit certification by the State pursuant to 40 CFR §124.53 and expects that the draft permit will be certified.

## 10.0 PUBLIC COMMENT PERIOD, PUBLIC HEARING, AND PROCEDURES FOR FINAL DECISION

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All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to George Papadopoulos, U.S. EPA, Office of Ecosystem Protection, Industrial Permits Section, Mailcode OEP 06-1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109-3912. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to EPA and MassDEP. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice whenever the Regional Administrator finds that

response to this notice indicates significant public interest. In reaching a final decision on the draft permit the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston office.

Following the close of the comment period, and after any public hearings, if such hearings are held, the EPA will issue a Final Permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within 30 days following the notice of the Final Permit decision, any interested person may submit a petition for review of the permit to EPA's Environmental Appeals Board consistent with 40 CFR § 124.19.

#### 11.0 EPA AND MASSDEP CONTACTS

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Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays, from the EPA and MassDEP contacts below:

George Papadopoulos, Industrial Permits Section  
5 Post Office Square - Suite 100 - Mailcode OEP 06-1  
Boston, MA 02109-3912  
Papadopoulos.george@epa.gov  
Telephone: (617) 918-1579 FAX: (617) 918-1505

Mary Ruan, Massachusetts Department of Environmental Protection  
Surface Water Discharge Permit Program  
1 Winter Street, Boston, Massachusetts 02108  
Ruan.mary@state.ma.us  
Telephone: (617) 654-6517; FAX: (617) 292-5696

January 4, 2016  
Date

Ken Moraff, Director  
Office of Ecosystem Protection  
U.S. Environmental Protection Agency



**Table 1: Discharge Monitoring Data**

Entegris, Inc. - MA0040339							
Outfall Serial Number 001 - Monthly Reporting							
Monitoring Period End Date	Total Ammonia Nitrogen	Total Suspended Solids		pH		Flow	
		ug/l	mg/l		SU	SU	GPD
	Monthly Avg	Monthly Avg	Daily Max	Min	Max	Monthly Avg	Daily Max
Jan-10	0	0	0	7.42	7.59	8300	11900
Feb-10	192	0	0	7.45	7.51	6600	21400
Mar-10	118	0	0	7.05	7.39	5500	17100
Apr-10	0	0	0	7.06	7.46	1700	4200
May-10	0	0	0	7.02	7.59	500	15200
Jun-10	0	0	0	7.04	7.04	500	700
Jul-10	132	0	0	7.13	7.13	50	100
Aug-10	0	0	0	7.04	7.04	6	50
Sep-10	0	0	0	7.09	7.11	200	1800
Oct-10	0	0	0	7.41	7.52	2900	8500
Nov-10	118	0	0	7.09	8.69	4500	10000
Dec-10	264	0	0	7.37	7.52	8600	15000
Jan-11	0	0	0	7.14	7.47	10800	16500
Feb-11	460	0	0	7.31	7.63	8930	20272
Mar-11	0	0	0	7.13	7.41	9188	14945
Apr-11	8	0	0	7.01	7.39	3673	10073
May-11	394	0	0	6.79	7.31	899	4951
Jun-11	0	0	0	7.11	7.27	75	483
Jul-11	ND	ND	ND	ND	ND	ND	ND
Aug-11	0	0	0	6.77	7.03	224	2942
Sep-11	0	0	0	7.09	7.17	88	1178
Oct-11	240	0	0	7.13	7.72	1566	5514
Nov-11	0	0	0	6.79	7.67	5184	11796
Dec-11	210	0	0	7.03	7.49	5354	16170
Jan-12	223	0	0	6.75	7.46	6775	12406
Feb-12	202	0	0	7.21	8.63	6151	13536
Mar-12	80			6.5	7.59	4250	11365
Apr-12	130	0	0	6.65	7.13	1869	4886
May-12	60	0	0	6.94	7.21	797	7424
Jun-12	0	0	0	7.09	7.14	115	812
Jul-12	297	0	0	7.82	7.82	16	241
Aug-12	ND	ND	ND	ND	ND	ND	ND
Sep-12	349	0	0	7.17	8.01	176	708

Oct-12	0	0	0	7.21	7.47	919	2856
Nov-12	0	0	0	6.98	7.82	5816	10827
Dec-12	236	0	0	7.07	7.75	7383	12722
Jan-13	379	0	0	7.21	7.61	10731	16474
Feb-13	93	0	0	7.07	7.67	12823	17562
Mar-13	257	0	0	7.24	7.42	10867	17701
Apr-13	216	0	0	7.07	7.32	6969	13044
May-13	223	0	0	7.04	7.29	3783	6916
Jun-13	583	0	0	7.21	7.32	1728	5035
Jul-13	ND	ND	ND	ND	ND	ND	ND
Aug-13	70	0	0	7.17	7.41	451	2821
Sep-13	90	0	0	6.85	6.98	681	2365
Oct-13	0	0	0	6.87	7.81	1862	5045
Nov-13	0.11	0	0	7.38	7.64	3763	6421
Dec-13	80	0	0	7.11	7.78	4158	8491
Jan-14	150	0	0	6.89	7.68	6403	8546
Feb-14	240	0	0	6.9	7.16	6920	8501
Mar-14	370	0	0	7.01	7.27	8408	10384
Apr-14	50	0	0	7.14	7.24	4822	7285
May-14	50	0	0	7.35	7.61	2765	4099
Jun-14	80	0	0	7.56	7.75	3537	11134
Jul-14	90	0	0	7.83	7.98	1591	3089
Aug-14	110	0	0	7.74	7.93	2207	3121
Sep-14	70	0	0	7.83	7.95	2918	5168
Oct-14	750	0	0	7.79	8.22	3790	6613
Nov-14	90	0	0	7.44	7.89	4609	9262
Dec-14	200	0	0	7.46	7.67	5848	10088
Jan-15	130	0	0	7.39	7.56	6016	11891
Feb-15	240	0	0	7.04	7.71	5809	9735
2009 Permit Limits	Report	30 mg/l	45 mg/l	6.5 min	9.0 max	80,000 gpd	100,000 gpd
Minimum	0	0	0	6.5	6.98	6	100
Maximum	750	0	0	7.83	8.69	12823	21400
Average	49	0	0	7.16	7.54	4120	8464
Measurements	59	59	59	59	59	59	59

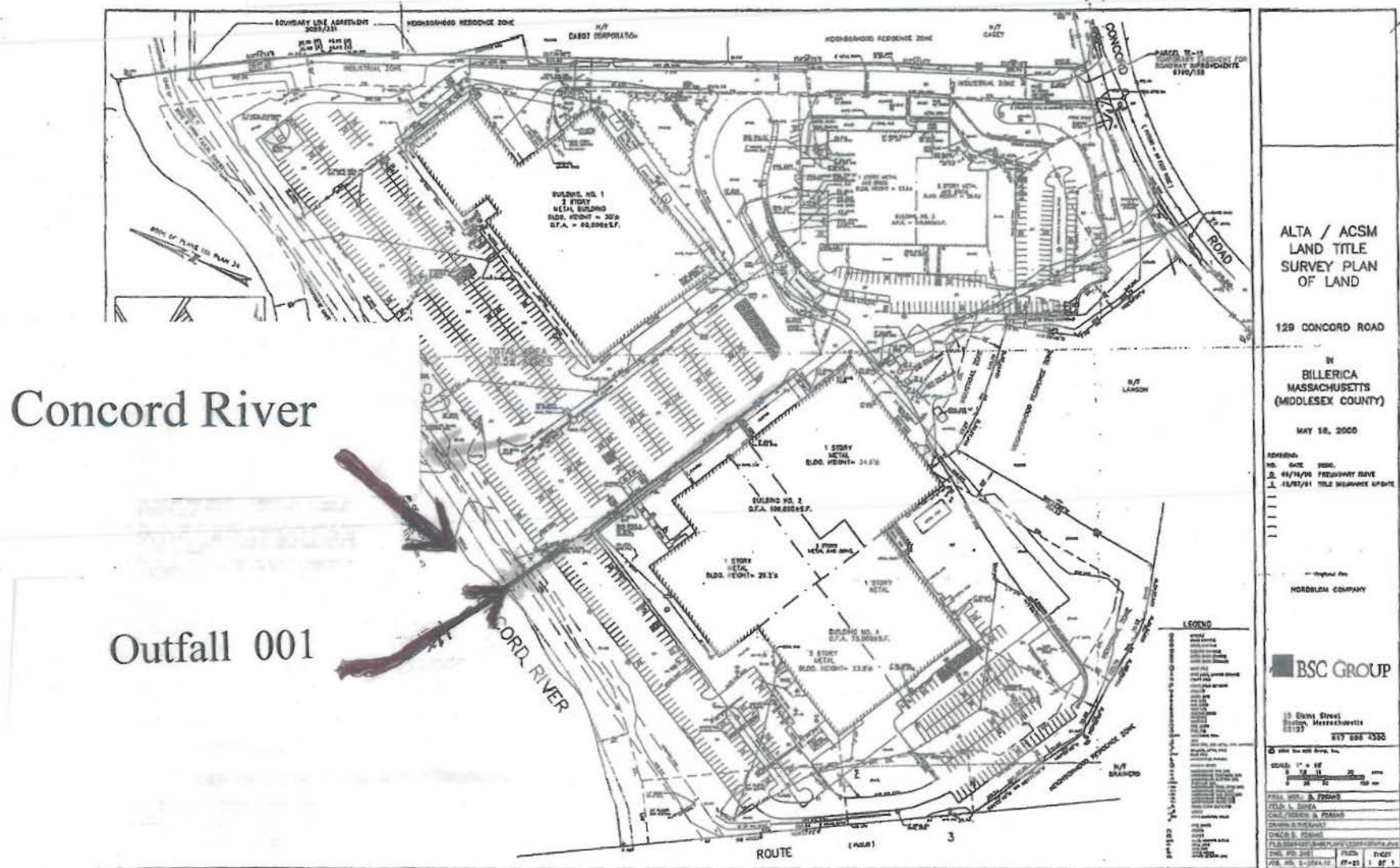
Entegris, Inc. - MA0040339

Outfall Serial Number 001 - Monthly Reporting

Monitoring Period End Date	Total Copper		Total Residual Chlorine		Dissolved Oxygen
	ug/l	ug/l	ug/l	ug/l	mg/l
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Minimum
Jan-10	0	0	0.15	0.2	8.5
Feb-10	23	23	0.035	0.1	8.9
Mar-10	0	0	0.052	0.1	8.8
Apr-10	0	0	0.05	0.2	8.6
May-10	0	0	0.07	0.2	7.7
Jun-10	0	0	0	0	8.01
Jul-10	0	0	0	0	6.5
Aug-10	0	0	0.08	0.4	6.9
Sep-10	0	0	0	0	6.76
Oct-10	20	20	0.025	0.1	6.23
Nov-10	0	0	0.025	0.1	8.69
Dec-10	0	0	0.02	0.1	8.7
Jan-11	0	0	0.05	0.1	8.57
Feb-11	0	0	0.005	0.01	8.76
Mar-11	0	0	0.0025	0.01	9.98
Apr-11	0	0	0.002	0.01	6.86
May-11	0	0	0.0325	0.09	7.62
Jun-11	0	0	0.0175	0.06	7.71
Jul-11	ND	ND	ND	ND	ND
Aug-11	20	20	0.005	0.01	7.74
Sep-11	0	0	0	0	8.52
Oct-11	0	0	0.0225	0.04	7.35
Nov-11	0	0	0.0375	0.07	7.07
Dec-11	0	0	0.006	0.01	6.89
Jan-12	0	0	0.02	0.05	6.39
Feb-12	23	23	0.0075	0.01	6.76
Mar-12	ND	ND	0.012	0.02	6.83
Apr-12	0	0	0.0375	0.07	7.15
May-12	0	0	0.0075	0.01	7.03
Jun-12	0	0	0.025	0.03	7.56
Jul-12	0	0	0.03	0.03	6.3

Aug-12	ND	ND	ND	ND	ND
Sep-12	0	0	0.0075	0.02	7.72
Oct-12	0	0	0.005	0.01	7.34
Nov-12	0	0	0.014	0.03	7.42
Dec-12	34	34	0.015	0.03	8.01
Jan-13	0	0	0.02	0.03	7.75
Feb-13	0	0	0.015	0.03	7.44
Mar-13	0	0	0.068	0.21	9.01
Apr-13	0	0	0.02	0.03	8.43
May-13	0	0	0.02	0.03	6.78
Jun-13	0	0	0.025	0.03	7.12
Jul-13	ND	ND	ND	ND	ND
Aug-13	0	0	0.01	0.03	8.32
Sep-13	0	0	0.06	0.13	6.87
Oct-13	0	0	0.03	0.06	6.87
Nov-13	0	0	0.018	0.03	7.18
Dec-13	0	0	0.0475	0.07	10.64
Jan-14	0	0	0.05	0.09	9.3
Feb-14	0	0	0.02	0.03	9.6
Mar-14	0	0	0.02	0.03	10.36
Apr-14	0	0	0.015	0.02	9.27
May-14	0	0	0.02	0.03	7.23
Jun-14	0	0	0.08	0.25	7.17
Jul-14	0	0	0.06	0.11	6.1
Aug-14	0	0	0.05	0.12	6.9
Sep-14	0	0	0.02	0.03	7.5
Oct-14	0	0	0.02	0.03	7.58
Nov-14	0	0	0.017	0.04	8.49
Dec-14	0	0	0.03	0.06	8.11
Jan-15	0	0	0.004	0.02	10.07
Feb-15	0	0	0.0075	0.01	8.52
2009 Permit Limits	Report	Report	1.0 mg/l	1.0 mg/l	6.0 mg/l minimum
Minimum	0	0	0	0	6.1
Maximum	34	34	0.15	0.4	10.64
Average	2	2	0.027	0.064	7.84
Measurements	58	58	59	59	59

Figure 1 - Facility Location and Outfall



Concord River

Outfall 001

ALTA / ACSM  
LAND TITLE  
SURVEY PLAN  
OF LAND

129 CONCORD ROAD

IN  
BILLERICA  
MASSACHUSETTS  
(MIDDLESEX COUNTY)

MAY 18, 2000

ADDRESS:  
NO. DATE DESC.  
D. 04/14/00 PRELIMINARY DAVE  
J. 12/02/01 TITLE INSURANCE AGREEMENT

HORDELOM COMPANY

BSC GROUP

12 Elm Street  
Boston, Massachusetts  
02127 617 552 4335

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SCALE: 1" = 32'

1" = 64'

1" = 128'

1" = 256'

1" = 512'

1" = 1024'

1" = 2048'

1" = 4096'

1" = 8192'

1" = 16384'

1" = 32768'

1" = 65536'

1" = 131072'

1" = 262144'

1" = 524288'

1" = 1048576'

1" = 2097152'

1" = 4194304'

1" = 8388608'

1" = 16777216'

1" = 33554432'

1" = 67108864'

1" = 134217728'

1" = 268435456'

1" = 536870912'

1" = 1073741824'

1" = 2147483648'

1" = 4294967296'

1" = 8589934592'

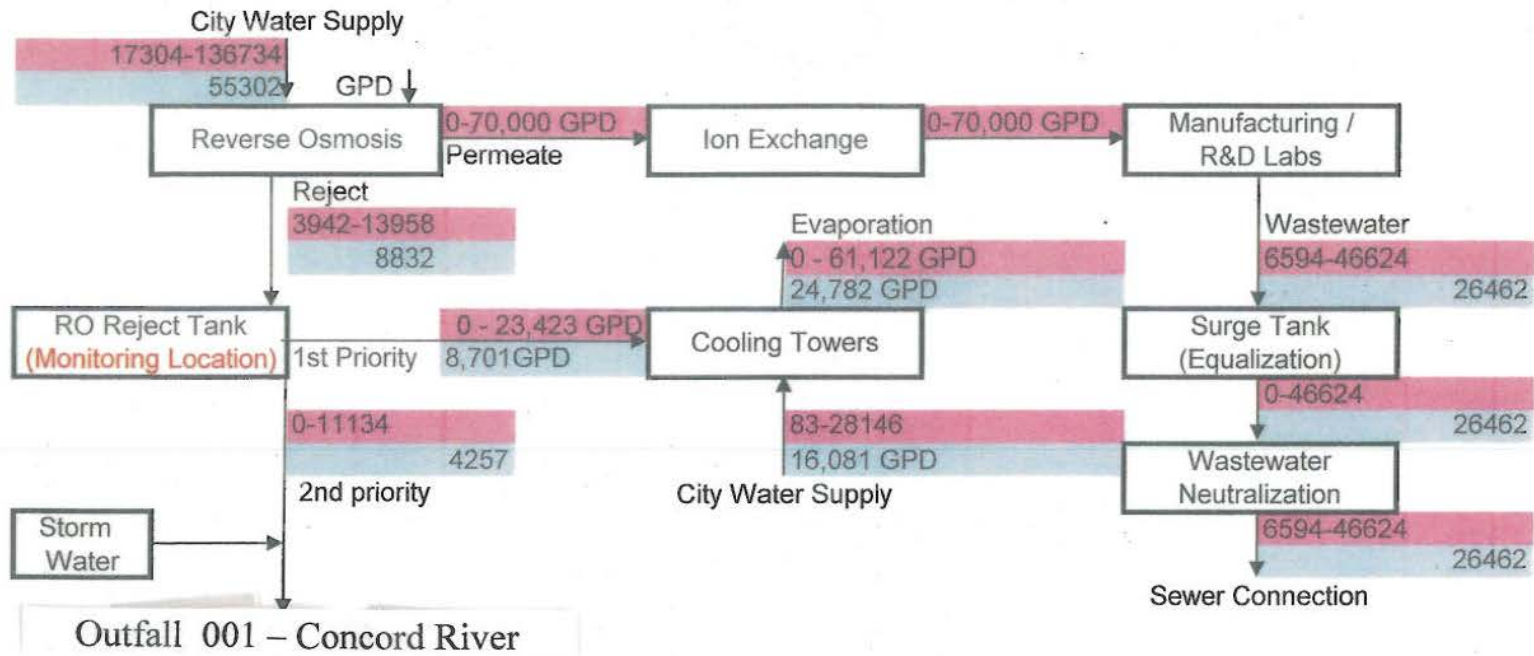
1" = 17179869184'

1" = 34359738368'

1" = 68719476736'

# Figure 2

## Schematic of Water Flow Entegris Inc. Billerica, Middlesex County, MA



Note: Monitoring location is RO Reject Tank as previously approved by EPA/MassDEP  
 12 month range  
 Average annual

Note: The facility re-located a process that had used reclaimed water. The equipment to support this process has been dismantled. The only reclaimed water is used in the cooling towers.

Line Drawing Updated: November 2013

MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
COMMONWEALTH OF MASSACHUSETTS  
1 WINTER STREET  
BOSTON, MASSACHUSETTS 02108

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ECOSYSTEM PROTECTION  
REGION I  
BOSTON, MASSACHUSETTS 02109

JOINT PUBLIC NOTICE OF A DRAFT NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE INTO THE WATERS  
OF THE UNITED STATES UNDER SECTION 301 AND 402 OF THE CLEAN  
WATER ACT (THE "ACT"), AS AMENDED, AND REQUEST FOR STATE  
CERTIFICATION UNDER SECTION 401 OF THE ACT.

PUBLIC NOTICE PERIOD: January 20, 2016 – February 18, 2016

PERMIT NUMBER: **MA0040339**

PUBLIC NOTICE NUMBER: MA-004-16

NAME AND MAILING ADDRESS OF PERMITTEE:

**Entegris, Inc.**  
**129 Concord Road**  
**Billerica, MA 01821**

NAME AND ADDRESS OF THE FACILITY WHERE DISCHARGE OCCURS:

**Entegris, Inc.**  
**129 Concord Road**  
**Billerica, MA 01821**

RECEIVING WATER: **Concord River**  
(USGS Hydrologic Code #01070005 - Merrimack River Basin)

PREPARATION OF THE DRAFT PERMIT:

The U.S. Environmental Protection Agency, (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) have cooperated in the development of a permit for the above identified facility. The effluent limits and permit conditions imposed have been drafted to assure that State Water Quality Standards and provisions of the Clean Water Act will be met. EPA has formally requested that the State certify this draft permit pursuant to Section 401 of the Clean Water Act and expects that the draft permit will be certified.

## INFORMATION ABOUT THE DRAFT PERMIT:

A fact sheet or a statement of basis (describing the type of facility; type and quantities of wastes; a brief summary of the basis for the draft permit conditions; and significant factual, legal and policy questions considered in preparing this draft permit) and the draft permit may be obtained at no cost at: [http://www.epa.gov/region1/npdes/draft\\_permits\\_listing\\_ma.html](http://www.epa.gov/region1/npdes/draft_permits_listing_ma.html) or by writing or calling EPA's contact person named below:

George Papadopoulos, US EPA  
5 Post Office Square  
Suite 100 (OEP 06-1)  
Boston, MA 02109-3912  
Telephone: (617) 918-1579

The administrative record containing all documents relating to this draft permit is on file and may be inspected at the EPA Boston office mentioned above between 9:00 a.m. and 5:00 p.m., Monday through Friday, except holidays.

## PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

All persons, including applicants, who believe any condition of this draft permit is inappropriate, must raise all issues and submit all available arguments and all supporting material for their arguments in full by February 16, 2016, to the U.S. EPA, George Papadopoulos, 5 Post Office Square, Suite 100, Mailcode OEP 06-1, Boston, Massachusetts 02109-3912. Any person, prior to such date, may submit a request in writing to EPA and the MassDEP for a public hearing to consider this draft permit. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on this draft permit the Regional Administrator will respond to all significant comments and make the responses available to the public at EPA's Boston office.

## FINAL PERMIT DECISION AND APPEALS:

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 forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final permit decision any interested person may submit petition to the Environmental Appeals Board to reconsider or contest the final decision.

David Ferris, Director  
MASACHUSETTS WASTE WATER  
PROGRAM  
MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Ken Moraff, Director  
OFFICE OF ECOSYSTEM PROTECTION  
ENVIRONMENTAL PROTECTION  
AGENCY