



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

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## Department of Environmental Protection

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April 8, 2015

David Webster, Chief  
Water Permits Branch  
USEPA Region 1  
5 Post Office Square  
Mail Code: ORA01-4  
Boston, MA 02109-3912

Re: Water Quality Certification  
City of Taunton, Taunton Wastewater Treatment Plant  
NPDES Permit MA0100897

Dear Mr. Webster:

You have requested MassDEP to issue a water quality certification pursuant to Section 401(a) of the Federal Clean Water Act (the "Act") and 40 CFR 124.53 for the above referenced NPDES permit. As you know, the Massachusetts Department of Environmental Protection (MassDEP) has been working closely with representatives from the City of Taunton as well as you and your colleagues at U.S.EPA on the finalization of this NPDES permit for the past several months.

In this process, MassDEP has supported a schedule that affords an appropriate amount of time to the City to reach permit limits for total nitrogen, and allows the City the opportunity to submit new information, subject to the review of U.S. EPA and MassDEP, to justify a revision of the total nitrogen limit. As you are aware, the City had expressed significant concern that the draft permit included unachievable timelines for meeting the total nitrogen limit and also did not allow for site specific analysis of whether the total nitrogen limit was required to be as stringent as proposed, particularly in light of permit limits for other nearby facilities, and other factors.

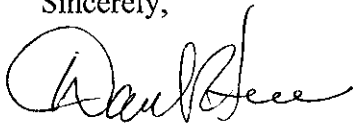
The discussions on the permit have been helpful. The current version of the permit provides greater flexibility on the schedule and in allowing an opportunity to review, going forward, new information the City is expecting to submit to demonstrate that the final limit should be modified. While the parties have not yet come to agreement on all of the issues in this permit,

the recent discussions have been helpful in narrowing the issues and MassDEP will continue to participate in any future discussions. MassDEP recognizes that the city is engaged in development of a Comprehensive Wastewater Management Plan that considers an increase in flows above the 8.4 mgd included in this permit. As noted in the EPA's Fact Sheet, an antidegradation analysis must be completed prior to authorizing the potential increase. We understand the importance of the timely completion of this analysis to the City's planning efforts and MassDEP is committed to working with the City and EPA on this analysis.

The Department has reviewed the final permit and has determined that the conditions of the permit will achieve compliance with sections 208(e), 301, 302, 303, 306 and 307 of the Federal Act, and with the provisions of the Massachusetts Clean Waters Act, M.G.L. c.21, ss26-53, and regulations promulgated thereunder. The permit conditions are sufficient to comply with the antidegradation provisions of the Massachusetts Surface Water Quality Standards [314 CMR 4.04] and the policy [October 21, 2009] implementing those provisions. The Department, accordingly, hereby certifies the referenced permit.

In certifying this permit MassDEP recognizes that the City will need to construct upgrades at the Wastewater Treatment Facility in order to meet the permit requirements. As stated in the permit, if in the future, additional analysis or data becomes available regarding water quality within the Taunton River and/or Mount Hope Bay, U.S. EPA and MassDEP will review the information and, if appropriate, act on a request for a permit modification. MassDEP looks forward to working with USEPA and the City to evaluate the antidegradation issue as a result of the City's request for an increase in flow and as the City moves forward in implementing the terms of the permit.

Sincerely,



David Ferris, Director  
Wastewater Management Program

cc: Susan Murphy, EPA  
Claire Golden, MassDEP