



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Watershed Management, 627 Main Street 2nd Floor, Worcester, MA 01608

DEVAL L. PATRICK  
Governor

IAN A. BOWLES  
Secretary

TIMOTHY P. MURRAY  
Lieutenant Governor

LAURIE BURT  
Commissioner

November 12, 2009

Brian Pitt, Chief  
NPDES Municipal Permits Branch  
USEPA – New England  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

**Re: Water Quality Certification  
NPDES Permit MA0100480  
Marlborough Westerly Waste Treatment Works  
Permit Modification**

Dear Mr. Pitt:

Your office has requested the Massachusetts Department of Environmental Protection 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 modification. The Department has reviewed the proposed permit modification and has determined that the conditions of the permit modification 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, ss. 26-53, and regulations promulgated thereunder.

The permit modification conditions are sufficient to comply with the antidegradation provisions of the Massachusetts Water Quality Standards, 314 CMR 4.04, and in addition are consistent with the Department's policy interpreting those provisions. See MassDEP's Antidegradation Implementation Procedures, dated December 29, 2006. With respect to all pollutants in the discharge (i.e., those specifically subject to effluent limitations as well as those not subject to limitation due to a lack of reasonable potential to cause or contribute to a violation of applicable water quality standards), the Department has determined that the permit modification conditions are sufficient to ensure that (a) the existing uses and the level of water quality necessary to protect the existing uses are maintained and protected in accordance with 314 CMR 4.04 (1) and (b) any new or increased discharge is insignificant because it does not have the potential to impair any existing or designated water use and does not have the potential to cause any significant lowering of water quality in accordance with 314 CMR 4.04 (2).

The Department has also determined that the water conservation measures established in Footnote 1 are a condition of state certification, and cannot be made any less stringent and still comply with applicable antidegradation requirements of the Department. The Department has determined that the effluent limitations and conditions set forth in the permit modification will ensure compliance with state water quality standards.

The Department hereby certifies the referenced permit modification.

Sincerely,

Glenn Haas, Director  
Division of Watershed Management  
Bureau of Resource Protection

cc: Kathleen Keohane  
file