



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

August 31, 2020

Thelma Murphy, Water Permit Branch Chief  
US EPA Region 1  
5 Post Office Square, Suite 100 (OEP06-1)  
Boston, MA 02109-3912

Re: Massachusetts Clean Water Act Section 401 Certification for the Springfield Regional Waste Water Treatment Facility

Dear Ms. Murphy:

Enclosed please find as Attachment 1 the Commonwealth of Massachusetts' Clean Water Act (CWA) section 401 certification (State Certification) for the proposed 2020 National Pollutant Discharge Elimination System (NPDES) permit for the Springfield Regional Waste Water Treatment Facility (MA Permit No. MA0101613). Please also find as Attachment 2 the Notice of Appeal Rights for the State Certification.

Please contact Ms. Susannah King, MassDEP's NPDES Section Chief, at (617) 556-1147 or [susannah.king@mass.gov](mailto:susannah.king@mass.gov) if you have any questions.

Sincerely,

Lealdon Langley, Director  
Division of Watershed Management  
Department of Environmental Protection  
Commonwealth of Massachusetts

ecc: Joshua Schimmel, Executive Director, SWSC  
Dennis Deziel, Regional Administrator, Region 1  
Claire Golden, MassDEP  
Meridith Finegan, EPA Region 1

Enclosures:

Attachment 1 – State Certification

Attachment 2 – Notice of Appeal Rights

FINAL

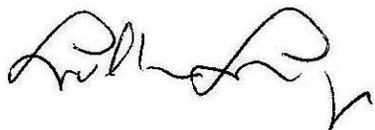
Clean Water Act Section 401 Certification  
For the Proposed 2020 Federal NPDES Permit  
For the Springfield Regional Waste Water Treatment Facility  
MA Permit No. MA0101613

The Massachusetts Department of Environmental Protection (MassDEP or the Department) has examined the Springfield Water and Sewer Commission's National Pollutant Discharge Elimination System (NPDES) permit application for the Springfield Regional Waste Water Treatment Facility and reviewed the United States Environmental Protection Agency (EPA) – Region 1's draft 2017 Federal NPDES permit (MA Permit No. MA0101613) for the Springfield Regional Waste Water Treatment Facility issued November 15, 2017, the 2018 revised draft NPDES permit issued August 17, 2018, the public comments received on both draft permits, and the proposed final 2020 permit. Based on those reviews, and in consideration of the relevant water quality considerations, MassDEP hereby certifies that the terms and conditions contained in the proposed final 2020 NPDES permit for the Springfield Regional Waste Water Treatment Facility, are necessary to assure compliance with the applicable provisions of the Federal Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law, including, without limitation, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 and the Massachusetts Water Quality Standards published at 314 CMR 4.00.

To meet the requirements of Massachusetts laws, each of the conditions cited in the draft permit shall not be made less stringent unless new data or other information is presented and MassDEP determines modification of this certification is appropriate in consideration of the relevant water quality considerations.

If any condition in the proposed 2020 Federal NPDES permit for the Springfield Regional Waste Water Treatment Facility is changed during EPA's review in any manner inconsistent with this certification, the Department reserves the right to modify this certification in consideration of the relevant water quality considerations. In addition, the Department reserves the right to modify this certification if there is a change in Massachusetts law or regulation upon which this certification is based, or if a court of competent jurisdiction or MassDEP Office of Appeals and Dispute Resolution stays, vacates or remands this certification, as provided by 40 C.F.R. § 124.55.

Signed this 31st day of August, 2020.



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Lealdon Langley, Director  
Massachusetts Department of Environmental Protection  
Bureau of Water Resources  
Division of Watershed Management

**NOTICE OF APPEAL RIGHTS**  
**SECTION 401 CERTIFICATION of FEDERAL NPDES PERMIT**

Within 21 days of the issuance of MassDEP's decision to grant or deny a water quality certification of EPA's NPDES permit pursuant to § 401 of the federal Clean Water Act, any person aggrieved may request an adjudicatory hearing concerning MassDEP's decision.

**How should the request for an adjudicatory hearing be made?**

A request for an adjudicatory hearing for DEP's § 401 water quality certification of the federal NPDES permit must be made within 21 days of the issuance of MassDEP's decision to grant or deny the water quality certification, in accordance with 310 CMR 1.01. 310 CMR 1.01(6)(b) establishes the required form and content of the request. Failure to meet the requirements of 310 CMR 1.01 may result in dismissal of the request or the requirement to file a more definite statement.

A person filing a request for an adjudicatory hearing must complete and mail a MassDEP Fee Transmittal Form for the appeal and send it with a valid check to the Commonwealth Master Lockbox, as instructed below, if a fee is required by 310 CMR 4.06. The MassDEP Fee Transmittal Form can be downloaded from:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>.

The written notice requesting an adjudicatory hearing shall be delivered to MassDEP's Case Administrator together with (i) a photocopy of the decision being appealed, (ii) a photocopy of the completed MassDEP Fee Transmittal Form, if required, and (iii) a photocopy of the check used to pay any adjudicatory hearing filing fee due for the appeal under 310 CMR 4.06. The notice of claim should be made in writing and sent by email to [Caseadmin.OADR@state.ma.us](mailto:Caseadmin.OADR@state.ma.us).

Please do not send the original of the completed MassDEP Fee Transmittal Form and check to the Case Administrator. Instead, please follow the instructions below for delivery of the original of the completed Fee Transmittal Form and check to the Commonwealth Master Lockbox.

A \$100 adjudicatory hearing filing fee must be paid, unless (i) a simplified hearing is requested for a reduced fee of \$25, (ii) the person requesting an adjudicatory hearing is a town, a municipal agency, a county or a municipal housing authority, in which case there is no fee, or (iii) the person requesting the hearing is seeking to have MassDEP waive the adjudicatory hearing filing fee because paying the fee will create an undue financial hardship.

A person who believes that payment of the fee would be an undue financial hardship shall file with the request for adjudicatory hearing a request for waiver of the fee together with an affidavit setting forth the facts the appellant believes constitute the undue financial hardship. For more information on the adjudicatory hearing filing fee and the grounds on which the Department may waive the fee, please see 310 CMR 4.06.

If a fee is required, the completed MassDEP Fee Transmittal Form and a valid check made payable to the Commonwealth of Massachusetts for the amount of the fee due must be mailed to:

Mass. Department of Environmental Protection

Commonwealth Master Lockbox  
P.O. Box 4062  
Boston, Massachusetts 02211

Failure to pay the adjudicatory hearing filing fee, if required, may be grounds for dismissal of the appeal.

In accordance with 314 CMR 2.08(5), any person, other than the permit applicant or permittee, who files a request for an adjudicatory hearing with the Department pursuant to 314 CMR 2.08(2) on an individual permit or general permit coverage, also shall simultaneously send a copy of the request by certified mail, return receipt requested, to the applicant or permittee. Any person who files a request for an adjudicatory hearing with the Department pursuant to 314 CMR 2.08(2) on a general permit also shall simultaneously send a copy of the request by certified mail, return receipt requested, to each permittee covered by the general permit.