

**GROUNDWATER**  
**DISCHARGE PERMIT**

Name and Address of Applicant: *Ocean Point Management Trust, c/o Donna J. Crone, 2403 Highland Terrace, Plymouth, MA 02360.*

Date of Application: *November 27, 1998*

Application/Permit No. *304-2*

Date of Issuance: *February 28, 2007*

Date of Expiration: *February 28, 2012*

Effective Date: *February 28, 2007*

**AUTHORITY FOR ISSUANCE**

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, the following permit hereby issued to: *Ocean Point Management Trust* (hereinafter called "the permittee") authorizing discharges from an on site wastewater treatment facility to the ground located at 182 Manomet Point Road, Plymouth, such authorization being expressly conditional on compliance by the permittee with all terms and conditions of the permit hereinafter set forth.

  
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Jeffrey E. Gould  
Bureau of Resource Protection

*Feb. 28, 2007*  
\_\_\_\_\_  
Date

**I. SPECIAL CONDITIONS**

**A. Effluent Limits**

The permittee is authorized to discharge into the ground from the wastewater treatment facility for which this permit is issued a treated effluent whose characteristics shall not exceed the following values:

<b>Effluent Characteristics</b>	<b>Discharge Limitations</b>
Flow	30,000 GPD
Oil and Grease	15 mg/l
Total Suspended Solids (TSS)	30 mg/l
Biochemical Oxygen Demand, 5-day @20°C (BOD <sub>5</sub> )	30 mg/l

- a) The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time, or not more than 0.2 standard units outside the naturally occurring range.
- b) The discharge of the effluent shall not result in any demonstrable adverse effect on the groundwater or violate any water quality standards that have been promulgated.
- c) The monthly average concentration of BOD and TSS in the discharge shall not exceed 15 percent of the monthly average concentrations of BOD and TSS in the influent into the permittee's wastewater treatment facility.
- d) When the effluent discharged for a period of 90 consecutive days exceeds 80 percent of the permitted flow limitations, the permittee shall submit to the permitting authorities projected loadings and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

**B. Monitoring and Reporting**

1) **INFLUENT:**

The permittee shall monitor and record the quality of the **influent** waste stream to the facility according to the following schedule and other provisions:

<b>Parameter</b>	<b>Minimum Frequency of Analysis</b>	<b>Sample Type</b>
pH	Daily	Grab
BOD <sub>5</sub>	Monthly	24-Hour Composite
Total Suspended Solids	Monthly	24-Hour Composite
Total Solids	Monthly	24-Hour Composite
Oil and grease	Monthly	Grab
Ammonia Nitrogen	Monthly	24-Hour Composite
Volatile Organic Compounds <sup>1</sup>	Annually	Grab

<sup>1</sup>USEPA Method #624

**EFFLUENT:**

The permittee shall monitor and record the quality and quantity of **effluent** at the effluent pump chamber to the leaching area according to the following schedule and other provisions:

<b>Parameter</b>	<b>Minimum Frequency of Analysis</b>	<b>Sample Type</b>
Flow	Daily	Meter Reading
pH	Daily	Grab
Total Suspended Solids	Monthly	24-Hour Composite
Total Solids	Monthly	24-Hour Composite
Chlorides	Monthly	Grab
Oil & Grease	Monthly	Grab
BOD <sub>5</sub>	Monthly	24-Hour Composite
Nitrate Nitrogen	Monthly	24-Hour Composite
Nitrite Nitrogen	Monthly	24-Hour Composite
Total Kjeldahl Nitrogen (TKN)	Monthly	24-Hour Composite
Total Nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	Monthly	Calculation
Total Phosphorus <sup>2</sup>	Quarterly	Grab
Orthophosphate <sup>2</sup>	Quarterly	Grab
Volatile Organic Compounds <sup>1</sup>	2X Annually	Grab

<sup>1</sup>USEPA Method #624

<sup>2</sup>After one full year of monitoring the Total Phosphorus and Orthophosphate results, the Department may determine, upon the request of the permittee, that the frequency of

monitoring may be reduced if, in the judgment of the Department, the results of the sampling indicate that existing phosphorus levels will not adversely impact downgradient receptors.

- 2) The permittee shall monitor, record and report the quality of water in the three approved monitoring wells (MW-6 upgradient, MW-1, MW-1D, MW-15 and MW-3 downgradient) as shown on a plan titled "Monitoring Well Plan" dated August 16, 1986 and last revised December 12, 1987, according to the following schedule and other provisions:

<b>Parameter</b>	<b>Frequency of Analysis</b>
Static Water Level	Quarterly
Specific Conductance	Quarterly
pH	Quarterly
Chlorides	Quarterly
Total Nitrogen (NO <sub>2</sub> +NO <sub>3</sub> +TKN)	Quarterly
Nitrate-Nitrogen	Quarterly
Total Phosphorus <sup>2</sup>	Quarterly
Orthophosphate <sup>2</sup>	Quarterly
Volatile Organic Compounds <sup>1</sup>	2X Annually

<sup>1</sup>USEPA Method #624

<sup>2</sup>After one full year of monitoring the Total Phosphorus and Orthophosphate results, the Department may determine, upon the request of the permittee, that the frequency of monitoring may be reduced if, in the judgment of the Department, the results of the sampling indicate that existing phosphorus levels will not adversely impact downgradient receptors.

- 3) Any grab sample or composite sample required to be taken less frequently than daily shall be taken during the period of Monday through Friday inclusive. All composite samples shall be taken over the operating day.

The permittee shall submit all monitoring reports within 30 days of the last day of the reporting month. Reports shall be on an acceptable form, properly filled and signed and shall be

sent to the Department of Environmental Protection, Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347, and to the Director of Watershed Permitting, Department of Environmental Protection, Watershed Permitting Group, One Winter Street, Boston, MA 02108, and to the Board of Health, 11 Lincoln Street, Plymouth, Massachusetts 02360. Submission of monitoring reports in electronic format is available through eDEP and serves as data submission to both the Regional and Boston offices. To register for electronic submission go to: <http://www.mass.gov/dep/service/compliance/edeponlf.htm>

**C. Supplemental Conditions**

1. The permittee shall notify the Department at least thirty (30) days in advance of the proposed transfer of ownership of the treatment works for which this permit is written. Said notification shall include a written agreement between the existing and new permittees containing a specific date for transfer of permit, responsibility, coverage and liability between them.
2. A staffing plan for the treatment works shall be submitted to the Department once every two years or whenever there are staffing changes.
3. The permittee shall contract to have any and all solids and sludges generated by the treatment works for which this permit is issued removed off site by a properly licensed waste hauler for disposal at an EPA/DEP approved facility. The name and license number of the hauler along with the quantity of wastes removed and the date(s) of removal shall be reported by the permittee in writing to the Department.
4. Prior to August 28, 2010, the permittee shall submit an engineering report, prepared by a registered professional engineer that outlines in sufficient detail what modifications (if any) to the facility or other changes are required to insure that the facility can remain in compliance with its GWDP and other applicable requirements through the next 5 year permit term and beyond, and to insure that the facility can meet the additional effluent limits listed below:

Effluent Characteristics	Discharge Limitations
Total Nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	10 mg/l
Nitrate-Nitrogen	10 mg/l

5. The facility shall maintain a financial security amount in the sum of at least \$150,000. This source of funding shall be used by the permittee solely for the immediate replacement and/or repair of any failing wastewater treatment units. Such security shall be provided by means of an interest-bearing escrow account and/or a letter of credit from a financial institution having a place of business in Massachusetts and be in a form satisfactory to the Department. The permittee and/or its successors shall replenish and

- maintain the required dollar amount thereof in full within ninety days of any disbursement.
6. The facility shall establish and maintain a capital reserve account in order to accumulate sufficient capital to make any necessary modifications to the wastewater treatment facility and other related equipment or changes prior to the next permit renewal. The permittee shall make annual contributions in equal installments of \$50,000 to accumulate the necessary funds within the next 5-year period. Such funding shall be provided by means of an interest bearing account and/or a letter of credit from a financial institution having a place of business in Massachusetts and be in a form satisfactory to the Department. Simultaneously with the submittal of the engineering report as outlined in permit condition 4 above, the permittee shall submit the following report to the Department for its review and approval:
    - a. a financial plan that contains the cost estimates for implementing the facility modifications or other changes identified in the engineering report as outlined in permit condition 4 above, and describes and demonstrates, how and when the permittee will finance the needed facility modifications or other changes by no later than 2012.
  7. Permittees shall submit an annual financial report, prepared in accordance with generally accepted accounting principles, to the Department on January 31 of each year. This report shall, as a minimum, identify the initial and current balances of both the security amount and the capital reserve account and confirm the continuing availability of the funds for the purposes described in the Permit.

**D. Appeal Rights**

This Permit is an action of the Department. Any person aggrieved by this action may request an Adjudicatory Hearing. A request for a hearing must be made in writing and postmarked within thirty (30) days of the Permit issuance date. Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought.

The Hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee for a

person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship

## **II. GENERAL PERMIT CONDITIONS**

The following conditions apply to all permits:

1. No discharge authorized in the permit shall result in a violation of the Massachusetts Surface Water Quality Standards (314 CMR 4.00) or the Massachusetts Ground Water Quality Standards (314 CMR 6.00), or any amendments thereto. Upon promulgation of any amended standard, this permit may be revised or amended in accordance with such standard and 314 CMR 2.10 and 3.12 or 5.12. For purposes of determining compliance with ground water quality standards, a violation of the ground water quality standards, and the discharge permit, will be determined to occur when any parameter measured in any downgradient well exceeds the applicable criteria listed in 314 CMR 6.06. In those cases where it is shown that a measured parameter exceeds the applicable criteria listed in 314 CMR 6.06 at the upgradient monitoring well, a violation of the ground water quality standards and the discharge permit will be determined to occur when it is shown that a measured parameter in any downgradient well exceeds the level of that same measured parameter in the upgradient well for the same sampling period. A statistical procedure approved by the Department shall be used in determining when a measured parameter exceeds the allowable level.
2. Duty to comply. The permittee shall comply at all times with the terms and conditions of the permit, 314 CMR, M.G.L. c. 21, §§ 26 through 53 and all other applicable state and federal statutes and regulations.
3. Standards and prohibitions toxic pollutants. The permittee shall comply with effluent standards or prohibitions established under PL 92-500, § 307(a) for toxic pollutants 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 requirement.
4. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the permit, and in accordance with 314 CMR 12.00.
5. Duty to halt or reduce activity. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. 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 the permit.
6. Power Failure. In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:
  - a. provide an alternative power source sufficient to operate the wastewater control facilities; or



- b. halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
- 7. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any adverse impact on human health or the environment resulting from non-compliance with the permit.
- 8. Duty to provide information. The permittee shall furnish to the Department within a reasonable time any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine whether the permittee is complying with the terms and conditions of the permit.
- 9. Inspection and entry. The permittee shall allow the Department or its authorized representatives to:
  - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records required by the permit are kept;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and
  - d. Sample or monitor at reasonable times for the purpose of determining compliance with the terms and conditions of the permit.
- 10. Monitoring. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures are specified in the permit.
- 11. Record keeping. 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 the permit, and all records of all data used to complete the application for the permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

Records of monitoring information shall include:

  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurement;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
- 12. Prohibition of bypassing. Except as provided in 314 CMR 5.19(13), bypassing is prohibited, and the Department may take enforcement action against a permittee for bypassing, unless the discharge is to a surface water and:
  - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- b. 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 the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The permittee submitted notice of the bypass to the Department:
    - i. In the event of an anticipated bypass at least ten days in advance, if possible; or
    - ii. In the event of an unanticipated bypass as soon as the permittee has knowledge of the bypass and no later than 24 hours after its first occurrence.
- 13. Bypass not exceeding limitations. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if necessary for the performance of essential maintenance or to assure efficient operation of treatment facilities.
- 14. Permit actions. The permit may be modified, suspended, or revoked for cause. The filing of a request by the permittee for a permit modification, reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.
- 15. Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, 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 Department.
- 16. Property rights. The permit does not convey any property rights of any sort or any exclusive privilege.
- 17. 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, and local laws and regulations.
- 18. Oil and hazardous substance liability. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under PL 92-500, § 311, and M.G.L. c. 21E.
- 19. Removed substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in a manner consistent with applicable Federal and State laws and regulations including, but not limited to, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 and the Clean Water Act, P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576, 33 U.S.C. 1251 *et seq*, the Massachusetts Hazardous Waste Management Act, M.G.L. c. 21C, and the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*, 310 CMR 19.00 and 30.000, and other applicable regulations.
- 20. Reporting requirements.
  - a. Monitoring reports. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) at the intervals specified elsewhere in the permit. If the permittee monitors any pollutant more frequently than required by the permit, the results of

this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

- b. Compliance schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date.
- c. Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility or activity which could significantly change the nature or increase the quantity of pollutants discharged. Unless and until the permit is modified, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.
- d. Anticipated non-compliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in non-compliance with permit requirements.
- e. 24 hour reporting. The permittee shall report any non-compliance 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 five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance, including exact dates and times, and if the non-compliance 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 non-compliance.  
The following shall be included as information which must be reported within 24 hours:
  - i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - ii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
- f. Other non-compliance. The permittee shall report all instances of non-compliance not reported under 314 CMR 5.19(20)(a), (b), or (e) at the time monitoring reports are submitted. The reports shall contain the information listed in 314 CMR 5.19(20)(e).
- g. Toxics. All manufacturing, commercial, mining, or silvicultural dischargers must notify the Department as soon as they know or have reason to believe:
  - i. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant listed in 314 CMR 3.16 which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) 100 micrograms per liter (100 µg /l);

- (2) 200 micrograms per liter (200 µg /l) for acrolein and acrylonitrile; 500 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 times the maximum concentration value reported for that pollutant in the permit application; or
    - ii. 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.
  - h. Indirect dischargers. All Publicly Owned Treatment Works shall provide adequate notice to the Department of the following:
    - i. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to PL 92-500, § 301 or 306 if it were directly discharging those pollutants; and
    - ii. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
    - iii. For purposes of 314 CMR 5.19, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
  - i. 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 Department, it shall promptly submit such facts or information.
- 21. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified in accordance with 314 CMR 3.14 and 5.14.
- 22. Severability. The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.
- 23. Reopener clause. The Department reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 or the Clean Water Act, P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576, 33 U.S.C. 1251 *et seq* in order to bring all discharges into compliance with said statutes.
- 24. Approval of plans and specifications for treatment works. All discharges and associated treatment works authorized herein shall be consistent with the terms and conditions of this permit and the approved plans and specifications. Any modification to the approved treatment works shall require written approval of the Department.
- 25. Transfer of Permits.

- a. RCRA facilities. Any permit which authorizes the operation of a RCRA facility which is subject to the requirements of 314 CMR 8.07 shall be valid only for the person to whom it is issued and may not be transferred.
  - b. Transfers by modification. Except as provided in 314 CMR 5.19(24)(a) and (c), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued or a minor modification made to identify the new permittee.
  - c. Automatic transfers. As an alternative to transfers under 314 CMR 5.19(24)(b), any permit may be automatically transferred to a new permittee if:
    - i. The current permittee notifies the Department at least 30 days in advance of the proposed transfer date in 314 CMR 5.19(2);
    - ii. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
    - iii. The Department does not notify the existing permittee and the proposed new permittee of the Department's intent to modify or revoke and reissue the permit. A modification under 314 CMR 5.19(24)(c) may also be a minor modification. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in 314 CMR 5.19(24)(c)2.
26. Permit Fees. Any permittee, other than a public entity, required to obtain a surface water or ground water discharge permit pursuant to M.G.L. c. 21, § 43 and 314 CMR 3.00 and 5.00, shall be required annually to obtain an inspection certificate from the Department, and submit the information and fee associated therewith in accordance with 314 CMR 2.12.