

Final U.S. Environmental Protection Agency Region 1 NPDES General Permit (Massachusetts Facilities): PFAS Monitoring Included



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Region 1 of the United States Environmental Protection Agency (“EPA”) issued on September 28th a final National Pollutant Discharge Elimination System (“NPDES”) General Permit for Medium Wastewater Treatment Facilities (“General Permit”) for facilities in Massachusetts. See MAG590000.

Despite the General Permit’s inapplicability to other areas of the nation, it should be of interest because of its incorporation of certain monitoring requirements for per- and polyfluoroalkyl (“PFAS”) substances.

PFAS are a group of man-made chemicals that have been used in various industrial applications and consumer products for a number of years. Properties of these chemicals include resistance to heat, water, and oil. They have been described as persistent in the environment and resist degradation. Potential human exposure to PFAS includes pathways through drinking water, air, or food. Further, EPA recently proposed to designate two of the chemicals as Comprehensive Environmental Response and Conservation Liability Act hazardous substances.

PFAS may potentially affect public owned treatment works (“POTWs”) and municipal wastewater treatment facilities in a number of ways. For example, POTWs receive discharges that may contain PFAS from a number of commercial and industrial sources. A further complication may be the fact that conventional POTW wastewater treatment does not effectively remove PFAS that it receives. In addition, concern has been expressed that PFAS could unnecessarily adversely affect a POTW’s ability to manage municipal biosolids.

While the referenced Region 1 General Permit is only applicable to certain facilities in Massachusetts, organizations such as the National Association of Clean Water Agencies (“NACWA”) have expressed concern about the possibility that other EPA Regions or delegated states may at some point incorporate similar requirements.

Ten types of facilities are denominated by EPA in the General Permit as likely to have PFAS discharges entering POTWs. It also references known or suspected PFAS contaminated sites and any other known or expected PFAS sources.

NPDES permittees are required to sample quarterly using Method 1633 for detecting PFAS for:

- Influent
- Effluent
- Biosolids

Upstream additional sources must be sampled annually.

Several Massachusetts towns noted, as outlined in EPA's Response to Comments, that they have a serious concern:

. . . about this new testing requirement. Since there has been inadequate guidance and regulation with regard to PFAS in sludge facilities that test their sludge and find PFAS in the sludge experience an unfair burden with regard to disposal of the sludge; this is because there have been limited outlets who will take the sludge and the sludge is more costly to dispose of. Will town experience an increase in disposal costs simply due to testing for PFAS? What is EPA doing to mitigate this issue? Please provide a comprehensive plan to demonstrate that the town who are now subject to this permit will not face a cost burden to dispose of their sludge simply because of this new testing requirement.

Further, NACWA commented that Method 1633 has not been promulgated under the Clean Water Act Part 136's methodologies.

A link to the General Permit can be found [here](#).