



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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

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## PUBLIC NOTICE

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER RESOURCES/ SURFACE WATER DISCHARGE PERMIT PROGRAM  
1 WINTER STREET  
BOSTON, MA 02108  
TEL#: (617) 292 -5500

Notice is hereby given that the following Tentative Determination to Issue Antidegradation Authorization To Discharge To an Outstanding Resource Water is being processed and the following actions being proposed thereon pursuant to the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§ 26-53) and 314 CMR 2.06, 3.00 and 4.00:

NAME OF SITE : Proposed Cumberland Farms Store #MA8355  
SITE OWNER : 55 East Main Street, LLC  
SITE OPERATOR : Cumberland Farms, Inc.  
(if different than owner)  
NPDES PERMIT NUMBER :  
ASSIGNED BY EPA : MAG910000  
MASSDEP TRANSMITTAL :  
NUMBER : X280632  
NAME OF RECEIVING WATER(S) :  
AND TOWN : Rutters Brook, Westborough, MA  
PERMIT AUTHORITY FOR DISCHARGE : NPDES Remediation General Permit (RGP), effective  
April 8, 2017

PROPOSED ACTION: Tentative determination to issue an Antidegradation Authorization to discharge to an Outstanding Resource Water for a proposed discharge under the Remediation General Permit (RGP). The proposed discharge is from construction related dewatering to Rutters Brook, an Outstanding Resource Water (ORW.)

A copy of the Notice of Intent (NOI), applicant's justification for Antidegradation Authorization, and Tentative Determination to Issue Antidegradation Authorization To Discharge To an Outstanding

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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Resource Water (draft decision by MassDEP) are available [here: https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities](https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities) under “MassDEP Permits & Approvals”.

Comments on the proposed action or requests for a public hearing thereon pursuant to 314 CMR 2.07 must be filed with MassDEP either by U.S. mail to: MassDEP, Regulatory Comment Box, 1 Winter Street, 5th floor, Boston, MA 02108, or by email to [dep.talks@mass.gov](mailto:dep.talks@mass.gov) (include “Cumberland Farms RGP” in the subject line). All comments should include the sender’s full name and address. Comments must be submitted by January 25, 2019. The public comment period is thirty (30) days after publication of this notice.

Lealdon Langley, Director  
Wetlands and Wastewater Program  
Department of Environmental Protection

**Tentative Determination to Issue Antidegradation Authorization**  
**To Discharge To an**  
**Outstanding Resource Water**  
**Fact Sheet**

**I. APPLICANT, FACILITY INFORMATION, and DISCHARGE INFORMATION**

**Name and Address of site:**

Proposed Cumberland Farms Store #MA8355  
55 East Main Street  
Westborough, MA 01581

**Name and Address of Site Owner:**

55 East Main Street LLC  
15 Railroad Drive  
Northborough, MA 01532

**Discharge Information:**

Following EPA Authorization under NPDES 2017 Remediation General Permit, construction related dewatering is proposed to be discharged to Rutters Brook, which according to Massachusetts Surface Water Quality Standards (MASWQS) 314 CMR 4.05 and 4.06 (MASWQS), is protected as an Outstanding Resource Water (ORW).

**II. LIMITATIONS AND CONDITIONS**

Discharge permit limitations are as listed in the 2017 Remediation General Permit (RGP) and are in conformance with 314 CMR 4.00, Massachusetts Surface Water Quality Standards (MASWQS).

The applicant has demonstrated that an Antidegradation Authorization To Discharge To an Outstanding Resource Water (314 CMR 4.04(3)) may be issued by the Department of Environmental Protection pursuant to 314 CMR 4.04(5)(b).

**III. MASSDEP ANTIDEGRADATION AUTHORIZATION BASIS AND PERMITTING REQUIREMENT**

MASWQS and the RGP state that discharges to ORWs in Massachusetts are ineligible for coverage unless an Antidegradation Authorization is granted by MassDEP. Therefore, as described in the Request for Authorization letter dated July 2, 2018, ATC Group Services LLC, on behalf of Cumberland Farms, Inc. submitted a description of how the project would demonstrate compliance with the MASWQS requirements for Antidegradation Authorization listed in 314 CMR 4.04(5)(a)(2) through 4.04(5)(a)(4).

Coverage under the 2017 Remediation General Permit (RGP) is required for this discharge in accordance with the Massachusetts Clean Water Act, M.G.L. c. 21, §§ 26-53; 314 CMR 3.03; and 314 CMR 4.00.

EPA's Authorization to discharge includes effluent limitations based on the location of discharge, aquatic life and human health protection criteria, and the MASWQS.

#### **IV. COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISIONS**

The public comment period for this authorization was published in the MEPA Environmental Monitor on December 26, 2018 and will extend until January 25, 2019. The public comment period is thirty (30) days following the date of publication.

A final decision on the issuance/denial of this permit will be made after the public notice period, and review of any comments received during this period.

#### **V. STATE CONTACT INFORMATION**

Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday excluding holidays, from:

Jennifer Wood  
MassDEP  
Bureau of Water Resources  
1 Winter Street  
Boston, MA 02108  
617-654-6536  
Jennifer.Wood@state.ma.us

Lealdon Langley, Director  
Wetlands and Wastewater Program  
Department of Environmental Protection

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DATE