



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

September 1, 2015

Mr. Neal C. Hamilton  
Lowe's Home Centers, Inc.  
Highway 268 East – East Dock  
North Wilkesboro, NC 28659

RE: PEMBROKE-- Public Notice, Draft  
Groundwater Discharge Permit # 747-1,  
Lowe's Home Center, 108 Old Church St.,  
Transmittal No. W158102,

Dear Mr. Hamilton:

The Massachusetts Clean Water Act (M.G.L. c.21, s.21-53) was amended by Chapter 246 of the Acts of 1973 to authorize the Massachusetts Department of Environmental Protection (the MassDEP), to regulate discharges into all waters of the Commonwealth, including groundwaters. The MassDEP regulates discharges through the issuance of discharge permits, which impose limitations on the amount of pollutants that may be discharged in the effluent, together with monitoring and reporting requirements and other conditions to insure adequate treatment of all liquid wastes prior to discharge.

The MassDEP has completed its technical review of your application submitted on behalf of the Lowe's Home Centers, Inc. to discharge treated wastewater from the facility to be located on 108 Old Church St., Pembroke to the ground, and has developed the conditions contained in the enclosed draft permit.

The proposed draft permit can only be considered in draft form because of provisions in the Law regulating public notice of the proposed issuance of the permit and opportunity for public comments and public hearing. Following receipt of comments on the public notice, and public hearing, if held, the MassDEP will issue its final determination to issue or deny the permit.

Enclosed herewith is a copy of the public notice for your groundwater discharge permit. The enclosed public notice should be published to start the thirty (30) day public comment period.

In accordance with 314 CMR 2.06(4) and M.G.L. c.30A, the applicant or permittee, as applicable, shall publish public notice of the permit proceedings in *The Environmental Monitor*, a

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, 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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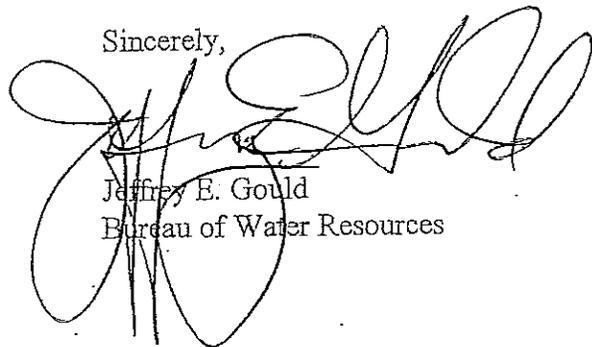
publication of the Massachusetts Executive Office of Energy and Environmental Affairs. For instructions on filing this notice with MEPA please refer to MEPA's website at <http://www.env.state.ma.us/mepa/submittinnotices.htm>

The applicant or permittee shall submit to the Department a copy of the public notice as published in the *Environmental Monitor*, within seven days after the date of publication or at such other time as the Department requires. This information should be sent to the attention of Brett Rowe at the above letterhead address. The mandatory thirty day public comment period will commence with the date of publication of the public notice.

It is the applicant's/permittee's responsibility to forward proof of the newspaper publication along with the name and address of the newspaper and the date that the notice appeared within seven days of the date of publication. This information should be sent to the attention Brett Rowe at the above letterhead address.

If you have any questions on any of the information discussed in this letter, please contact Brett Rowe at (508) 946-2754.

Sincerely,



Jeffrey E. Gould  
Bureau of Water Resources

Enclosures

ecc: Pembroke Board of Health  
Weston and Sampson  
DEP/BWR/Wastewater Management Program/Boston

PUBLIC NOTICE  
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER RESOURCES /WASTEWATER MANAGEMENT PROGRAM  
SOUTHEAST REGIONAL OFFICE  
20 RIVERSIDE DRIVE,  
LAKEVILLE, MASSACHUSETTS 02347  
TELEPHONE (508) 946-2750

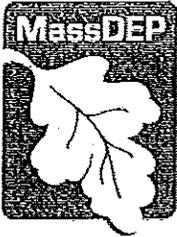
Notice is hereby given that the following application for an Individual Groundwater Discharge Permit is being processed and the following actions being proposed thereon pursuant to Section 43 of Chapter 21 of the General Laws, and 314 CMR 5.00 and 2.06:

CITY/TOWN: Pembroke, Massachusetts  
PROJECT NAME: Lowe's Home Center, Inc.  
APPLICANT: Lowe's Home Centers, Inc.  
FACILITY LOCATION: 108 Old Church Street  
TYPE OF DISCHARGE: Treated Sanitary Wastewater  
QUANTITY OF DISCHARGE: 40,000 Gallons per day  
PERMIT NO: SE# 747-1  
TRANSMITTAL NO: W158102  
PROPOSED ACTION: Tentative determination to issue individual groundwater discharge permit

A copy of the application, draft permit, and statement of basis or fact sheet relative to the draft permit may be obtained from the MassDEP's Wastewater Management Program at the above address and telephone number or online at: <http://www.mass.gov/eea/agencies/massdep/news/comment/>

Comments on the proposed action or requests for a public hearing thereon pursuant to 314 CMR 2.07 must be filed with MassDEP at the above address within thirty (30) days of this notice. For information on the process for formally intervening in adjudicatory proceedings, please refer to 310 CMR 1.00: Adjudicatory Proceedings, Section (7) Intervention and Participation.  
<http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-1-00-adjudicatory-proceedings.html>

Jeffrey Gould  
Bureau of Water Resources



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### GROUNDWATER DISCHARGE PERMIT

Name and Address of Applicant: Lowe's Home Center, Inc., Highway 268 East – East Dock,  
North Wilkesboro, North Carolina 28659

Date of Application: October 22, 2007

Application/Permit No. SE# 747-1

Date of Issuance: Draft

Date of Expiration: Draft

Effective Date: Draft

### AUTHORITY FOR ISSUANCE

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, 314 CMR 2.00, and 314 CMR 5.00, the Massachusetts Department of Environmental Protection (the "Department" or "MassDEP") hereby issues the following permit to: Lowe's Home Centers, Inc. (hereinafter called "the permittee"), authorizing discharges to the ground from the on-site wastewater treatment facility located at Lowe's Home Centers, Inc., 108 Old Church Street, Pembroke, Massachusetts, such authorization being expressly conditional on compliance by the permittee with all terms and conditions of the permit hereinafter set forth.

\_\_\_\_\_  
Jeffrey E. Gould  
Bureau of Water Resources

\_\_\_\_\_  
Date

## I. SPECIAL CONDITIONS

### A. Effluent Limits

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

Effluent Characteristics	Discharge Limitations
Flow	40,000 gallons per day (GPD)
Biochemical Oxygen Demand, 5-day at 20°C (BOD <sub>5</sub> )	30 mg/l
Total Suspended Solids	30 mg/l
Nitrate Nitrogen	10 mg/l
Total Nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	10 mg/l
Oil & Grease	15 mg/l
Volatile Organic Compounds	*

\*Should not exceed Maximum Contaminant Levels (MCL) as contained in 310 CMR 22.00, Drinking Water.

- 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 average annual flow exceeds 80 percent of the permitted flow limitations, the permittee shall submit a report to the Department describing what steps the permittee will take in order to remain in compliance with the permit limitations and conditions, inclusive of the flow limitations established in this permit.

**B. Monitoring and Reporting**

1. The permittee shall monitor and record the quality of the **influent** and the quality of the **effluent** prior to discharge to the leaching facilities according to the following schedule and other provisions:

**INFLUENT:**

Parameter	Minimum Frequency of Analysis	Sample Type
pH	Daily	Grab
BOD <sub>5</sub>	Monthly	24-hr Composite
Total Suspended Solids	Monthly	24-hr Composite
Total Solids	Monthly	24-hr Composite
Ammonia Nitrogen	Monthly	24-hr Composite
Oil & Grease	Monthly	Grab
Volatile Organic Compounds (US EPA Method #624)	2x/year	Grab

**EFFLUENT:**

Parameter	Minimum Frequency of Analysis	Sample Type
Flow	Daily	Max-Min-Average
pH	Daily	Grab
Oil & Grease	Monthly	Grab
Total Suspended Solids	Monthly	24-hr Composite
Total Solids	Monthly	24-hr Composite
Nitrate Nitrogen	Monthly	24-hr Composite
Total Nitrogen (NO <sub>2</sub> +NO <sub>3</sub> +TKN)	Monthly	24-hr Composite
BOD <sub>5</sub>	Monthly	24-hr Composite
Total Phosphorus (as P)	Quarterly	Grab
Orthophosphate (as P)	Quarterly	Grab
Volatile Organic Compounds (US EPA Method #624)	2x/year	Grab

- a) 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. If the Department reduces the frequency of monitoring for Total Phosphorus and Orthophosphate, the Department reserves the right to resume more frequent monitoring if the Department determines that Phosphorus levels are impacting downgradient receptors.

2. The permittee shall sample the upgradient monitoring well, MW-1 and the downgradient monitoring wells MW-2, MW-3 and MW-4 as shown on a plan entitled "Monitoring Well Plan Location Map", prepared by Weston & Sampson Engineers and dated February 2001. Labels identifying each monitoring well's identification in accordance with the above-referenced approved plan shall be affixed to the steel protective casing of each monitoring well.

The permittee shall monitor, record and report the quality and level of water in the monitoring wells according to the following schedule and other provisions.

Parameter	Frequency of Analysis
Static Water Level Elevation	Monthly
Specific Conductance	Monthly
pH	Monthly
Nitrate Nitrogen	Quarterly
Total Nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	Quarterly
Total Phosphorus (as P)	Quarterly
Orthophosphate (as P)	Quarterly
Volatile Organic Compounds (US EPA Method #624)	Annually

- a) Static Water Level shall be expressed as an elevation and be referenced to the surveyed datum established for the site. It shall be calculated by subtracting the depth to the water table from the surveyed elevation of the top of the monitoring well's PVC well casing/riser.
  - b) After one full year of monitoring the Total phosphorus and Orthophosphate results, MassDEP may determine, upon the request of the permittee, that the frequency of monitoring may be reduced if, in the judgement of MassDEP, 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.
  4. 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:

Department of Environmental Protection Southeast Regional Office  
 Bureau of Water Resources  
 20 Riverside Drive  
 Lakeville, MA 02347

Department of Environmental Protection Program Director  
Bureau of Water Resources, Wastewater Management Program  
One Winter Street - 5th Floor  
Boston, MA 02108

Board of Health  
100 Center Street  
Pembroke, MA 02359

- a) 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/eea/agencies/massdep/service/online/edep-online-filing.html>

### 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 facility for which this permit is written. Said notification shall include a written agreement between the existing and new permittee containing a specific date for transfer of permit, responsibility, coverage and liability between them.
2. A staffing plan for the facility shall be submitted to the Department once every two years starting effective date of the permit and whenever there are staffing changes. The staffing plan shall include the following components:
  - a) The operator(s)'s name(s), operator grade(s) and operator license number (s);
  - b) The number of operational days per week
  - c) The number of operational shifts per week;
  - d) The number of shifts per day;
  - e) The required personnel per shift;
  - f) Saturday, Sunday and holiday staff coverage;
  - g) Emergency operating personnel.
3. The permittee is responsible for the operation and maintenance of all sewers, pump stations and treatment units for the permitted facility, which shall be operated and maintained under the direction of a properly certified wastewater treatment plant operator.
4. Operation and maintenance of the wastewater treatment facility must be in accordance with 314 CMR 12.00, "Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges", and 257 CMR 2.00, "Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities".
  - a) The facility has been rated (in accordance with 257 CMR 2.00), to be a Grade 4 facility. Therefore, the permittee shall provide for oversight by a Massachusetts Certified Wastewater Treatment Plant operator (Chief Operator) Grade 4 or higher. The permittee will also provide for a backup operator who shall possess at least a valid Grade 3 license.
  - b) The date and time of the operator's inspection along with the operator's name and certification shall be recorded in the log book on location at the treatment facility. All

daily inspection logs consistent with the O&M Manual requirements shall be kept at the facility for a period of three (3) years.

- c) Records of operation of wastewater treatment facilities or disposal systems required by the Department shall be submitted on forms supplied by the Department or on other forms approved by the Department for such use. Monthly reports shall be certified by the wastewater treatment plant operator in charge and shall be included in the discharge monitoring reports submitted each month.
5. If the operation and maintenance of the facility is contracted to a private concern, the permittee shall submit a copy of the contract, consistent with what is required by the approved Operation and Maintenance Manual and signed only by the contractor, to the appropriate MassDEP Regional Office within thirty (30) days of permit issuance. Along with the contract, a detailed listing of all contract operation obligations of the proposed contractor at other facilities shall also be submitted.
6. Any additional connections to the sewer system, beyond the permitted limit of 40,000 gallons/day, shall be approved by MassDEP and the local Board of Health prior to the connection.
7. All tests or analytical determinations to determine compliance with permit standards and requirements shall be done using tests and procedures found in the most recent version of *Standard Methods for the Examination of Water and Wastewater* and shall be performed by a Massachusetts certified laboratory.
8. The permittee shall notify the appropriate MassDEP Regional Office, in writing, within thirty (30) days of any of the following events:
  - a) The date of treatment plant startup.
  - b) Any interruption of the treatment system operation, other than routine maintenance.
  - c) Final shutdown of the treatment system.
9. The permittee shall contract to have any and all solids and sludges generated by the treatment system for which this permit is issued removed off site by a properly licensed waste hauler for disposal at an EPA/MassDEP 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 appropriate MassDEP Regional Office. Records of disposal shall be kept on-site for review by the MassDEP.
10. Simultaneously with the permit renewal application at year fifteen (2028) following the initiation of plant operations, the permittee shall submit two reports to the Department for its review and approval:
  - a) 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 (year 2033) and beyond; and

- b) A financial plan that contains the cost estimates for implementing the facility modifications or other changes identified in the engineering report, and describes and demonstrates, how and when the permittee will finance the needed facility modifications or other changes.
11. In the event that effluent limits are not met, or the discharge is determined to impair groundwater quality in accordance with 314 CMR 5.16(1), the permittee may be obligated to modify, supplement or replace the permitted treatment process so as to ensure that the discharge does not impair the ability of the groundwater to act as an actual or potential source of potable water.
12. Pursuant to M.G.L. Chapter 21A, section 18(a), and 310 CMR 4.03, holders of this Permit may be subject to annual compliance assurance fees as assessed each year on July 1<sup>st</sup> and invoiced by MassDEP. Failure of the Permit Holder to pay applicable annual compliance assurance fees shall result in the automatic suspension of the permit by operation of law under the statute. If fee non-payment continues for sixty days or more, MassDEP has the statutory option of revoking the Permit, denying any other pending permit applications filed by the Permit holder or taking other enforcement action. Permit holders are required to notify MassDEP in writing if they wish to relinquish or transfer a permit. Failure to do so will result in the continued assessment of fees.

D. Appeal Rights

During the thirty (30) day period following issuance of this permit, a Notice of Claim for an Adjudicatory Appeal may be sent by any person aggrieved (the "Petitioner") by the issuance to:

Case Administrator  
Office of Appeals and Dispute Resolution  
Department of Environmental Protection  
One Winter Street/2<sup>nd</sup> Floor  
Boston, MA 02108

310 CMR 1.01(6)(b) requires the Notice of Claim to: include sufficient facts to demonstrate aggrieved person status; state the facts which are grounds for the appeal specifically, clearly and concisely; and, state relief sought. The permit shall become or remain effective at the end of the thirty (30) day appeal period unless the person filing the Notice of Claim requests, and is granted, a stay of its terms and conditions. If a permit is modified under 314 CMR 2.10, only the modified terms and conditions may be subject to an Adjudicatory Appeal. All other aspects of the existing permit shall remain in effect during any such Adjudicatory Appeal.

Pursuant to 310 CMR 4.06, the hearing request to the Commonwealth will be dismissed if the filing fee is not paid. Unless the Petitioner is exempt or granted a waiver, a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Lowe's Home Centers, Inc.

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

The filing fee is not required if the Petitioner is a city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority effective January 14, 1994, or any municipal housing authority; or, pursuant to M.G.L. Chapter 161A section 24, the Massachusetts Bay Transportation Authority. The Department may waive the adjudicatory hearing filing fee for a Petitioner who shows that paying the fee will create an undue financial hardship. A Petitioner seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.