



General Permit for Private Commercial, Industrial, and Institutional Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds In Massachusetts

Presented by:

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GZA GeoEnvironmental, Norwood, Massachusetts



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Background

Advocacy groups petitioned EPA to use its Residual Designation Authority to clean up the waters around Boston

clf
conservation law foundation

August 24, 2020

Dennis Deziel
Acting Regional Administrator
EPA New England Region
1 Congress Street, Suite 1100 Boston, MA
02114-2023

RE: Petition for a Determination that Certain Multi-Family Residential Property Dischargers Contribute to Water Quality Standards Violations in the Neponset River Watershed, Massachusetts, and that NPDES Permitting of Such Properties is Required.

Dear Regional Administrator Deziel,

As the Regional Administrator of the Conservation Law Foundation ("CLF") hereby petition you for a determination pursuant to 40 C.F.R. § 122.26(f)(2) that discharges of stormwater permitting by EPA from privately owned commercial, industrial, institutional,¹ and multi-family residential² real properties of one acre or greater ("Contributing Dischargers") contribute to violations of water quality standards in the Neponset River and require permits under the National Pollutant Discharge Elimination System ("NPDES").

¹ For the purposes of this Petition, the "institutional" land use category encompasses properties in the MassGIS "Urban Public/Institutional" land use code that are privately owned.

² For the purposes of this Petition, the "large multi-family residential" land use category encompasses properties in the MassGIS "Multi-Family Residential" land use code that include five or more housing units (excluding those with a median income of 50% or below), and are not currently subject to regulation under the NPDES program to restore and protect the water quality of the Neponset River watershed.

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August 24, 2020

Dennis Deziel
Acting Regional Administrator
EPA New England Region
1 Congress Street, Suite 1100 Boston, MA
02114-2023

RE: Petition for a Determination that Certain Multi-Family Residential Property Dischargers Contribute to Water Quality Standards Violations in the Mystic River Watershed, Massachusetts, and that NPDES Permitting of Such Properties is Required.

Dear Regional Administrator Deziel,

As the Regional Administrator of the EPA New England Region ("EPA Region 1"), the Conservation Law Foundation ("CLF") hereby petition you for a determination pursuant to 40 C.F.R. § 122.26(f)(2) that discharges of stormwater permitting by EPA from privately owned commercial, industrial, institutional,¹ and multi-family residential² real properties of one acre or greater ("Contributing Dischargers") contribute to violations of water quality standards in the Mystic River Watershed, of which the Mystic River Watershed is a sub-watershed.

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² For the purposes of this Petition, the "large multi-family residential" land use category encompasses properties in the MassGIS "Multi-Family Residential" land use code that include five or more housing units (excluding those in which 50% or more of the units are not currently subject to regulation under the NPDES program to restore and protect the water quality of the Mystic River watershed.

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conservation law foundation

May 9, 2019

Deborah Szaro
Acting Regional Administrator
EPA New England Region
1 Congress Street, Suite 1100 Boston, MA 02114-2023

RE: Petition for a Determination that Certain Commercial, Industrial, Institutional, and Multi-Family Residential Property Dischargers Contribute to Water Quality Standards Violations in the Charles River Watershed, Massachusetts, and that NPDES Permitting of Such Properties is Required.

Dear Acting Regional Administrator Szaro,

As the Regional Administrator of the EPA New England Region ("EPA Region 1"), the Conservation Law Foundation ("CLF") and Charles River Watershed Association ("CRWA") hereby petition you for a determination pursuant to 40 C.F.R. § 122.26(f)(2) that discharges of stormwater that are not currently subject to direct permitting by EPA from privately owned commercial, industrial, institutional,¹ and multi-family residential² real properties of one acre or greater in the Charles River Watershed ("Contributing Dischargers") contribute to violations of water quality standards in the Charles River and require permits under the National Pollutant Discharge Elimination System ("NPDES").

As set forth below, the facts and the law, as developed by the United States Environmental Protection Agency ("EPA"), require that these unpermitted discharges must be

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² For the purposes of this Petition, the "large multi-family residential" land use category encompasses properties in the MassGIS "Multi-Family Residential" land use code that are privately owned and include five or more housing units.

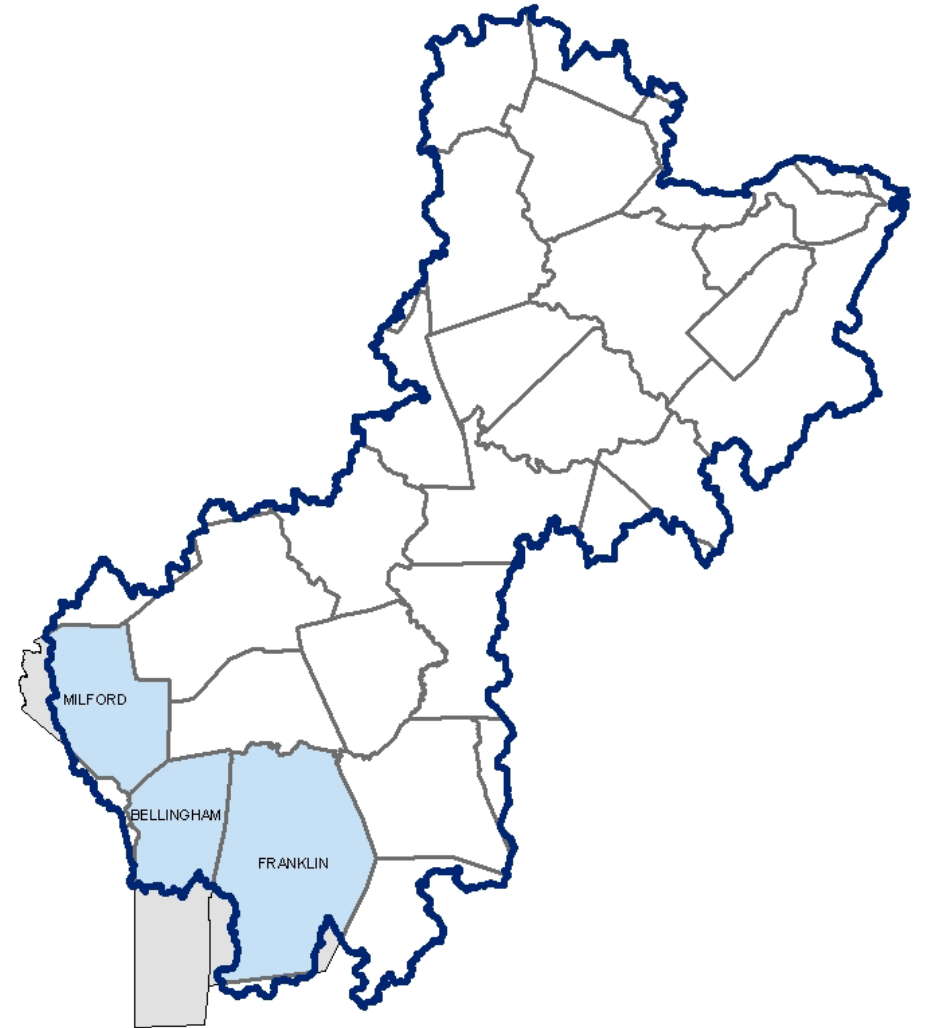
What is RDA?

RDA is a provision CWA Section 402 that allows the EPA to require NPDES permits for stormwater sources that would otherwise be unregulated, provided that the discharge or category of discharges within a geographic area contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States

History

In 2010 EPA issued the draft *“General Permit for Designated Discharges in the Charles River Watershed Within the Municipalities of Milford, Bellingham, and Franklin, Massachusetts”*

Applied to commercial, industrial, institutional, and certain residential properties with 2+ acres of impervious surface



What is EPA Proposing?

NPDES Permit No. MAG860000 2024 Draft CII General Permit

United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)

GENERAL PERMIT FOR PRIVATE COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL
STORMWATER DISCHARGES IN THE CHARLES, MYSTIC, and NEPONSET RIVER WATERSHEDS IN
MASSACHUSETTS

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§ 1251 et seq.; the "CWA"), the following permit authorizes any Permittee to discharge stormwater from certain sites with commercial, industrial, and institutional ("CII") land uses, whose:

- Site is located in the areas described in Part 1.2;
- Site is eligible for coverage under Part 1.4; and
- Owner or operator submits a complete and accurate Notice of Intent ("NOI") in accordance with Part 1.7 of this permit and EPA issues a written authorization.

This Permit, its conditions, and compliance timeframes are available to all commercial, industrial, and institutional sites with 1 acre or more of impervious cover that discharge stormwater to the Charles, Mystic, and/or Neponset River Watersheds in Massachusetts.

The following appendices are also included as Part of this permit:

- Appendix A – Definitions, Abbreviations, and Acronyms
- Appendix B – Standard Permit Conditions Applicable to All Authorized Discharges
- Appendix C – Endangered Species Act and Essential Fish Habitat Eligibility Guidance
- Appendix D – National Historic Preservation Act Eligibility Guidance
- Appendix E – Determining Impervious Cover Acreage
- Appendix F – Phosphorus Reduction Credits for Selected Non-Structural and Structural Stormwater Control Measures ("SCMs")
- Appendix G – Notices of Intent ("NOI"), Change ("CNOI"), and Termination ("NOT")
- Appendix H – Massachusetts Tax Assessor's Use Code for CII Land Uses
- Appendix I – Operations and Maintenance Requirements
- Appendix J – Methodology for Determining Site-Specific Pollutant Calculation
- Appendix K – Reporting Requirements for Annual Reports

General Permit for discharges of stormwater from certain commercial, industrial, and institutional (CII) sites that discharge through private separate storm sewer systems or through MS4s into the named watersheds from sites with 1 acre or more of impervious cover

CII Properties

Private properties with commercial, industrial or institutional land uses that are classified in the Massachusetts Tax Codes and listed in Appendix G of Draft Permit



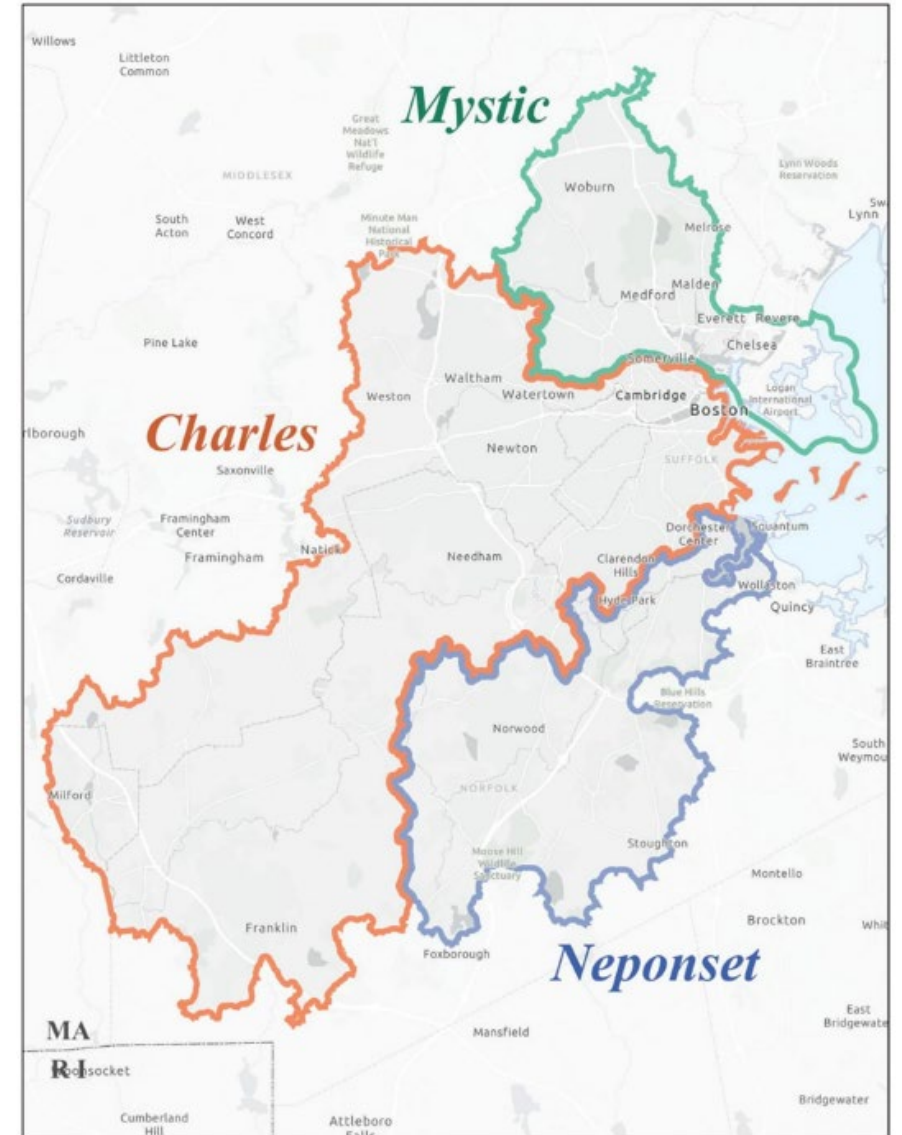
Communities Included

Charles River Watershed – 35

Mystic River Watershed – 21

Neponset River Watershed – 14

EPA estimates as many as 3,000 sites may be subject to this permit!



Permittee

Owner of a site, if there is a written agreement that provides another single entity with authority to make decisions with respect to operational control of one or more sites, the entity with such authority will be considered the permittee

Overlap with other NPDES Programs

Sites covered under another NPDES permit (such as the MSGP) will also need to seek coverage if the site owner or operator:

- Has submitted a No Exposure Certification (NEC) under the MSGP
 - Has an MSGP or individual stormwater permit that covers only a portion of the site, in which case coverage for the remaining portion of the site must be sought
 - Is covered by another NPDES wastewater permit, that has stormwater discharges from impervious surfaces that are not regulated by the other permit
-

Phosphorous Reduction Goals

Charles River Watershed: 65%

Mystic River Watershed: 62%

Neponset River Watershed: 60%

No additional phosphorous load from the addition of new impervious cover





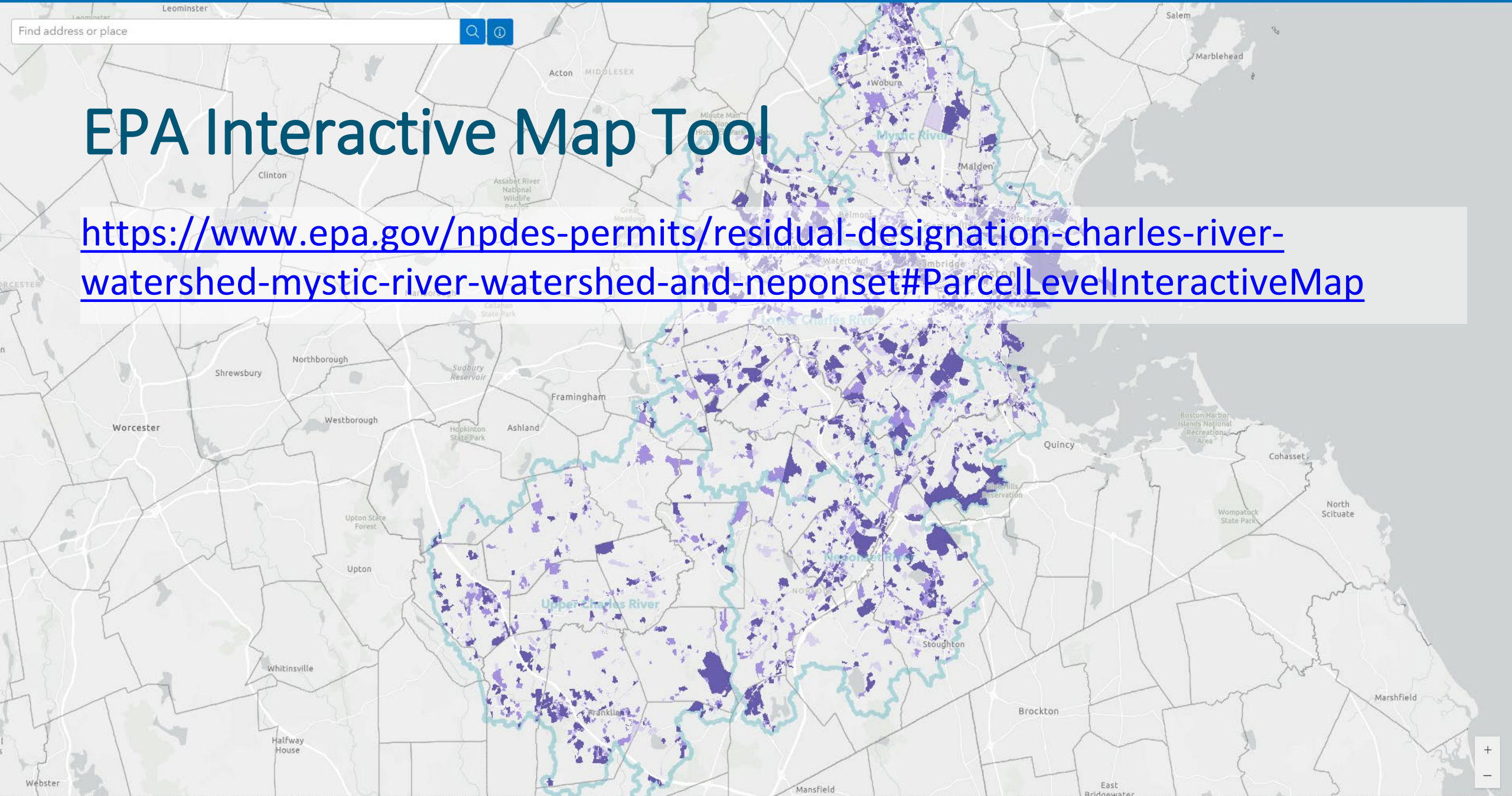
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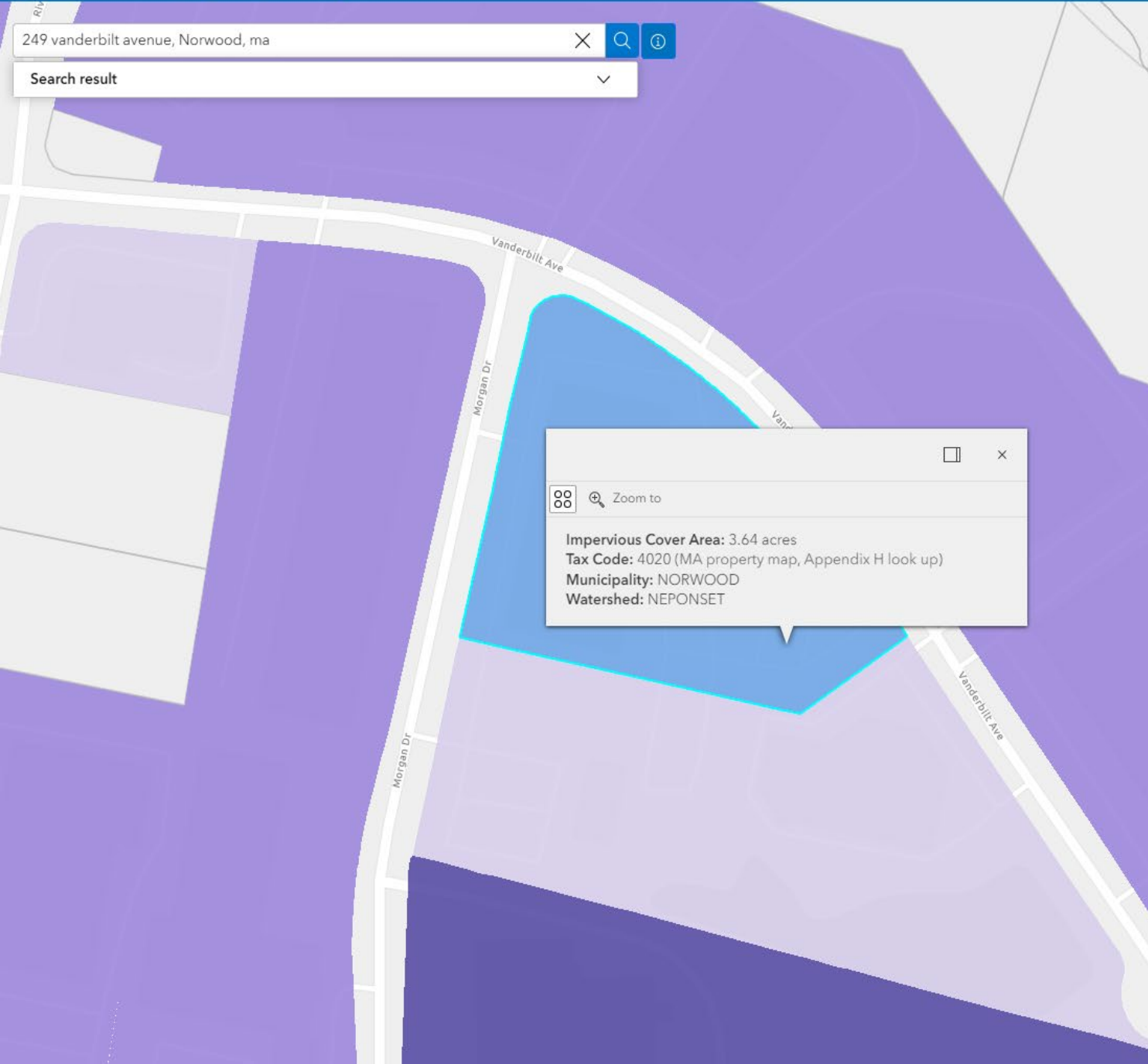
How do I know if my facility is covered?

Find address or place

EPA Interactive Map Tool

<https://www.epa.gov/npdes-permits/residual-designation-charles-river-watershed-mystic-river-watershed-and-neponset#ParcelLevelInteractiveMap>





249 vanderbilt avenue, Norwood, ma

Search result

Zoom to

Impervious Cover Area: 3.64 acres
 Tax Code: 4020 (MA property map, Appendix H look up)
 Municipality: NORWOOD
 Watershed: NEPONSET

CII General Permit Appendix H

Appendix H
 Massachusetts Tax Assessor's Use Code for CII Land Uses
 Based on 2019 MA Property Type Classification Codes for Taxes¹

Tax Code	PLER Category (Focus on associated IC)	Directly Connected Impervious Cover (lbs./ac yr)
0 Multi use		
013 Multiple-Use, primarily Residential	Com/Ind	1.80
031 Multiple-Use, primarily Commercial	Com/Ind	1.80
037 Multiple-Use, primarily Commercial with part of land designated under Chapter 61A use	Com/Ind	1.80
1 Residential		
140 Child Care Facility	Com/Ind	1.80
2 Open Space		
282 Boating - areas for recreational boating and supporting land facilities	Com/Ind	1.80
283 Golfing - areas of land arranged as a golf course	Com/Ind	1.80
3 Commercial, including any tax codes beginning with 3		
300 Hotels	Com/Ind	1.80
301 Motels	Com/Ind	1.80
302 Inns, Resorts or Tourist Homes	Com/Ind	1.80
304 Nursing Homes -	Com/Ind	1.80
305 Private Hospitals	Com/Ind	1.80
306 Care and Treatment Facilities -	Com/Ind	1.80
310 Tanks Holding Fuel and Oil Products	Com/Ind	1.80
311 Bottled Gas and Propane Gas Tanks	Com/Ind	1.80
312 Grain and Feed Elevators	Com/Ind	1.80
313 Lumber Yards	Com/Ind	1.80
314 Trucking Terminals	Com/Ind	1.80
315 Piers, Wharves, Docks and related facilities	Com/Ind	1.80
316 Other Storage, Warehouse and Distribution	Com/Ind	1.80
318 Commercial Greenhouses	Com/Ind	1.80
321 Facilities providing building materials hardware, etc.	Com/Ind	1.80
322 Discount Stores, Junior Department Stores, Department Stores	Com/Ind	1.80
323 Shopping Centers/Malls	Com/Ind	1.80
324 Supermarkets (in excess of 10,000 sq. ft.)	Com/Ind	1.80
325 Small Retail and Services stores (under 10,000 sq. ft.)	Com/Ind	1.80

My facility is covered, now what?

Permit Coverage

Determine Permit Eligibility (Endangered Species, Essential Fish Habitat, Historic Properties, Prohibited Discharges, Allowable Non-Stormwater Discharges)

Submit NOI (via NeT-Multiform in CDX system)

Contiguous parcels must secure coverage under a single NOI that covers all sites (Any contiguous sites operated or owned by the same entity that meet the other eligibility requirements are required to seek permit coverage if the total impervious cover from all contiguous sites is 1 acre or more)

NOI Submittal Deadlines

CII Site Size	Submittal Deadline
5 acres or more of impervious cover	Within 6 months of permit effective date
2 acres or more of impervious cover	Within 12 months of permit effective date
1 acres or more of impervious cover	Within 24 months of permit effective date

Pollutant Load Reduction Goal

Determined by calculating the average annual phosphorus load of the CII site's total existing impervious cover at the time of the permit effective date and applying the relevant pollution reduction requirements by watershed.

(Site Specific Reduction = Acres * 1.80 lbs/acre-yr * RWS%)

An example calculation for a CII site with 7.5 acres of impervious cover in the Mystic River Watershed is below:

*Site-Specific Reduction = (7.5 acres * 1.80 lbs/acre-yr) * 62% Site-Specific Reduction = 8.37 lbs/yr*

Phosphorous Reduction

Existing CII sites must meet a 50% interim phosphorus reduction goal within 6 years of permit authorization and full compliance within 11 years

Newly developed sites must comply with the phosphorus load reduction requirement within two years of receiving authorization to discharge under the CII GP

Phosphorous Reduction Options

Onsite reductions through structural or non-structural stormwater control measures (SCMs) within the watershed

Offsite reductions (SCMs are implemented at another location that is not the permitted site) via an agreement with a local watershed management group to fund a regional project

Offsite reductions (SCMs are implemented at another location that is not the permitted site) via trading credits for reducing phosphorus loadings on another CII site in the same watershed.

Stormwater Control Measures

Non-Structural

- sweeping
- catch basin cleaning
- leaf litter collection

Structural

- porous pavement
- infiltration practices
- detention basins
- stormwater reuse
- stormwater treatment

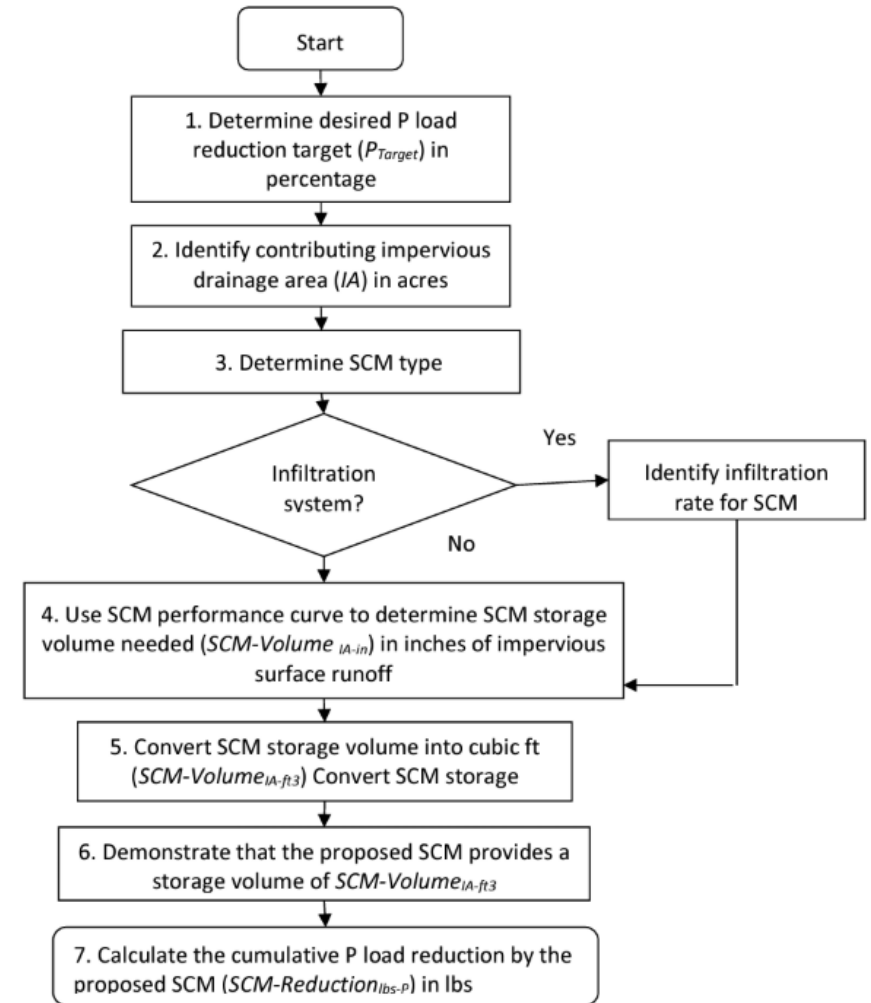


Stormwater Control Measures

Calculate credits for SCMs

Include consideration for major storm and flood events

CII General Permit	Appendix F
Appendix F	
Phosphorus Reduction Credits for Selected Non-Structural and Structural Stormwater Control Measures (SCMs)	
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Stormwater Pollution Control Plan (SPCP)

Personnel and contact information

Determination of site-specific pollutant load

Storm Sewer System Site Map

Stormwater Control Measures (Structural and Non-Structural)

Operations and Maintenance Plan

Onsite Chemical Application Management Plan

Winter Maintenance Plan

Personnel Training

Storm Sewer System Site Map

Extent of impervious area on site

Location of all outfalls (latitude and longitude)

Names of all waters that receive discharges from outfalls (directly or via other sewer systems)

Interconnections to any other sewer systems (private, MS4, combined sewer system)

Existing stormwater treatment structures and their contributing area (e.g., detention and retention basins, infiltration systems, bioretention areas, water quality swales, gross particle separators, oil/water separators, or other proprietary systems)

Open channel conveyances (swales, ditches, etc.)

Pipes, manholes, catch basins

Catchment delineations

Structural control measure locations



Annual Report

Starting 14 months after authorization
Submitted via NeT-Multiform in EPA's
CDX System

The screenshot shows the EPA Central Data Exchange (CDX) website. At the top, there is the EPA logo and the text "United States Environmental Protection Agency". Below this is a navigation menu with links for "Home", "About", "Recent Announcements", "Terms and Conditions", "FAQ", and "Help". The main header area features the "CDX Central Data Exchange" logo and a "Contact Us" link. A large image of a forest path is displayed on the left side of the page. On the right side, there is a "Log in to CDX" section with a "User ID" input field containing the text "brianmorrill" and a "Next" button. Below the login section, there are links for "Forgot your User ID?", "Warning Notice and Privacy Policy", and "Register with CDX". The main content area is titled "Welcome" and contains a paragraph of text: "Welcome to the Environmental Protection Agency (EPA) Central Data Exchange (CDX) - the Agency's electronic reporting site. The Central Data Exchange concept has been defined as a central point which supplements EPA reporting systems by performing new and existing functions for receiving legally acceptable data in various formats, including consolidated and integrated data." Below this is a section titled "Warning Notice and Privacy Policy" which contains a "Warning Notice" section. The "Warning Notice" section states: "In proceeding and accessing U.S. Government information and information systems, you acknowledge that you fully understand and consent to all of the following:" followed by a list of eight numbered items. The "Privacy Statement" section is partially visible at the bottom of the screenshot.

EPA United States Environmental Protection Agency

Home About Recent Announcements Terms and Conditions FAQ Help

CDX Central Data Exchange [Contact Us](#)

Log in to CDX

User ID
brianmorrill

Next

Forgot your User ID?
[Warning Notice and Privacy Policy](#)

[Register with CDX](#)

Welcome

Welcome to the Environmental Protection Agency (EPA) Central Data Exchange (CDX) - the Agency's electronic reporting site. The Central Data Exchange concept has been defined as a central point which supplements EPA reporting systems by performing new and existing functions for receiving legally acceptable data in various formats, including consolidated and integrated data.

Warning Notice and Privacy Policy

Warning Notice

In proceeding and accessing U.S. Government information and information systems, you acknowledge that you fully understand and consent to all of the following:

1. you are accessing U.S. Government information and information systems that are provided for official U.S. Government purposes only;
2. unauthorized access to or unauthorized use of U.S. Government information or information systems is subject to criminal, civil, administrative, or other lawful action;
3. the term U.S. Government information system includes systems operated on behalf of the U.S. Government;
4. you have no reasonable expectation of privacy regarding any communications or information used, transmitted, or stored on U.S. Government information systems;
5. at any time, the U.S. Government may for any lawful government purpose, without notice, monitor, intercept, search, and seize any authorized or unauthorized communication to or from U.S. Government information systems or information used or stored on U.S. Government information systems;
6. at any time, the U.S. Government may for any lawful government purpose, search and seize any authorized or unauthorized device, to include non-U.S. Government owned devices, that stores U.S. Government information;
7. any communications or information used, transmitted, or stored on U.S. Government information systems may be used or disclosed for any lawful government purpose, including but not limited to, administrative purposes, penetration testing, communication security monitoring, personnel misconduct measures, law enforcement, and counterintelligence inquiries; and
8. you may not process or store classified national security information on this computer system.

Privacy Statement



Public Comment Period

The public comment period deadline has been extended until March 17, 2025

Federal eRulemaking Portal: <https://www.regulations.gov/docket/EPA-R01-OW-2024-0492>

Email: R1.RDA@epa.gov, and include "Comments on the Preliminary Designation and/or Draft CII GP" in the subject line.

Mail: U.S. EPA Region 1, Water Division, Attn: Laura Schiffman, 5 Post Office Square, Suite 100, Mail Code 06-4, Boston, Massachusetts 02109-3912. If comments are submitted in hard copy form, please also email a copy to R1.RDA@epa.gov

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