NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) GENERAL PERMITS
FOR DISCHARGES FROM POTABLE WATER TREATMENT FACILITIES

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NOTE: The general permits for discharges from Potable Water Treatment Facilities (PWTF and PWTFs) for the Commonwealth of Massachusetts and the State of New Hampshire are combined and are referred to herein as the general permit. Part 1 contains the general permit provisions for the Commonwealth of Massachusetts (including both Commonwealth and Indian Country lands); Part 2 contains the general permit provisions for the State of New Hampshire; and Parts 3 through 8 contain requirements which are common to both general permits.

Part 1 MASSACHUSETTS GENERAL PERMIT, Permit No. MAG640000

In compliance with the provisions of the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.) and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap. 21, sections 26-53), the following general permit authorizes discharges of wastewater from potable water treatment facilities (PWTF and PWTFs) in Massachusetts (including both Commonwealth and Indian Country lands) to all waters, unless otherwise restricted, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

PWTF treatment processes eligible for coverage under this general permit include clarification, coagulation, media filtration, membrane filtration (not including reverse osmosis), and disinfection. Discharges from other potable drinking water treatment processes may be included, if they are reported in the Notice of Intent (NOI) and attain the effluent limits and other conditions of this general permit.

Those discharges authorized by this general permit may be commingled with other discharges as long as the authorized discharge is monitored separately (prior to commingling) for compliance with the requirements of this general permit and any non-authorized discharge is either covered by another NPDES permit or excluded from requiring an NPDES permit by EPA regulation or statute.

The general permit shall become effective on the date of signature.

This general permit and the authorization to discharge supersedes the general permit issued on November 15, 2000, and will expire at midnight, 5 years from the last day of the month preceding the effective date.

Signed this 25 th day of September, 2009

_____/S/_____
Stephen S. Perkins, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency
Boston, MA 02114

_____/S/_____
Glenn Haas, Director
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Boston, MA 02108

1.1 Discharge Limits and Monitoring Requirements

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge wastewaters from potable water treatment facilities. Each outfall discharging such wastewaters shall be limited and monitored as specified below.

Effluent Characteristics		Discharge Limitations		Monitoring Requirements	
Parameter	Units	Avg. Monthly	Max Daily	Monitoring Frequency	Sample Type[2]
Flow[1]	MGD	Report	1.0	1/Week	Estimate or Totalizer
TSS	mg/l	30	50	1/Week	Composite
pH[3] (Class A and B)	std units	6.5-8.3 range[4, 5]		1/Week	Grab
pH[3] (Class SA and SB)	std units	6.5-8.5 range[4, 6]		1/Week	Grab
Total Residual Chlorine[7, 8]	ug/l	See Part 1.2.3		1/Week	Grab
Aluminum, Total Recoverable [9, 10]	ug/l	----	Report	1/Month	Composite
Arsenic, Total Recoverable[11]	ug/l	----	Report	1/Month	Composite
LC_{50} & NOEC	%	See Part 1.2.4			Composite

Footnotes:

1. Discharge flow is limited to the average monthly and maximum daily rates applied for in the NOI. The daily maximum flow rate allowed by this general permit shall be no greater than 1.0 MGD.

2. The composite samples shall consist of at least 4 grab samples collected at approximately equal intervals on a flow weighted basis during the time at which the discharge is entering the receiving water after the start of a backwash cycle. The timing of grab samples for pH and total residual chlorine shall correspond with the timing of composite sampling for the other parameters.

3. Requirement for State Certification.

4. There shall be no change from background conditions that would impair any uses assigned to the receiving water class. If addition of chemicals is required to achieve these pH limitations, such chemicals may be used, provided that they are identified either in the NOI or through subsequent communications with MassDEP and EPA. EPA, with MassDEP approval, may expand the pH range on a case-by-case basis when conditions warrant it (see Part 1.3.3).

5. The discharge shall not cause a change in pH of the receiving water more than 0.5 s.u. outside of the natural background conditions.

6. The discharge shall not cause a change in pH in the receiving water more than 0.2 s.u. outside of the natural background conditions.

7. Limits and monitoring for total residual chlorine are only required for discharges which has been previously chlorinated or which contains residual chlorine.

8. The minimum level (ML) for Total Residual Chlorine (TRC) is defined as 20 ug/l using EPA approved methods found in the most currently approved versions of Standard Methods for the Examination of Water and Wastewater: (1) Method 4500 CL-E; or (2) 4500 CL-G. One of these methods must be used to determine TRC. The ML is not the minimum level of detection, but rather the lowest point on the curve used to calibrate the test equipment for the pollutant of concern. If EPA approves a more sensitive method of analysis for TRC, the permit may be modified to require the use of the new method with a corresponding lower ML. Sample results at or below the ML shall be reported as zero on the discharge monitoring report.

9. Monitoring for total recoverable aluminum is only required for PWTFs that use an aluminum based coagulant.

10. The minimum level (ML) for analysis of Total Recoverable Aluminum shall be no greater than 20 µg/l. The ML is not the minimum level of detection, but rather the lowest point on the curve used to calibrate the test equipment for the pollutant of concern. Sample results at or below the ML shall be reported as zero on the discharge monitoring report.

11. Monitoring for Arsenic is only required when the PWTF is providing treatment to remove arsenic from the raw water source.

1.2. Other Requirements

1. Samples taken in compliance with the monitoring requirements specified above shall be taken at a location, and at consistent times of the month, that provide for representative analyses of the effluent just prior to discharge to the receiving water or, if the effluent is commingled with another discharge, prior to such commingling. Proposed sampling locations and times shall be provided in the NOI.

2. Any change in sampling locations provided in the NOI shall be reviewed and approved in writing by EPA and MassDEP. Any deviations from the sampling times provided in the NOI shall be documented in correspondence attached to the applicable discharge monitoring report (DMR) that is submitted to EPA. All samples shall be tested using the analytical methods found in 40 CFR Section 136 or alterative methods approved by EPA in accordance with the procedures in 40 CFR Section 136.

3. The total residual chlorine (TRC) monitoring and limits only apply to discharges of water which have been previously chlorinated or which contain residual chlorine. The maximum daily and average monthly concentrations of Total Residual Chlorine (TRC) allowed in the effluent are based on the appropriate water-quality criterion, which are listed below:

   - Freshwater acute (Class A or B) = 19 ug/l (0.019 mg/l); use for daily maximum
   - Freshwater chronic (Class A or B) = 11 ug/l (0.011 mg/l); use for average monthly
   - Marine acute (Class SA or SB) = 13 ug/l (0.013 mg/l); use for daily maximum
   - Marine chronic (Class SA or SB) = 7.5 ug/l (0.0075 mg/l); use for average monthly

   Effluent limits are calculated using the appropriate water quality criteria and the available dilution in the receiving water according to the following equation:

   Effluent Limit = (Dilution Factor) x (Water Quality Criteria)

   The daily maximum TRC limit shall be calculated using a dilution factor based on the daily maximum flow limit while the monthly average TRC limit shall be calculated using a dilution factor based on the monthly average flow limit. Dilution factor and mixing zone calculations must meet the Massachusetts Surface Water Quality Standards Implementation Policy for Mixing Zones (see Part III.I. of the Fact Sheet.) For discharges to freshwater streams, the dilution factor shall be calculated using the 7Q10 and the appropriate discharge rate from the facility (see Appendix VII.) For discharges to freshwater lakes and reservoirs and marine waters, the permittee may provide to EPA in the NOI a study or calculations in support of the applicable dilution factor. Prior to completing the NOI requirements for the PWTF GP, the State permitting authority must be contacted at the address listed in Appendix VI of the PWTF GP to determine and/or confirm the 7Q10 of the receiving water, dilution factor, other appropriate hydrologic conditions, or to request consideration of diffuser dilution. EPA will provide the permittee with the appropriately determined limits when notified of permit coverage.

   If the receiving water provides no available dilution, the acute and chronic criteria listed above shall be applied as the daily maximum and monthly average limits, respectively. If the appropriate water quality-based TRC limits are greater than 1.0 mg/l, a daily maximum limit of **1.0 mg/l** shall be applied to the discharge.

4. Chronic (and modified acute) toxicity test(s) shall be performed by the permittee upon request by EPA and/or MassDEP. Any testing shall be performed in accordance with EPA's toxicity protocol, a copy of which will be provided at the time of the request. Toxicity test protocols may be viewed at http://www.epa.gov/region1/npdes/epa_attach.html#epa. The test

shall be performed on a sample taken during normal facility operation. The results of the test (C-NOEC and LC_{50}) shall be forwarded to MassDEP and EPA no later than 30 days after completion of the test.

5. Any discharge that causes a violation of the water quality standards of the receiving waters is prohibited.

6. Any discharge of floating solids, foam, visible oil sheen, or settleable solids is prohibited.

7. The discharge shall not cause objectionable discoloration of the receiving water.

8. This permit does not allow the discharge of any water additives unless such additives are listed in the NOI. An exception to this requirement is allowed for additives not anticipated when the NOI was submitted, provided that the permittee notifies EPA and MassDEP within five (5) days of its use of the new additive. All water additives used by the facility, including those listed in the NOI, shall be listed in the BMP Plan as required by Part 9(e)(iv) of this General Permit. Examples of water additives include chemicals used for coagulation, pH neutralization, dechlorination, control of biological growth, and control of corrosion and scale in water pipes.

9. Best Management Practices (BMP) Plan

    a. The permittee shall develop, implement, and maintain a Best Management Practices (BMP) Plan designed to reduce or prevent the discharge of pollutants in wastewater to waters of the United States. The BMP Plan shall be a written document that is consistent with the terms of the permit and identifies and describes the BMPs employed by the facility in operating wastewater controls (see Part 9(d) below).

    b. The BMP Plan shall be completed or updated and certified by the permittee within **90 days after the date of signature on the EPA authorization letter for coverage under this general permit.** The permitee shall certify the BMP Plan has been prepared, that it meets the requirements of this permit, and that it reduces the pollutants discharged in wastewater to the extent practicable. The BMP Plan and certification shall be signed in accordance with the requirements identified in 40 CFR §122.22. A copy of the BMP Plan and certification shall be maintained at the facility and made available to EPA and MassDEP upon request.

    c. The permittee shall amend and update the BMP Plan within 14 days for any changes at the facility affecting the BMP Plan. Such changes may include, but are not limited to changes in the design, construction, operation, or maintenance of the facility, which have a significant effect on the potential for the discharge of pollutants to the waters of the United States. The amended BMP Plan shall be certified as described in Part 9(b) above.

    d. The permittee shall certify at least annually that the facility is in compliance with the BMP Plan. If the facility is not in compliance with any aspect of the BMP Plan, the annual certification shall state the non-compliance and the remedies which are being

undertaken. Such annual certifications also shall be signed in accordance with the requirements identified in 40 CFR §122.22. The permittee shall keep a copy of the current BMP Plan and all BMP Plan certifications (the initial certification, re-certifications, and annual certifications) signed during the effective period of this permit at the facility and shall make it available for inspection by EPA and MassDEP.

e. The BMP Plan shall include, at a minimum, the following items:

i. A description of the pollution control equipment and procedures used to minimize the discharge to surface waters of suspended solids, floating solids, foam, visible oil sheen, and settleable solids, in order to comply with the permit requirements.

ii. Preventative maintenance procedures for the pollution control equipment to ensure that equipment failures are avoided.

iii. A description of where the solid material removed is to be placed, stored, or disposed of as well as the techniques used to prevent the removed solids from re-entering the surface waters from any on-site storage. If the material is to be removed from the site, describe who receives the material and its method of disposal and/or reuse.

iv. A record of the following information for all water additives used at the facility, (Water additives include chemicals used for coagulation, pH neutralization, dechlorination, control of biological growth, control of corrosion and scale in water pipes, etc.):

- Product name, chemical formula, and manufacturer of the additive;
- Purpose or use of the additive;
- Material Safety Data Sheet (MSDS) and Chemical Abstracts Service (CAS) Registry number for each additive;
- The frequency (hourly, daily, etc.), duration (hours, days), quantity (maximum and average), and method of application for the additive;
- If available, the vendor's reported aquatic toxicity (NOAEL and/or LC50 in percent for aquatic organism(s)).

v. A program for minimizing the discharge of aluminum to surface waters, if it is used as a coagulant in the drinking water treatment process. The aluminum minimization program shall include, at a minimum:

(1) the specific procedures used to minimize the discharge of aluminum to surface waters while maintaining compliance with the Safe Drinking Water Act (SDWA) requirements, including 40 CFR §141.135, for removal of contaminants during treatment of raw water for drinking (e.g. baffles, filter press etc.); and,
(2) the procedures and schedules for removal of accumulated sludge from the filter backwash sedimentation basin or sludge treatment facility in order to maintain effective removal of solids prior to the wastewater discharge to surface waters.

vi. In addition, to the degree appropriate, based on monitoring levels of aluminum, the aluminum minimization program shall also include, to the maximum degree practicable:

(1) an examination of alternate procedures or improvements to current procedures that would increase the efficiency of solids or aluminum removal prior to the wastewater discharge to surface waters;
(2) an evaluation of using coagulants which do not contain aluminum; and,
(3) the procedures for handling Facility Wastes (Part 5.10.2.) outlined in the most current issuance of Chapter 5 of the MassDEP Guidelines for Public Water Systems.[1] To the extent the permittee determines any of the procedures are impracticable, the BMP plan should provide an evaluation and explanation to support this determination.

vii. A description of the training to be provided for employees to assure they understand the goals, objectives, and procedures of the BMP Plan, the requirements of the NPDES Permit, and their individual responsibilities for complying with the goals and objectives of the BMP Plan and the NPDES permit.

viii. Documentation of operational and preventive maintenance activities, equipment inspections, procedure audits, and personnel training. Also, records of the calculations done at the time of sampling must be maintained at the facility so that an inspector may verify that the sampling was properly conducted. All documentation of BMP Plan activities shall be kept at the facility for at least three years and provided to EPA or MassDEP upon request.

1.3 State Permit Conditions

1. This NPDES permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the MassDEP under federal and state law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MassDEP pursuant to M.G.L. Chap. 21, Section 43. Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of this permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared, invalid, illegal or otherwise issued in violation of state law such permit shall remain in full force and effect under federal law as an NPDES permit issued by the U.S. EPA. In the event this permit is declared invalid, illegal or otherwise issued in violation of federal law, this permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts.

[1] The Commonwealth of Massachusetts Department of Environmental Protection Bureau of Resource Protection Drinking Water Program, Guidelines and Policies for Public Water Supplies. <available on-line at http://www.mass.gov/dep/water/laws/policies.htm#dwguid>

2. At any time MassDEP determines that additional water quality certification requirements are necessary to protect water quality and in lieu of requiring a discharger covered under a general permit to obtain an individual permit (314 CMR 3.06(8)), MassDEP may require an individual discharger to undertake additional control measures, BMPs, or other actions. MassDEP may exercise its authority to require the discharger to take these actions by imposing a condition in the general permit to that effect, or by taking an enforcement action against the discharger, or by any other means. Any such conditions shall be supplied to the permittee in writing.

3. Applicants may request a waiver from the pH limits listed in Part 1.1 by conducting a study to show that the pH of the discharge will not cause or contribute to a violation of the pH range listed in the state water quality standards (see 314 CMR 4.05). After receiving approval from MassDEP, the permittee may submit a written request to the EPA requesting a change in the permitted pH limit range. Upon receipt of this information EPA may modify the pH limit range(s) via a certified letter to be sent to the permittee. Until written notice is received by certified mail from the EPA indicating the pH limit range has been changed, the permittee is required to meet the appropriate pH limit range listed in Part 1.1.

Part 2 NEW HAMPSHIRE GENERAL PERMIT, Permit No. NHG640000

In compliance with the provisions of the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.), the following general permit authorizes discharges of wastewater from potable water treatment facilities (PWTF and PWTFs) in New Hampshire to all waters, unless otherwise restricted, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. The State of New Hampshire does not allow discharges to Class A waters under this general permit.

PWTF treatment processes eligible for coverage under this general permit include clarification, coagulation, media filtration, membrane filtration (not including reverse osmosis), and disinfection. Discharges from other potable drinking water treatment processes may be included, if they are reported in the Notice of Intent (NOI) and attain the effluent limits and other conditions of this general permit.

Those discharges authorized by this general permit may be commingled with other discharges as long as the authorized discharge is monitored separately (prior to commingling) for compliance with the requirements of this general permit and any non-authorized discharge is either covered by another NPDES permit or excluded from requiring an NPDES permit by EPA regulation or statute.

The general permit shall become effective on the date of signature.

This general permit and the authorization to discharge supersedes the general permit issued on November 15, 2000, and will expire at midnight, 5 years from the last day of the month preceding the effective date.

Signed this 25h day of September, 2009

_____/S/_____
Stephen S. Perkins, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency
Boston, MA 02114

2.1 Discharge Limits and Monitoring Requirements

During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge wastewaters from potable water treatment facilities. Each outfall discharging such wastewaters shall be limited and monitored as specified below.

Effluent Characteristics		Discharge Limitations		Monitoring Requirements	
Parameter	Units	Avg. Monthly	Max Daily	Monitoring Frequency	Sample Type[2]
Flow[1]	MGD	Report	1.0	1/Week	Estimate or Totalizer
TSS	mg/l	30	50	1/Week	Composite
pH	std units	6.5-8.0 range[3]		1/Week	Grab
Total Residual Chlorine[4,5]	ug/l	See Part 2.2.3		1/Week	Grab
Aluminum, Total Recoverable[6,7]	ug/l	----	Report	1/Month	Composite
Arsenic, Total Recoverable[8]	ug/l	----	Report	1/Month	Composite
LC_{50} & NOEC	%	See Part 2.2.4			Composite

Footnotes:

1. Discharge flow is limited to the average monthly and maximum daily rates applied for in the NOI. The daily maximum flow allowed by this general permit rate shall be no greater than 1.0 MGD.

2. The composite samples shall consist of at least 4 grab samples collected at approximately equal intervals on a flow weighted basis during the time at which the discharge is entering the receiving water after the start of a backwash cycle. The timing of grab samples for pH and total residual chlorine shall correspond with the timing of composite sampling for the other parameters.

3. If addition of chemicals is required to achieve these pH limitations, such chemicals may be used, provided that they are identified either in the NOI or through subsequent communications with EPA and NHDES. The permittee may submit a written request to EPA requesting a change in the permitted pH range as described in Part 2.3.3 of this general permit.

4. Limits and monitoring for total residual chlorine are only required for discharges of water which has been previously chlorinated or which contains residual chlorine.

5. The minimum level (ML) for Total Residual Chlorine (TRC) is defined as 20 ug/l using EPA approved methods found in the most currently approved versions of Standard Methods for the Examination of Water and Wastewater: (1) Method 4500 CL-E; or (2) Method 4500 CL-G. One of these methods must be used to determine TRC. The ML is not the minimum level of detection, but rather the lowest point on the curve used to calibrate the test equipment for the pollutant of concern. If EPA approves a more sensitive method of analysis for TRC, the permit may be modified to require the use of the new method with a corresponding lower ML. Sample results at or below the ML shall be reported as zero on the discharge monitoring report.

6. Monitoring for total recoverable aluminum is only required for PWTFs that use an aluminum based coagulant.

7. The minimum level (ML) for analysis of Total Recoverable Aluminum shall be no greater than 20 µg/l. The ML is not the minimum level of detection, but rather the lowest point on the curve used to calibrate the test equipment for the pollutant of concern. Sample results at or below the ML shall be reported as zero on the discharge monitoring report.

8. Monitoring for Arsenic is only required when the PWTF is providing treatment to remove arsenic from the raw water source.

2.2. Other Requirements

1. Samples taken in compliance with the monitoring requirements specified above shall be taken at a location, and at consistent times of the month, that provide for representative analyses of the effluent just prior to discharge to the receiving water or, if the effluent is commingled with another discharge, prior to such commingling. Proposed sampling locations and times shall be provided in the NOI.

2. Any change in sampling locations provided in the NOI shall be reviewed and approved in writing by EPA and NHDES. Any deviations from the sampling times provided in the NOI shall be documented in correspondence attached to the applicable discharge monitoring report (DMR) that is submitted to EPA. All samples shall be tested using the analytical methods found in 40 CFR Section 136 or alterative methods approved by EPA in accordance with the procedures in 40 CFR Section 136.

3. The total residual chlorine (TRC) monitoring and limits only apply to discharges of water which have been previously chlorinated or which contain residual chlorine. The maximum daily and average monthly concentrations of Total Residual Chlorine (TRC) allowed in the effluent are based on the appropriate water-quality criterion, which are listed below:

    - Freshwater acute = 19 ug/l (0.019 mg/l); use for daily maximum
    - Freshwater chronic = 11 ug/l (0.011 mg/l); use for average monthly

- Marine acute = 13 ug/l (0.013 mg/l); use for daily maximum
- Marine chronic = 7.5 ug/l (0.0075 mg/l); use for average monthly

Effluent limits are calculated using the appropriate water quality criteria and the available dilution in the receiving water according to the following equation:

Effluent Limit = (Dilution Factor) x (Water Quality Criteria)

The daily maximum TRC limit shall be calculated using a dilution factor based on the daily maximum flow limit while the monthly average TRC limit shall be calculated using a dilution factor based on the monthly average flow limit. Dilution factor and mixing zone calculations must meet the New Hampshire State Water Quality Standards for Flow Standards and Mixing Zones at Env-Wq 1705 and 1707 (see Part III.I. of the Fact Sheet.) Specifically, New Hampshire requires a 10% reserve of the river's assimilative capacity according to Env-Wq 1705.01. For discharges to freshwater streams, the dilution factor shall be calculated using the 7Q10 and the discharge rate from the facility (see Appendix VII.) For discharges to freshwater lakes and reservoirs and marine waters, the permittee may provide to EPA in the NOI a study or calculations, which meets the state standards, in support of the applicable dilution factor. Prior to completing the NOI requirements for the PWTF GP, the State permitting authority must be contacted at the address listed in Appendix VI of the PWTF GP to determine and/or confirm the 7Q10 of the receiving water, dilution factor, other appropriate hydrologic conditions, or to request consideration of diffuser dilution. EPA will provide the permittee with the appropriately determined limits when notified of permit coverage.

If the receiving water provides no available dilution, the acute and chronic criteria listed above shall be applied as the daily maximum and monthly average limits, respectively. If the appropriate water quality-based TRC limits are greater than 1.0 mg/l, a daily maximum limit of **1.0 mg/l** shall be applied to the discharge.

4. Chronic (and modified acute) toxicity test(s) shall be performed by the permittee upon request by EPA and/or the NHDES. Any testing shall be performed in accordance with EPA's toxicity protocol, a copy of which will be provided at the time of the request. Toxicity test protocols may be viewed at http://www.epa.gov/region1/npdes/epa_attach.html#epa. The test shall be performed on a sample taken during normal facility operation. The results of the test (C-NOEC and LC_{50}) shall be forwarded to NHDES and EPA no later than 30 days after completion of the test.

5. Any discharge that causes a violation of the water quality standards of the receiving waters is prohibited.

6. Any discharge of floating solids, scum, foam, visible oil sheen, or settleable solids is prohibited.

7. The discharge shall not cause objectionable odor, taste, turbidity, or discoloration in the receiving water.

8. This permit does not allow the discharge of any water additives unless such additives are shown in the NOI. An exception to this requirement is allowed for additives not anticipated when the NOI was submitted, provided that the permittee notifies EPA and NHDES within five (5) days of its use of the new additive. All water additives used by the facility, including those listed in the NOI, shall be listed in the BMP Plan as described by Part 9(e)(iv) of the General Permit. Examples of water additives include chemicals used for coagulation, pH neutralization, dechlorination, control of biological growth, and control of corrosion and scale in water pipes.

9. Best Management Practices (BMP) Plan

   a. The permittee shall develop, implement, and maintain a Best Management Practices (BMP) Plan designed to reduce or prevent the discharge of pollutants in wastewater to waters of the United States. The BMP Plan shall be a written document that is consistent with the terms of the permit and identifies and describes the BMPs employed by the facility in operating wastewater controls (see Part 9(d) below).

   b. The BMP Plan shall be completed or updated and certified by the permittee within **90 days after the date of signature on the EPA authorization letter for coverage under this general permit.** The permitee shall certify the BMP Plan has been prepared, that it meets the requirements of this permit, and that it reduces the pollutants discharged in wastewater to the extent practicable. The BMP Plan and certification shall be signed in accordance with the requirements identified in 40 CFR §122.22. A copy of the BMP Plan and certification shall be maintained at the facility and made available to EPA and NHDES upon request.

   c. The permittee shall amend and update the BMP Plan within 14 days for any changes at the facility affecting the BMP Plan. Such changes may include, but are not limited to changes in the design, construction, operation, or maintenance of the facility, which have a significant effect on the potential for the discharge of pollutants to the waters of the United States. The amended BMP Plan shall be certified as described in Part 9(b) above.

   d. The permittee shall certify at least annually that the facility is in compliance with the BMP Plan. If the facility is not in compliance with any aspect of the BMP Plan, the annual certification shall state the non-compliance and the remedies which are being undertaken. Such annual certifications also shall be signed in accordance with the requirements identified in 40 CFR §122.22. The permittee shall keep a copy of the current BMP Plan and all BMP Plan certifications (the initial certification, re-certifications, and annual certifications) signed during the effective period of this permit at the facility and shall make it available for inspection by EPA and NHDES.

   e. The BMP Plan shall include, at a minimum, the following items:

i. A description of the pollution control equipment and procedures used to minimize the discharge to surface waters of suspended solids, floating solids, foam, visible oil sheen, and settleable solids, in order to comply with the permit requirements.

ii. Preventative maintenance procedures for the pollution control equipment to ensure that equipment failures are avoided.

iii. A description of where the solid material removed is to be placed, stored, or disposed of as well as the techniques used to prevent the removed solids from re-entering the surface waters from any on-site storage. If the material is to be removed from the site, describe who receives the material and its method of disposal and/or reuse.

iv. A record of the following information for all water additives used at the facility, (Water additives include chemicals used for coagulation, pH neutralization, dechlorination, control of biological growth, control of corrosion and scale in water pipes, etc.):

- Product name, chemical formula, and manufacturer of the additive;
- Purpose or use of the additive;
- Material Safety Data Sheet (MSDS) and Chemical Abstracts Service (CAS) Registry number for each additive;
- The frequency (hourly, daily, etc.), duration (hours, days), quantity (maximum and average), and method of application for the additive;
- If available, the vendor's reported aquatic toxicity (NOAEL and/or LC50 in percent for aquatic organism(s)).

v. A program for minimizing the discharge of aluminum to surface waters, if it is used as a coagulant in the drinking water treatment process. The aluminum minimization program shall include, at a minimum:

(1) the specific procedures used to minimize the discharge of aluminum to surface waters while maintaining compliance with the Safe Drinking Water Act (SDWA) requirements, including 40 CFR §141.135, for removal of contaminants during treatment of raw water for drinking; and,
(2) the procedures and schedules for removal of accumulated sludge from the filter backwash sedimentation basin or sludge treatment facility in order to maintain effective removal of solids prior to the wastewater discharge to surface waters.

vi. In addition, to the degree appropriate, based on monitoring levels of aluminum, the aluminum minimization program shall also include, to the maximum extent practicable:

(1) an examination of alternate procedures or improvements to current procedures that would increase the efficiency of solids or aluminum removal prior to the wastewater discharge to surface waters;
(2) an evaluation of using coagulants which do not contain aluminum; and,

(3) procedures for handling facility wastes and the proper design for devices used to treat residuals. The New Hampshire Administrative Rules contain the proper design standards for Large Public Water Systems at Env-Ws 374. This regulation adopts by reference the most current edition of "Recommended Standards for Water Works," committee report of the Great Lakes - Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.

vii. A description of the training to be provided for employees to assure they understand the goals, objectives, and procedures of the BMP Plan, the requirements of the NPDES Permit, and their individual responsibilities for complying with the goals and objectives of the BMP Plan and the NPDES permit.

viii. Documentation of operational and preventive maintenance activities, equipment inspections, procedure audits, and personnel training. Also, records of the calculations done at the time of sampling must be maintained at the facility so that an inspector may verify that the sampling was properly conducted. All documentation of BMP Plan activities shall be kept at the facility for at least three years and provided to EPA or NHDES upon request.

2.3 State Permit Conditions

1. This NPDES permit is issued by the EPA under Federal law. Upon final issuance by the EPA, the NHDES may adopt this permit, including all terms and conditions, as a State permit pursuant to RSA 485-A:13. Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of the permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension or revocation.

2 The permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality classification or interfere with the uses assigned to said water by the New Hampshire Legislature (RSA 485-A:12).

3 The pH range of 6.5-8.0 standard units (s.u.) must be achieved in the final effluent unless the permittee can demonstrate to NHDES-WD: (1) that the range should be widened due to naturally occurring conditions in the receiving water or (2) that the naturally occurring receiving water pH is not significantly altered by the permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES-WD. In no case, shall the above procedure result in pH limits outside of the range of 6.0 to 9.0 s.u..

After receiving approval from NHDES-WD, the permittee may submit a written request to the EPA requesting a change in the permitted pH limit range for this facility. The permittee's written request must include a copy of the State's approval letter for such a change. The State's letter shall state that the permittee has demonstrated to the State's satisfaction that as

long as discharges to the receiving water from a specific outfall are within a specific numeric pH range the naturally occurring receiving water pH will be unaltered. That letter must specify the associated numeric pH limit range. Upon receipt of this information EPA may modify the pH limit range(s) via a certified letter to be sent to the permittee. Until written notice is received by certified mail from the EPA indicating the pH limit range has been changed, the permittee is required to meet the appropriate pH limit range listed in Part 2.1.

4. At any time NHDES determines that additional water quality certification requirements are necessary to protect water quality and in lieu of requiring a discharger covered under a general permit to obtain an individual permit, NHDES may require an individual discharger to undertake additional control measures, BMPs, or other actions. NHDES may exercise its authority to require the discharger to take these actions by imposing a condition in the general permit to that effect, or by taking an enforcement action against the discharger, or by any other means. Any such conditions shall be supplied to the permittee in writing.

NOTE: THE FOLLOWING SECTIONS (PART 3 THROUGH PART 8) ARE COMMON ELEMENTS FOR BOTH THE MASSACHUSETTS AND NEW HAMPSHIRE GENERAL PERMITS.

Part 3 Applicability and Coverage of Potable Water Treatment Facility General Permit

3.1 Subject Discharges

The permittee is authorized to discharge wastewater from potable water treatment facilities in Massachusetts and New Hampshire. The treatment processes covered by this GP include:

- Clarification,
- Coagulation,
- Media Filtration,
- Membrane filtration (not including reverse osmosis), and
- Disinfection.

Discharges from other potable drinking water treatment processes may be included if they are reported in the notice of intent (NOI) and attain the effluent limits and other conditions of this permit.

3.2 Geographic Coverage Area:

1. *Massachusetts*: Facilities authorized by the Massachusetts General Permit (permit number MAG640000) for discharges in the Commonwealth of Massachusetts may discharge into all waters of the Commonwealth and Indian Country lands, except as provided in Item 3.3, immediately below, unless otherwise restricted by the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 (or as revised).

2. *New Hampshire*: Facilities authorized by the New Hampshire General Permit (permit number NHG640000) may discharge into all waters of the State, except as provided in Item

3.3, immediately below, unless otherwise restricted by the State Water Quality Standards, New Hampshire RSA 485-A:8 (or as revised) and the New Hampshire Code of Administrative Rules, Chapter Env-Wq 1700 (or as revised).

3.3 Specific Discharges Excluded from Coverage

The following discharges are excluded from coverage under this general permit:

1. Discharges to Outstanding Resource Waters in New Hampshire as defined under Env-Wq 1708.05(a), unless allowed by the New Hampshire Department of Environmental Services (NHDES) under Env-Wq 1708.05(b).

2. Discharges to Class A waters in New Hampshire, in accordance with RSA 485A:8, I. and Env-Wq 1708.06. To determine if the proposed receiving water is a Class A waterbody and the applicability of this exclusion, contact the NHDES at the address listed in Part 5 of this permit.

3. Discharges to areas designated as containing threatened or endangered species or critical habitat of such species under the Endangered Species Act (ESA), unless the requirements specified in this permit are fulfilled. Procedures for determining whether this exclusion applies to a PWTF and additional information on the ESA are found in **Appendices I and II.**

4. Discharges that contain pollutants which are included in the States' published 303(d) lists of "non-attainment" segments of receiving waters in the Commonwealth of Massachusetts and the State of New Hampshire, as defined by the CWA and approved by EPA, unless the discharge will not contribute to any non-attainment.

5. Discharges to a Publicly-Owned Treatment Works (POTW) which is permitted under Section 402 of the CWA (NPDES).

6. Discharges to Ocean Sanctuaries in Massachusetts, as defined at 302 CMR 5.00.

7. Discharges to territorial seas, as defined by Section 502 of the CWA.

8. Discharges which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act of 1966, 16 USC Sections 470 et seq. Procedures for determining whether this exclusion applies to a PWTF and additional information on Historic Preservation are found in **Appendix III.**

9. Discharges which are inconsistent with the State Coastal Zone Management Program.

10. Any new or increased discharge which is inconsistent with the State Antidegradation Policy.

11. "New Source" dischargers, as defined in 40 CFR § 122.2.

12. Facilities which are designed to remove Radium or other radioactive substances from raw water sources to comply with drinking water standards.

13. Discharges for which the Director makes a determination that an individual permit is required (see Part 4.5).

3.4 Limitations on Coverage

Facilities located in Massachusetts and New Hampshire that are seeking coverage under this General Permit must certify compliance with the requirements of this permit related to threatened and endangered species and critical habitat under the Endangered Species Act and to historic properties under the National Historical Preservation Act, where applicable.

1. *Endangered and Threatened Species and/or Critical Habitat*[2]*:* Prior to submitting a Notice of Intent (NOI), operators must demonstrate permit eligibility following the eligibility requirements described in **Appendix I.** PWTF discharges that are located in areas in which listed species may be present are not automatically covered under this general permit. The most recent Endangered and Threatened Species County-Species List is referenced in **Appendix II** and found on the US Fish and Wildlife website at http://www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation_Project_Review.htm. This demonstration shall be included in the NOI as described in **Appendices I and IV.**

   For applicants applying for permit coverage, there are four listed species of concern, namely the shortnose sturgeon, the dwarf wedge mussel, the bog turtle, and the northern redbelly cooter. The shortnose sturgeon is listed under the jurisdiction of the National Marine Fisheries Service and the dwarf wedgemussel the bog turtle, and the northern redbelly cooter are listed under the jurisdiction of the U.S. Fish and Wildlife Service.

2. *National Historic Preservation Act:* Facilities which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act of 1966, 16 USC Sections 470 et seq. are not authorized to discharge under this general permit. Applicants must determine whether their discharges have the potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places and, if the potential exists, the applicant must consult with the appropriate agencies prior to submittal of the NOI. Applicants are required to submit the results of any consultations with the NOI. Electronic listings of National and State Registers of Historic Places are maintained by the National Park Service (www.nr.nps.gov), the Massachusetts Historical Commission (www.sec.state.ma.us/mhc/mhcidx.htm) and the New Hampshire Division of Historical Resources (www.state.nh.us/nhdhr).

[2] There is currently only one area federally-designated as critical habitat in MA, i.e., for the Northern Redbelly Cooter in Plymouth County, MA, and none in NH.

Applicants must also comply with applicable State, Tribal and local laws concerning the protection of historic properties and places. Applicants must coordinate with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer and others regarding effects of their discharges on historic properties. Prior to submitting the NOI, the applicant must meet the requirements of **Appendix III**.

Part 4 Application and Notice of Intent (NOI)

4.1 Eligibility for Coverage

To be covered by this general permit, applicants must submit a Notice of Intent (NOI) to both EPA and the appropriate State. The NOI must state that the discharge meets the applicable requirements of the general permit and that the applicant is requesting coverage under this general permit. The facility's discharge will not be covered until the facility receives written authorization to discharge from EPA.

Facility owners/operators must submit a NOI if they are seeking coverage under this general permit for the first time or if the facility was covered under the PWTF GP which expired on November 15, 2005.

Any facility operating under an individual PWTF NPDES permit may request that the individual permit be terminated and that coverage under this general permit be granted, as outlined in 40 CFR Section 122.28(b)(3)(v). When coverage under the general permit is granted, the individual permit is automatically terminated.

4.2 NOI Options

The owner and/or operator of the facility is responsible for applying for the general permit as required by 40 CFR Section 122.21(b). To be covered by this general permit, operators of facilities whose discharge or discharges are identified in Part 3.1 of this permit must submit to EPA and the appropriate State a complete, signed NOI. For purposes of this general permit, the NOI consists of either the suggested NOI form in **Appendix IV** of this general permit or another form of official correspondence containing all of the information required in the NOI instructions in **Appendix IV**.

1. **Massachusetts facilities** must submit the following documents to the appropriate MassDEP offices, at the addresses listed in **Appendix VI**:

    a. a copy of the completed EPA-Suggested NOI Form found at **Appendix IV** and/or another form of official correspondence containing the information required in the NOI instructions in **Appendix IV**; and

    b. the completed State transmittal form. Facilities that were covered under the Expired PWTF GP and had their coverage administratively continued do not have to submit a new transmittal form or pay the fee. Write the transmittal number from the 2005 application on the NOI form.

The transmittal form, instructions, and fee amount (if applicable) may be obtained through the MassDEP website at http://www.mass.gov/dep/water/approvals/surffms.htm. Click on "Surface Water Discharge," scroll down to BRP WM 13 to link to the Suggested EPA NOI form and instructions.

A copy of the transmittal form, a copy of the check (if applicable), and the NOI should be sent to Massachusetts Department of Environmental Protection, 627 Main Street, Worcester, MA 01608. A copy of the transmittal form and fee (if applicable) should be sent to MassDEP, P.O. Box 4062, Boston, MA 02111. Municipalities are fee-exempt, but should send a copy of the transmittal form to that address for project tracking purposes. Keep a copy of the transmittal form and a copy of the application package for your records.

2. The State of New Hampshire does not have a state application form. New Hampshire facilities must submit a copy of the completed EPA-Suggested NOI Form found at **Appendix IV** and/or another form of official correspondence containing the information required in the NOI instructions in **Appendix IV** to the appropriate NHDES offices, at the addresses listed in **Appendix VI**.

4.3 NOI Timeframes

1. *Proposed New Discharges:* Facilities with proposed new discharges that are seeking coverage under this general permit must submit an NOI to EPA and the respective State, post-marked at least 60 days prior to the commencement of discharge. In the case of a proposed new discharge to New Hampshire waters, additional lead time may be necessary (contact the NHDES at the addresses listed in Part 5 to determine whether additional lead time is necessary).

2. *Existing Permitted Discharges:* Facilities with existing coverage under the Expired PWTF GP that expired on November 15, 2005, and that wish to seek coverage under this general permit, must file an NOI to EPA and the respective State for coverage under this general permit within 90 days of the effective date of this permit. For enforcement purposes, failure to submit an NOI within 90 days of the effective date of this general permit for an existing permitted PWTF discharge will be considered to be discharging without a permit. An NOI is not required if the permittee submits a Notice of Termination (NOT – see Part 6.1 and **Appendix V**) of discharge before the 90-day time frame expires.

4.4 NOI Requirements

1. For each individual site, the request for coverage under this general permit must include all of the information indicated on the suggested Notice of Intent (NOI) form and follow the instructions included in **Appendix IV**.

2. The NOI must be signed by the owner and/or operator of the facility in accordance with the signatory requirements of 40 CFR Section 122.22.

3. Each applicant must submit a copy of the NOI to EPA and the appropriate State authority listed in **Appendix VI** of this permit.

4. EPA may request additional information or analytical data from the permittee when it is necessary to adequately review the NOI and evaluate the discharge.

5. The NOI for all applicants must include all laboratory results (minimum of five) of **total recoverable aluminum** taken within the six months prior to submitting the NOI. These samples shall be submitted as directed below.

    a. Facilities which have more than five (5) sampling results taken within the six months prior to submitting the NOI, shall submit **all** sampling results for total recoverable aluminum taken within the six months prior to submitting the NOI.
    b. Facilities which have less than five (5) sampling results taken within the six months prior to submitting the NOI, shall:

        1. Submit **all** existing sampling results for total recoverable aluminum taken within the six months prior to submitting the NOI.
        2. Collect additional samples at a minimum frequency of once (1) per week so that the total number of samples to comply with from Part 4.4.5(b) is five or more. The additional samples shall be composite samples consisting of four grab samples taken at approximately equal intervals on a flow weighted basis during the time at which the discharge is entering the receiving water after the start of a backwash cycle.
        3. If a facility is unable to supply a minimum of five (5) sampling results, then the permittee must provide an explanation as to why this is not possible as well as describe the measures that will be taken to minimize aluminum in the discharge.

    The results of the total recoverable aluminum samples will be used to determine eligibility for coverage by the PWTF GP. Eligibility will be based on a comparison with state water quality criteria and any available dilution. Facilities that are ineligible for coverage by the PWTF GP must apply for an individual permit (see Part 4.5).

4.5 When the Director May Require Application for an Individual NPDES Permit

1. The Director may require any person authorized by this general permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take such action. Instances where an individual permit may be required include, but are not limited to, the following:

    a. A determination under 40 CFR §122.28(b)(3);
    b. The discharge(s) is a significant contributor of pollution or causes a violation of State Water Quality Standards for the receiving water;
    c. The discharger is not in compliance with the conditions of this permit;
    d. A change has occurred in the availability of the demonstrated technology of practices for the control or abatement of pollutants applicable to the point source(s);

e. Effluent limitation guidelines are promulgated for the point source(s) covered by this permit;
f. A Water Quality Management Plan or Total Maximum Daily Load containing requirements applicable to such point source(s) is approved and inconsistent with this permit or with the conditions of EPA's authorization to discharge;
g. The point source(s) covered by this permit no longer:
   i. Involves the same or substantially similar types of operations;
   ii. Discharges the same types of wastes;
   iii. Requires the same effluent limitations or operating conditions;
   iv. Requires the same or similar monitoring; and/or,
h. In the opinion of the Director, the discharge is more appropriately controlled under an individual or alternate general permit.

2. If the Director requires that an individual permit be issued, the permittee will be notified in writing that an individual permit is required, and will be given a brief explanation of the reasons for this decision.

3. When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this general permit to that owner or operator is automatically terminated on the effective date of the individual permit.

4.6 When an Individual NPDES Permit May be Requested

Any operator may request to be excluded from the coverage of this general permit by applying for an individual permit. When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this general permit to that owner or operator is automatically terminated on the effective date of the individual permit.

4.7 EPA Determination of Coverage

Any applicant may request to be included under this general permit but the final authority rests with the EPA. Coverage under the PWTF GP will not be effective until EPA and the appropriate State have reviewed the NOI, made a determination that coverage under the PWTF GP is authorized, and provided the operator with a written notification of authorization. The effective date of coverage will be the date of signature of the authorization letter by the EPA. Any applicant who is denied coverage or who fails to submit to EPA and the appropriate State a NOI and/or fails to receive written notification of permit coverage from EPA is not authorized to discharge to receiving waters under the PWTF GP.

Part 5 Recordkeeping and Reporting Requirements

Monitoring results obtained during the previous month shall be summarized for each month and recorded on separate Discharge Monitoring Report Forms (DMRs). Facilities that do not discharge during a given month are required to record no discharge for that month on the DMR.

5.1 **All Facilities:** Signed and dated original DMRs, postmarked no later than the 15th day of the month following the completed reporting period, and all other reports required herein shall be submitted to EPA at:

U.S. Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, MA 02114-8127

5.2 **Massachusetts Facilities:** On a quarterly basis, monitoring results obtained during the previous 3 months must be summarized for each month and reported on separate Discharge Monitoring Report Forms (DMRs). The DMRs must be postmarked by the 15th day of January, April, July and October. The first report may include less than 3 months information.
Duplicate signed copies of all DMRs and reports required herein shall be submitted to the State at:

Massachusetts Department of Environmental Protection
Division of Watershed Management
627 Main Street, 2nd Floor
Worcester, MA 01608

Additionally, Massachusetts facilities must submit copies of all DMRs, but not reports, to the MassDEP Regional Office where the discharge occurs. The addresses of the Regional Offices are:

Massachusetts Department of Environmental Protection
Bureau of Resource Protection
Western Regional Office
436 Dwight Street
Springfield, MA 01103

Massachusetts Department of Environmental Protection
Bureau of Resource Protection
Southeastern Regional Office
20 Riverside Drive
Lakeville, MA 02347

Massachusetts Department of Environmental Protection
Bureau of Resource Protection
Northeastern Regional Office
205B Lowell Street
Wilmington, MA 01887

Massachusetts Department of Environmental Protection
Bureau of Resource Protection

Central Regional Office
627 Main Street
Worcester, MA 01608

5.3 New Hampshire Facilities: DMRs, postmarked no later than the 15th day of the month following the completed reporting period, and duplicate signed copies of all reports and notifications required herein shall be submitted to the State at:

New Hampshire Department of Environmental Services
Water Division, Wastewater Engineering Bureau
Permits Compliance Section
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Part 6 Administrative Requirements

6.1 Termination of Operations

Permittees shall notify EPA and the appropriate State agency in writing of the termination of the discharge(s) authorized under this general permit. The Notice of Termination (NOT) may be either the suggested NOT form in **Appendix V**, or any other form of official correspondence that incorporates all of the information required in **Appendix V**. Instructions for completing the NOT are contained in **Appendix V**. Signed and completed NOT forms and attachments must be submitted to EPA and the appropriate State agency at the addresses listed in **Appendix VI**.

6.2 Continuation of this General Permit after its Expiration

If the PWTF GP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act (5 U.S.C. 558(c)) and 40 CFR §122. 6 and remain in force and effect for discharges that were covered prior to expiration. After the expiration date of the PWTF GP, EPA cannot provide written authorization of coverage for new projects who submit an NOI to EPA until a replacement permit is issued. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earliest of:

a. Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
b. Your submittal of a Notice of Termination; or
c. Issuance or denial of an individual permit for the facility's discharges; or
d. A formal permit decision by EPA not to reissue this general permit, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

Part 7 Additional Permit Conditions Applicable to Specific States or Indian Country Lands: This section is reserved.

Part 8 Standard Conditions

8.1 General Requirements

1. Duty to Comply: The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405 (d) of the CWA 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.

The CWA provides that any person who violates Sections 30l, 302, 306, 307, 308, 3l8, or 405 of the CWA or any permit condition or limitation implementing any of such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Sections 402 (a)(3) or 402 (b)(8) of the CWA is subject to a civil penalty not to exceed $25,000 per day for each violation. Any person who negligently violates such requirements is subject to a fine of not less than $2,500 or more than $25,000 per day of violation, or by imprisonment for not more than l year, or both. Any person who knowingly violates such requirements is subject to a fine of not less than $5,000 or more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. Note: See 40 CFR §122.41(a)(2) for additional enforcement criteria.

Any person may be assessed an administrative penalty by the Administrator for violating Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

2. Permit Actions: This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty to Provide Information: The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit,

or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

4. Reopener Clause: The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

5. Oil and Hazardous Substance Liability: Nothing in this 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 Section 311 of the CWA, or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6. Property Rights: The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges. An authorization to discharge under this general permit, where the activity discharges to a municipal or private storm drain owned by another party, does not convey any rights or authorization to connect to that drain. If the storm sewer system is within an urbanized area, the applicant must notify the municipal separate storm sewer system (MS4) operator of the proposed discharge.

7. Confidentiality of Information: In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

Claims of confidentiality for the following information will be denied:

i) The name and address of any permit applicant or permittee;
ii) Permit applications, permits, and effluent data as defined in 40 CFR § 2.302(a)(2).

Information required by NPDES application forms provided by the Regional Administrator under § 122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

8. Duty to Reapply: If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. The permittee shall submit a new NOI at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

9. State Authorities: Nothing in Part 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

10. 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.

8.2 Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance : The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense: 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 this permit.

3. Duty to Mitigate: The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Bypass:

a. Definitions

1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations: The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs c and d of this section.

c. Notice

1) Anticipated bypass: If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

2) Unanticipated bypass: The permittee shall submit notice of an unanticipated bypass as required in Section 8.4.1.e. (Reporting Requirements, 24-hour notice and reporting).

d. Prohibition of bypass: Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2) 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 adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3) The permittee submitted notices as required in Paragraph c, above, of this section. The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed here.

5. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary non-compliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph 5.c (below) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence, that:

1) An upset occurred and that the permittee can identify the cause(s) of the upset;

2) The permitted facility was at the time being properly operated;
3) The permittee submitted notice of the upset as required in Section 8.4.1.e.; and
4) The permittee complied with any remedial measures required under 8.2.3 (duty to mitigate) above.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

8.3 Monitoring and Records

1. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), 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 this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application except for the information concerning storm water discharges which must be retained for a total of 6 years. This retention period may be extended by request of the Regional Administrator at any time.

c. Records of monitoring information shall include:

1) The date, exact place, and time of sampling or measurements;
2) The individual(s) who performed the sampling or measurements;
3) The date(s) analyses were performed;
4) The individual(s) who performed the analyses;
5) The analytical techniques or methods used; and
6) The results of such analyses.

d. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

e. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

2. Inspection and Entry: The permittee shall allow the Regional Administrator, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

8.4 Reporting Requirements

1. Reporting Requirements

a. Planned changes. The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § l22.29(b); or

2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § l22.42(a)(l).

b. Anticipated noncompliance. The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or an activity which may result in noncompliance with permit requirements.

c. Transfers. This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR § 122.61; in some cases, modification or revocation and reissuance is mandatory.)

d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) forms provided by or specified by the Regional Administrator.

2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR form specified by the Regional Administrator.

3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

e. Twenty-four hour reporting.

1) The permittee shall report any noncompliance 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 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance 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 noncompliance.

2) The following shall be included as information which must be reported within 24 hours under this paragraph.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g))

b. Any upset which exceeds any effluent limitation in the permit.

c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. See 40 CFR § 122.44(g))

3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph 8.4.1.e, above, if the oral report has been received within 24 hours.

f. Compliance Schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

g. Other noncompliance: The permittee shall report all instances of noncompliance not reported under Paragraphs 8.4.1.d., e and f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph 8.4.1.e above.

h. Other 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 Regional Administrator, it shall promptly submit such facts or information.

2. Signatory Requirement:

a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See 40 CFR § 122.22)

b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

3. Availability of Reports: Except for data determined to be confidential under Paragraph 8.1.7 of this Section, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

8.5 Other Conditions

1. Definitions for purposes of this permit are as follows.

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Applicable standards and limitations means all State, interstate, and Federal standards and limitations to which a "discharge" or a related activity is subject to, including water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices", and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of CWA.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in "approved States," including any approved modifications or revisions.

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average weekly discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Best Professional Judgment (BPJ) means a case-by-case determination of Best Practicable Treatment (BPT), Best Available Treatment (BAT) or other appropriate standard based on an evaluation of the available technology to achieve a particular pollutant reduction.

Composite Sample - A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportional to flow, or a sample continuously collected proportionally to flow over that same time period.

Continuous Discharge means a "discharge" which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or similar activities.

CWA or "The Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub.L. 96-483 and Pub.L. 97- 117; 33 U.S.C. §§ 1251 et seq.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the daily discharge is calculated as the average measurement of the pollutant over the day.

Director means the person authorized to sign NPDES permits by EPA and/or the State.

Discharge Monitoring Report Form (DMR) means the EPA standard national form, including any subsequent additions, revisions, or modifications, for the reporting of self-monitoring results by permittees. DMRs must be used by "approved States" as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to

substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Discharge of a pollutant means:

a) Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or

b) Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

Effluent limitation means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," the waters of the "contiguous zone," or the ocean.

Effluent limitations guideline means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise "effluent limitations."

EPA means the United States "Environmental Protection Agency."

Grab Sample means an individual sample collected in a period of less than 15 minutes.

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of CWA.

Maximum daily discharge limitation means the highest allowable "daily discharge."

Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal or sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under section 208 of CWA.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an "approved program."

New discharger means any building, structure, facility, or installation:

a) From which there is or may be a "discharge of pollutants";
b) That did not commence the "discharge of pollutants" at a particular "site" prior to August 13, 1979;
c) Which is not a "new source"; and
d) Which has never received a finally effective NPDES permit for discharges at that "site".

This definition includes an "indirect discharger" which commences discharging into "waters of the United States" after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a "site" for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a "site" under EPA's permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be an area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 CFR Sections §§ 125.122. (a)(1) through (10).
An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a "new discharger" only for the duration of its discharge in an area of biological concern.

New source means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

a) After promulgation of standards of performance under Section 306 of CWA which are applicable to such.

b) After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such a source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

NPDES means "National Pollutant Discharge Elimination System".

Noncontact Cooling Water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Owner or operator means the owner or operator of any "facility or activity" subject to regulation under the NPDES programs.

Permit means an authorization, license, or equivalent control document issued by EPA or an "approved State."

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

a) Sewage from vessels; or

b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Primary industry category means any industry category listed in the NRDC settlement agreement (Natural Resources Defense Council et al. v. Train, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D.D.C. 1979)); also listed in Appendix A of 40 CFR Part 122.

Privately owned treatment works means any device or system which is used (a) to treat waste from any facility whose operator is not the operator of the treatment works and (b) not a POTW.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly Owned Treatment Works (POTW) means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial waste of a liquid nature which is owned by a state or a municipality. This definition includes sewers, pipes or other conveyance only if they convey wastewater to a POTW providing treatment.

Regional Administrator means the Regional Administrator of EPA, New England, Boston, Massachusetts.

Secondary Industry Category means any industry category which is not a "primary industry category."

Section 313 water priority chemical means a chemical or chemical categories which are:

1) listed at 40 CFR § 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Re-authorization Act (SARA) of 1986);

2) present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and

3) satisfies at least one of the following criteria:

i. are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
ii. are listed as a hazardous substance pursuant to section 311(b) (2)(A) of the CWA at 40 CFR § 116.4; or
iii. are pollutants for which EPA has published acute or chronic water quality criteria.

Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Significant spills includes, but is not limited to, releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR §§ 110.10 and 117.21) or Section 102 of CERCLA (see 40 CFR §§ 302.4).

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands.

Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. (See 40 CFR Section 122.26(b)(14) for specifics of this definition.)

Time-weighted composite means a composite sample of a mixture of equal volume aliquots collected at a constant time interval.

Toxic pollutant means any pollutant listed as toxic in Appendix D of 40 CFR Part 122, under Section 307(a)(l) of the Clean Water Act.

Uncontaminated storm water is precipitation to which no pollutants have been added and has not come into direct contact with any raw material, intermediate product, waste product or finished product.

Waste pile means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

Waters of the United States means:

a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

b) All interstate waters, including interstate "wetlands."

c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

i. Which are used or could be used by interstate or foreign travelers for recreational or other purposes;
ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
iii. Which are used or could be used for industrial purposes by industries in interstate commerce;

d) All impoundments of waters otherwise defined as waters of the United States under this definition;

e) Tributaries of waters identified in paragraphs (a) (d) of this definition;

f) The territorial sea; and

g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)-(f) of this definition.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity (WET) is the total effect of an effluent measured directly with a toxicity test.

C-NOEC "Chronic (Long-term Exposure Test) – No Observed Effect Concentration" means the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specified time of observation.

A-NOEC "Acute (Short-term Exposure Test) – No Observed Effect Concentration" See C-NOEC definition above.

LC_{50} LC_{50} is the concentration of a sample that causes mortality of 50% of the test population at a specific time of observation. The LC_{50} = 100% is defined as a sample of undiluted effluent.

2. Abbreviations used in this permit are defined below:

cfs	cubic feet per second
BMP	best management practice
DMR	discharge monitoring report
MassDEP	Massachusetts Department of Environmental Protection
MGD	million gallons per day
mg/l	milligrams per liter
NHDES	New Hampshire Department of Environmental Services
NOI	Notice of Intent
NOT	Notice of Termination
pH	a measure of the hydrogen ion concentration
Temp. ^{o}C	temperature in degrees Centigrade
Temp. ^{o}F	temperature in degrees Fahrenheit
TRC	total residual chlorine
TSS	total suspended solids
ug/l	micrograms/liter