

**FINAL  
NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) GENERAL PERMITS  
FOR DEWATERING ACTIVITY DISCHARGES**

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MAG070000 and NHG070000  
DEWATERING GENERAL PERMIT

**Part 1 MASSACHUSETTS GENERAL PERMIT No. MAG070000**

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 permit authorizes discharges of uncontaminated water from construction dewatering intrusion and/or storm water accumulation which disturb less than one acre of land, and short and long term dewatering of foundation sumps. Such uncontaminated discharges are authorized in Massachusetts to all Class B and SB waters as designated in the Massachusetts Water Quality Standards, 314 CMR 4.00 et seq., unless otherwise restricted, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. Discharges into Class A or SA waters require review and approval by the Massachusetts Department of Environmental Protection (MassDEP).

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 and/or by the Commonwealth.

The General Permit shall become effective 30 days from the date of publication in the Federal Register.

This General Permit and the authorization to discharge supersede the previous Dewatering General Permit which expired on September 30, 2013. This General Permit will expire at midnight, 5 years from the effective date.

Signed this day 48<sup>th</sup> of October, 2015

~~UIUK P CVWTG'QP 'HNG~~.....  
Ken Moraff, Director  
Office of Ecosystem Protection  
U.S. Environmental Protection Agency  
Boston, MA 02109-3912

~~UIUK P CVWTG'QP 'HNG~~ \_\_\_\_\_  
David Ferris, Director  
Division of Watershed Management  
Department of Environmental  
Protection, Commonwealth of  
Massachusetts,  
Boston, MA 02108

## 1.1 Discharge Limits and Monitoring Requirements

1. During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge uncontaminated water from construction dewatering intrusion and/or storm water accumulation which disturb less than one acre of land, and short and long term dewatering of foundation sumps to the state's Class B and Class SB receiving waters. Discharges to Class A and Class SA waters are authorized upon review and approval by the MassDEP. Each outfall shall be limited and monitored as specified below.

Effluent Characteristic	Units	Discharge Limitations		Monitoring Requirements <sup>1</sup>	
		Avg. Monthly	Max Daily	Monitoring Frequency <sup>2</sup>	Sample Type
Flow <sup>3</sup>	MGD	Report	Report	1/Week	Actual or Estimated
TSS	mg/l	50	100	1/Week	Grab
Oil and Grease <sup>4</sup>	mg/l	-	15	1/Week	Grab
pH <sup>5</sup> (Class A and B)	s.u.	6.5 – 8.3 range <sup>6,7</sup>		1/Week	Grab
pH <sup>5</sup> (Class SA and SB)	s.u.	6.5 – 8.5 range <sup>6,8</sup>		1/Week	Grab
Total Residual Chlorine (TRC) (Class A and B) <sup>9</sup>	mg/l	See Part 1.2.7		1/Week	Grab
Total Residual Chlorine (TRC) (Class SA and SB) <sup>9</sup>	mg/l	See Part 1.2.7		1/Week	Grab
LC <sub>50</sub> & NOEC	%	See Part 1.2.8			24-hr Composite

Footnotes:

1. Samples shall be taken only when discharging and should be taken at a location that provides a representative analysis of the effluent just prior to discharge to the receiving water or if the effluent is commingled with another permitted discharge, prior to such commingling.
2.
  - a. Short-term discharges:
    - i. For discharges of twenty-four (24) hours or less, the permittee must take a minimum of one sample.
    - ii. For discharges lasting more than twenty-four (24) hours but less than one week, the permittee must take a minimum of three (3) representative effluent samples. At least one sample must be taken on the first day of discharge and one on the last day of discharge.

- iii. Samples must be analyzed with a 72-hour turnaround time in accordance with 40 CFR § 136 or by other methods allowed by this permit.
  - b. Long-term, (greater than a week) non-construction dewatering discharges (i.e. long term dewatering of foundation sumps): following four consecutive samples that are in compliance with permit requirements the permittee may reduce monitoring for all parameters to once (1) per month for the following six months, after six months if all the regulated parameters are below detection levels the applicant may request no monitoring for the duration of the permit term. Removal of monitoring is subject to the Director's approval.
3. The flow rate shall not exceed the maximum capacity of any treatment device.
  4. See Part 1.2.6.
  5. Requirement for State Certification.
  6. There shall be no change from background conditions that would impair any uses assigned to the receiving water class. MassDEP, with EPA concurrence, may expand the pH range to the federal standard of 6.0-9.0 s.u., on a case-by-case basis when conditions warrant it (Part 1.3).
  7. The discharge shall not be more than 0.5 s.u. outside of the background conditions.
  8. The discharge shall not be more than 0.2 s.u. outside of the background conditions.
  9. Sampling for total residual chlorine (TRC) is required only if the discharge(s) contain water from a municipal source.

## **1.2 Other Requirements**

1. The discharge shall not cause a violation of the water quality standards of the receiving water.
2. The discharge shall not cause an objectionable discoloration of the receiving water.
3. There shall be no discharge of visible foam or floating, suspended and/or settleable solids in concentrations or combinations that would impair any use assigned to the receiving water class.
4. All samples shall be tested using the analytical methods found in 40 CFR § 136 or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.
5. The permittee shall use any one or a combination of the following BMPs for construction dewatering discharges to ensure that the numeric and non-numeric effluent limits in Part 1 are met:

### Runoff Control

- Check Dams
- Grass-Lined Channels
- Permanent Slope Diversions
- Temporary Diversion Dikes

### Erosion Control

- Compost blankets
- Dust control
- Geotextiles
- Gradient terraces
- Mulching
- Riprap
- Seeding
- Sodding
- Soil Retention
- Soil Roughening
- Temporary Slope Drain
- Temporary Stream Crossings
- Wind Fences and Sand Fences

### Sediment Control

- Bag and/or Sand Filters
- Brush Barrier
- Compost Filter Berms and/or Socks
- Construction Entrances
- Dewatering Tanks
- Fiber Rolls
- Filter Berms
- Sediment Basins and/or Traps
- Sediment Filters and/or Chambers
- Rock Dams
- Silt Fences
- Storm Drain Inlet Protection
- Straw or Hay Bales
- Vegetated Buffers
- Weir Tanks

6. Sampling for oil and grease is required only if during a periodic inspection or at any other observation, the discharge or standing water contained at the facility prior to discharge indicates the presence of a visible sheen as defined in 40 CFR Part 110. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. You must also, within 7 calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies. Upon detection of a visible sheen, the discharge must stop immediately and the problem must be corrected. The use of dispersants to treat the sheen is prohibited. This permit does not allow for the addition of any chemicals to treat the sheen.

7. The maximum daily and average monthly concentration of Total Residual Chlorine (TRC) allowed in the effluent are based on the appropriate water-quality criterion and the available dilution in the receiving water. The appropriate water quality criteria are shown 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

If the discharge contains municipal water, the available dilution shall be determined using the equations found in Appendix VII. Both the dilution factor and applicable chlorine limits will be approved by EPA and MassDEP during review of the facility's NOI. The permittee will be provided with the appropriately determined limits when notified of permit coverage.

8. Whole effluent toxicity (WET) test(s) and/or a priority pollutant scan shall be performed on the discharge from dewatering activities 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 and a list of the pollutants to be sampled by a priority pollutant scan may be viewed at [http://www.epa.gov/region1/npdes/epa\\_attach.html#epa](http://www.epa.gov/region1/npdes/epa_attach.html#epa). The test shall be performed on a 24-hour composite sample taken during normal facility operation. The results of the test (C-NOEC and LC<sub>50</sub>) shall be forwarded to MassDEP and EPA no later than 30 days after completion of the test.
9. Excepting non-toxic chemicals used for pH neutralization and/or dechlorination, this General Permit prohibits the addition of toxic materials or chemicals to the discharge(s).

### **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 a 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.
2. MassDEP, with EPA concurrence, may expand the pH range to the federal standard 6.0-9.0 s.u., on a case-by-case basis when conditions warrant it. Applicants may request a waiver

from the pH limits listed in Part 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).

3. 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 MS4 operator of the proposed discharge.
4. 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.



**Part 2 NEW HAMPSHIRE GENERAL PERMIT, Permit No. NHG070000**

In compliance with the provisions of the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.), the following permit authorizes discharges of uncontaminated water from construction dewatering intrusion and/or storm water accumulation which disturb less than one acre of land, and short and long term dewatering of foundation sumps. Such uncontaminated discharges are authorized in New Hampshire to all Class B waters, unless otherwise restricted by State Water Quality Standards, New Hampshire RSA 485-A:8, 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.

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 and/or by the State.

The General Permit shall become effective 30 days from the date of publication in the Federal Register.

This General Permit and the authorization to discharge supersede the previous General Permit which expired on September 30, 2013. This General Permit will expire at midnight, 5 years from the effective date.

Signed this 48j "fay of"O ctej , 2015

/S/SIGNATURE ON FILE

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Ken Moraff, Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA 02109-3912

## 2.1 Discharge Limits and Monitoring Requirements

1. During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge uncontaminated water from construction dewatering intrusion and/or storm water accumulation which disturb less than one acre of land, and short and long term dewatering of foundation sumps to the State's Class B receiving waters. Discharges to Class A waters are not authorized by this General permit. Each outfall shall be limited and monitored as specified below.

Effluent Characteristic	Units	Discharge Limitations		Monitoring Requirements <sup>1</sup>	
		Avg. Monthly	Max Daily	Monitoring Frequency <sup>2</sup>	Sample Type
Flow <sup>3</sup>	MGD	Report	Report	1/Week	Actual or Estimated
TSS	mg/l	50	100	1/Week	Grab
Oil and Grease <sup>4</sup>	mg/l	-	15	1/Week	Grab
pH	s.u.	6.5 – 8.0 range <sup>5</sup>		1/Week	Grab
Total Residual Chlorine (TRC) <sup>6</sup>	mg/l	See part 2.2.7		1/Week	Grab
LC <sub>50</sub> & NOEC	%	See Part 2.2.8			24-hr Composite

Footnotes:

1. Samples shall be taken only when discharging and should be taken at a location that provides a representative analysis of the effluent just prior to discharge to the receiving water or, if the effluent is commingled with another permitted discharge, prior to such commingling.
2.
  - a. Short-term discharges:
    - i. For discharges of twenty-four (24) hours or less, the permittee must take a minimum of one sample.
    - ii. For discharges lasting more than twenty-four (24) hours but less than one week, the permittee must take a minimum of three (3) representative effluent samples. At least one sample must be taken on the first day of discharge and one on the last day of discharge.
    - iii. Samples must be analyzed with a 72-hour turnaround time in accordance with 40 CFR§ 136 or by other methods allowed by this permit.
  - b. Long-term, (greater than a week) non-construction dewatering discharges: following four consecutive samples that are in compliance with permit requirements the permittee may

reduce monitoring for all parameters to once (1) per month for the following six months at the end of six months if all regulated parameters are below detection levels the applicant may apply for a total monitoring reduction for the duration of the permit term. A monitoring reduction is subject to the Director's approval.

3. The flow rate shall not exceed the maximum capacity of any treatment device.
4. See Part 2.2.6.
5. The pH shall be in the specified range or within 0.5 s.u. of the upstream receiving water pH in accordance with part 2.3 of this Permit.
6. Sampling for total residual chlorine (TRC) is required only if the discharge(s) contain water from a municipal source.

## **2.2 Other Requirements**

1. The discharge shall not cause a violation of the water quality standards of the receiving water.
2. The discharge shall not cause an objectionable discoloration of the receiving water.
3. There shall be no discharge of visible foam or floating, suspended and/or settleable solids in concentrations or combinations that would impair any use assigned to the receiving water class.
4. All samples shall be tested using the analytical methods found in 40 CFR §136 or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.
5. The permittee shall use any one or a combination of the following BMPs for construction dewatering discharges to ensure that the numeric and non-numeric effluent limits in Part 2 are met:

### Runoff Control

- Check Dams
- Grass-Lined Channels
- Permanent Slope Diversions
- Temporary Diversion Dikes

### Erosion Control

- Compost blankets
- Dust control
- Geotextiles
- Gradient terraces
- Mulching
- Riprap
- Seeding
- Sodding
- Soil Retention
- Soil Roughening
- Temporary Slope Drain
- Temporary Stream Crossings

- Wind Fences and Sand Fences

### Sediment Control

- Bag and/or Sand Filters
- Brush Barrier
- Compost Filter Berms and/or Socks
- Construction Entrances
- Dewatering Tanks
- Fiber Rolls
- Filter Berms
- Sediment Basins and/or Traps
- Sediment Filters and/or Chambers
- Rock Dams
- Silt Fences
- Storm Drain Inlet Protection
- Straw or Hay Bales
- Vegetated Buffers
- Weir Tanks

6. Sampling for oil and grease is required only if during a periodic inspection or at any other observation, the discharge or standing water contained at the facility prior to discharge indicates the presence of a visible sheen as defined in 40 CFR Part 110. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. You must also, within 7 calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies. Upon detection of a visible sheen, the discharge must stop immediately and the problem must be corrected. The use of dispersants to treat the sheen is prohibited. This permit does not allow for the addition of any chemicals to treat the sheen.

7. The maximum daily and average monthly concentration of Total Residual Chlorine (TRC) allowed in the effluent are based on the appropriate water-quality criterion and the available dilution in the receiving water. The appropriate water quality criteria are shown 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

If the discharge contains municipal water, the available dilution shall be determined using the equations found in Appendix VII of the Permit. Both the dilution factor and applicable chlorine limits will be approved by EPA and the New Hampshire Department of Environmental Services (NHDES) during review of the facility's NOI. The permittee will be provided with the appropriately determined limits when notified of permit coverage.

8. Whole effluent (WET) toxicity test (s) and/or priority pollutant scans shall be performed on the discharge from dewatering activities 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 and a list of the pollutants to be sampled by a priority pollutant scan may be viewed at [http://www.epa.gov/region1/npdes/epa\\_attach.html#epa](http://www.epa.gov/region1/npdes/epa_attach.html#epa). The test shall be performed on a 24-hour composite sample taken during normal facility operation. The results of the test (C-NOEC and LC<sub>50</sub>) shall be forwarded to the State and EPA within 30 days after completion.
9. Excepting non-toxic chemicals used for pH neutralization and/or dechlorination, this General Permit prohibits the addition of toxic materials or chemicals to the discharge(s).

### **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. 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 a NPDES Permit issued by the U.S. Environmental Protection Agency.
2. NHDES, with EPA concurrence, may expand the pH range to the federal standard 6.0-9.0 s.u., on a case-by-case basis when conditions warrant it. Applicants may request a waiver from the pH limits listed in Part 2 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 RSA 485A:8).
3. An authorization to discharge under this General Permit, where the activity discharges to 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 MS4 operator of the proposed discharge.
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 PARTS 3 THROUGH PART 7 ARE COMMON ELEMENTS FOR BOTH THE MASSACHUSETTS AND NEW HAMPSHIRE GENERAL PERMITS.**

**Part 3 Applicability and Coverage of Dewatering General Permit**

**3.1 Subject Discharges**

Under this general permit, owners and operators in Massachusetts and New Hampshire may be granted authorization to discharge into waters of the respective states. The following *uncontaminated* discharges are covered by this general permit:

1. Construction dewatering of groundwater intrusion and/or storm water accumulation from sites which disturb less than one acre of land and,
2. Short-term and long-term dewatering of foundation sumps.

For the purposes of this General Permit, “uncontaminated” discharges are those that contain only the pollutants regulated by this permit (See §1.1 and §2.1). The principal pollutant of concern associated with these discharges is total suspended solids (TSS). Exposure to soil, rock, and man-made material create the potential for TSS in each of these discharges. Oil and grease may also be present from the pumping systems used in these processes. In addition, total residual chlorine is typically present as a disinfectant in potable water prior to dechlorination and could be present in discharges originating from a municipal source.

**3.2 Geographic Coverage Area:**

1. Massachusetts: Massachusetts Dewatering General Permit (permit number MAG070000) for discharges in the Commonwealth of Massachusetts may discharge into Class B and SB waters and approved Class A and SA waters of the Commonwealth, except as provided in §3.3, below, unless otherwise restricted by the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 (or as revised), including 314 CMR 4.04(3) Protection of Outstanding Resource Waters.
2. New Hampshire: Facilities authorized by the New Hampshire Dewatering General Permit (permit number NHG070000) may discharge into Class B waters of the State of New Hampshire, except as provided in §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 Massachusetts and New Hampshire:*
  - a) as defined in Massachusetts by 314 CMR 4.06(3) 4.06(1)(d)2, including Public Water Supplies (314 CMR 4.06(1)(d)1) which have been designated by the state as Class A waters, unless a variance is granted by the Massachusetts Department of Environmental Protection (MassDEP) under 314 CMR 4.04(3)(b), or
  - b) as defined in New Hampshire under Env-Wq 1708.05(a), unless allowed by the New Hampshire Department of Environmental Services (NH DES) under Env-Wq 1708.05(b).
2. *Discharges to Areas of Critical Environmental Concern (ACEC) in Massachusetts* as defined by the Massachusetts Wetlands Protection Act c.131, § 40, unless a variance as allowed in the water quality standards is granted by the State. See Appendix I for a listing of ACEC's by city and town.
3. *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 water body, contact the NH DES at the address listed in Part 5.3 of this general permit.
4. *Discharges to a river designated as a Wild and Scenic River.* The Wildcat Brook and Lamprey River in New Hampshire and the Assabet, Concord, Sudbury, Taunton and Westfield Rivers in Massachusetts, have been designated as Wild and Scenic Rivers. See <http://www.rivers.gov/> for current National and/or State designations and additional information.)
5. *Discharges to designated areas under the Essential Fish Habitat Act (EFH)* unless the requirements specified in this permit are fulfilled. See Part IV.B., of the Fact Sheet and Appendix II for additional EFH information.
6. *Discharges that the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) determines may adversely affect the continued existence of any federally-listed endangered or threatened species or may adversely impact or destroy critical habitat of such species* are excluded for coverage under this General Permit unless the requirements specified in this permit are fulfilled. See part IV.C of the Fact Sheet and Appendix IV to the permit for additional ESA requirements.
7. Discharges to receiving water segments of pollutants identified as a cause of impairment on the Commonwealth of Massachusetts or the State of New Hampshire approved 303(d) lists, unless the pollutant is discharged at or below a concentration that meets water quality standards.
8. *Discharges of stormwater associated with construction sites which disturb greater than one acre of land.* These discharges, which are associated with small or large construction

sites as defined at 40 CFR 122.26 (b)(15) and 40 CFR 122.26(b)(14)(x), may be eligible for coverage under the Construction General Permit.

9. *Discharges of water supply or other well development or rehabilitation waste water* from the development or rehabilitation of monitoring wells at contaminated or formerly contaminated sites. These discharges should be covered by the Remediation and Miscellaneous Contaminated Sites General Permit (MAG910000 and NHG910000).
10. *Discharges to a Publicly-Owned Treatment Works (POTW)* which are permitted under Section 402 of the CWA (NPDES).
11. *“New Source” dischargers, as defined in 40 CFR §122.2.*
12. *Discharges of any commercial or industrial wastes to Ocean Sanctuaries* in Massachusetts as defined at 302 CMR 5.00
13. *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 §470 et seq. See Part IV.K., of the Fact Sheet and Appendix III for additional requirements.
14. *Discharges for which the Director makes a determination that an individual permit are 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.

In addition, for facilities located in Massachusetts, permit coverage for discharges to Areas of Critical Environmental Concern (ACEC), as defined by the Massachusetts Wetlands Protection Act c.131, §40, are contingent upon review and approval by EPA-New England and MassDEP. See Appendix I for a listing of ACEC’s by city and town in Massachusetts.

1. *Endangered and Threatened Species and/or Critical Habitat<sup>1</sup>*: Dewatering activity discharges that are located in areas in which listed species may be present are not automatically covered under this permit. Prior to submitting a Notice of Intent (NOI), operators must demonstrate permit eligibility following the eligibility requirements in Appendix IV. This determination shall be included in the NOI as described in Appendices IV.

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<sup>1</sup> 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.



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 § 470 et seq. are not authorized to discharge under this 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. Applicants are required to submit the results of any consultations with its NOI. Electronic listings of National and State Registers of Historic Places are maintained by the National Park Service ([www.nps.gov](http://www.nps.gov)), the Massachusetts Historical Commission ([www.sec.state.ma.us/mhc/mhcidx.htm](http://www.sec.state.ma.us/mhc/mhcidx.htm)) and the New Hampshire Historical Commission ([www.nh.gov/nhdhr/](http://www.nh.gov/nhdhr/)).

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

In the event there is an inadvertent discovery of a historic property on the site, the permittee must immediately stop the dewatering activity, contact EPA, and coordinate with the appropriate official(s) consistent with the steps outlined in 36 CFR § 800.13 of the National Historic Preservation Act regulations.

## **Part 4 Notice of Intent (NOI)**

### **4.1 Eligibility for Coverage**

To be covered by this 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. However, 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 received coverage under the Dewatering General Permit that expired on September 30, 2013.

Any facility operating under an effective (unexpired) individual dewatering activity NPDES permit may request that the individual permit be revoked and that coverage under the General Permit be granted, as outlined in 40 CFR § 122.28(b)(3)(v). If EPA revokes the individual permit, the General Permit would apply to the discharge. Facilities with expired dewatering activity individual permits that have been administratively continued in accordance with 40 CFR §122.6 may also apply for coverage under this General Permit. When coverage is granted, the expired individual permit will cease to be in effect.

### **4.2 NOI Options**

The operator of the facility is responsible for applying for the General Permit as required by 40 CFR § 122.2. 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 format in Appendix V of this permit or another format of official correspondence containing all of the information required in the NOI instructions in Appendix V of this permit.

1. The Commonwealth of Massachusetts does not have a state application form. Facilities located in Massachusetts are encouraged to submit EPA's suggested NOI format, found in EPA DGP Appendix V to MassDEP.
2. The State of New Hampshire does not have a state application form. Facilities located in New Hampshire are encouraged to submit EPA's suggested NOI format, found in the EPA DGP Appendix V, to NHDES.

#### **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 21 days prior to the commencement of discharge.
2. Existing Permitted Discharges: Facilities with existing coverage under the Dewatering General Permit that expired on September 30, 2013 that wish to seek coverage under this General Permit, must file a NOI to EPA and the respective State for coverage under this General Permit within 60 days of the effective date of this permit. For enforcement purposes, failure to submit a NOI within 60 days of the effective date of the General Permit for an existing permitted dewatering discharge will be considered to be discharging without a permit. A NOI is not required if the permittee submits a Notice of Termination (NOT – see Part 6.1 and Appendix VI) of discharge before the 60 day time frame expires.

#### **4.4 NOI Requirements**

1. For each individual site, the written notification must include all information indicated on the NOI format included in Appendix V. This information includes:
  - a. General facility information;
  - b. Discharge information;
  - c. Dewatering source water information;
  - d. Contaminant information;
  - e. Determination of Endangered Species Act eligibility;
  - f. Documentation of National Historic Preservation Act requirements;
  - g. Supplemental information and,
  - h. Signature requirements.

2. The NOI must be signed by the owner and/or operator of the facility in accordance with the signatory requirements of 40 CFR § 122.22.
3. Each applicant must submit a copy of the NOI to EPA and the appropriate State authority listed in Part 5.
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. If the discharge includes groundwater, the NOI must include the results of laboratory analyses of a representative sample of the effluent for the following parameters:

Antimony	Chromium	Chloride	
Arsenic	(Total)*	Iron	Silver*
Cadmium*	Chromium (VI)*	Mercury	Zinc*
pH	Copper*	Nickel*	Lead*

\* Hardness Dependent – sample of receiving water

The effluent sample shall be taken at a location that provides a representative analysis of the proposed discharge. For the effluent sample, to the extent practicable, the sample shall be taken just prior to discharge to the receiving water or, if the effluent is commingled with another permitted discharge, prior to such commingling. The instream sample for hardness shall be taken in the vicinity of the discharge but upstream or in a location unaffected by either the facility discharge or other facility activities that could affect water quality. All metals shall be reported as total recoverable.

All effluent samples, as well as the in-stream sample for hardness, shall be analyzed using the 40 CFR Part 136 approved test methods that will achieve the lowest available minimum levels (MLs) (See Appendix VIII).

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

1. The Director may require any person authorized by this 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 is in 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;
  - 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,
    - v. In the opinion of the Director, 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 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 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 General Permit will not be effective until EPA has reviewed the NOI, made a determination that coverage under the Dewatering General Permit is authorized, and has notified the operator in writing of its determination. The effective date of coverage will be the date of signature of the authorization letter by the EPA.

The sites authorized to discharge under the final Dewatering General Permit will receive written notification from EPA with State concurrence. Failure to submit to EPA a NOI to be covered and/or failure to receive from EPA written notification of permit coverage means that the facility is not authorized to discharge under this General Permit. Sites that are denied permit coverage by EPA are not authorized under this General Permit to discharge from those sites to the receiving waters.

### **Part 5 Recordkeeping and Reporting Requirements**

Results from sampling, monitoring, testing, and analysis obtained during the previous month shall be summarized for each month and recorded on separate Discharge Monitoring Report Form(s) that shall be kept on-site in a secured place. The reports should be readily available for

review at any time during the working hours by EPA and/or State officials. The permittee shall submit a summary of these results to the EPA and state addresses listed below, as appropriate, **IF**: 1) the results indicate that a violation of the effluent limitations of this permit has occurred, or 2) EPA or the State request such a report. In addition, all notifications and communications should be sent to both EPA and the appropriate State office at the following addresses:

### **5.1 EPA-New England**

U.S. Environmental Protection Agency  
Water Technical Unit (OES04-SMR)  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912

### **5.2 Massachusetts Facilities:**

1. Massachusetts facilities shall submit copies of all reports and communications to the state at:

Massachusetts Department of Environmental Protection  
Division of Watershed Management  
8 New Bond Street  
Worcester, MA 01606

### **5.3 New Hampshire Facilities:**

New Hampshire facilities shall submit copies of all reports and communications to the state at:

New Hampshire Department of Environmental Services  
Water Division, Wastewater Engineering Bureau  
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 within 30 days of the termination of the discharge(s) authorized under the General Permit. The Notice of Termination (NOT) may be either the suggested NOT format in Appendix VI, or any other format of official correspondence that incorporates all of the information required in Appendix VI. Instructions for completing the NOT are contained in Appendix VI. Signed and completed NOT forms and attachments must be submitted to EPA and the appropriate State agency at the addresses listed in Appendix VI Part B.

### **6.2 Continuation of this General Permit after its Expiration**

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and in effect as to any

particular permittee. However, once this General Permit expires, EPA cannot provide written authorization of coverage under this General Permit to any permittee who submits a NOI to EPA after the General Permit's expiration date. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

- a. Reissuance of this General Permit, at which time the permittee must comply with the NOI conditions of the new permit to maintain authorization to discharge;
- b. The permittee terminating coverage by submitting a Notice of Termination;
- c. Issuance of an individual permit for the permittee's discharges; or
- d. A formal decision by EPA not to reissue the general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

**Part 7 Additional Permit Conditions Applicable to Specific States:**

If required, this section is reserved and will be completed following the State certification process and the public notice period.