

What's New (Or Not) in Stormwater Permitting in Massachusetts?

Presented by:

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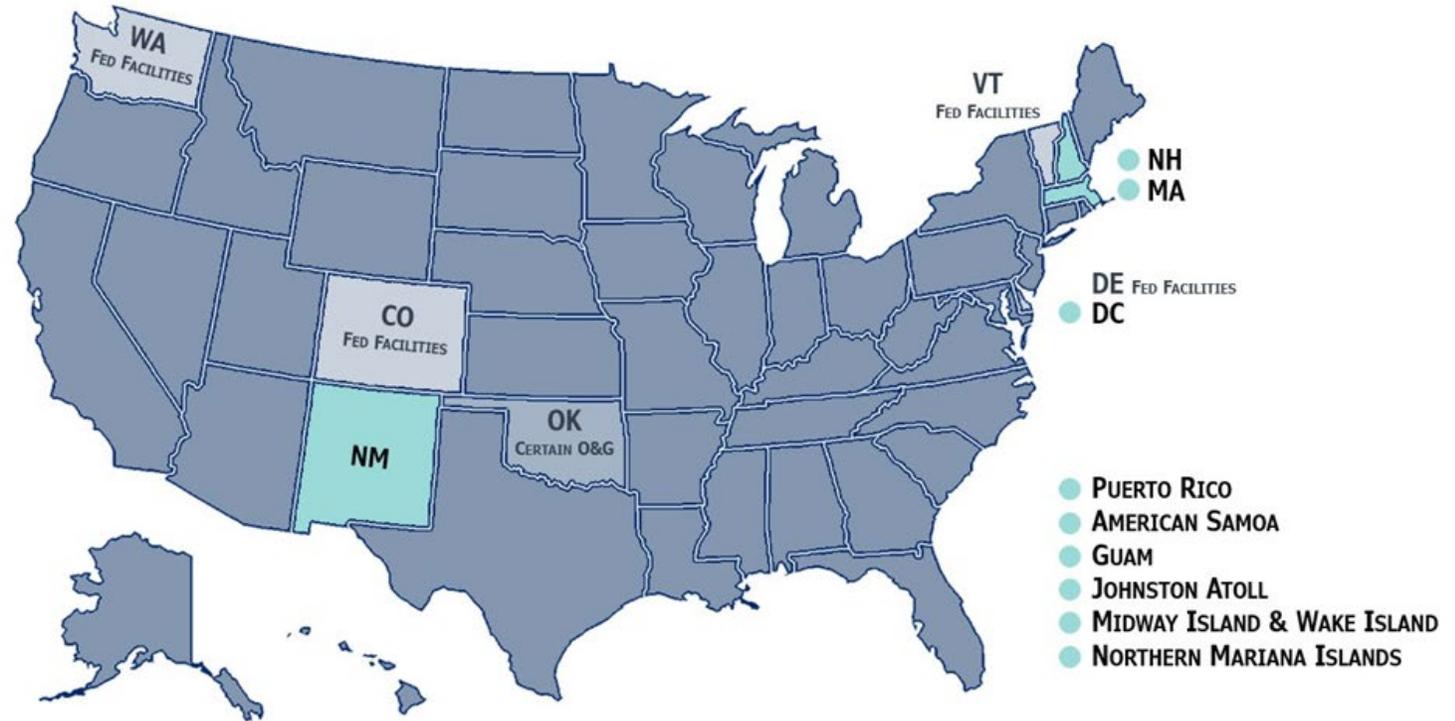
Multi-Sector General Permit

MSGP

Facilities within certain covered SIC Codes or specific categories

Discharge stormwater associated with industrial activity via a point source

Draft MSGP Issued on December 13, 2024, intended to replace existing 2021 MSGP





Significant Changes from 2021 MSGP

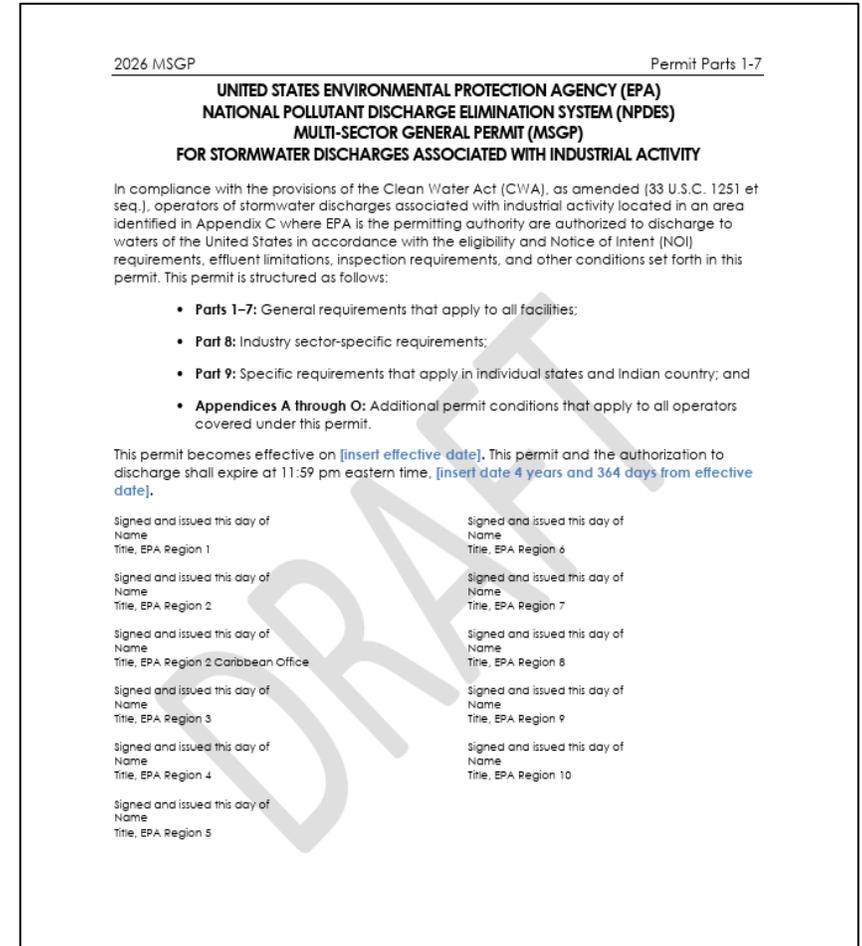
Water-Quality Based Effluent Limitations

PFAS Indicator Monitoring

Changes to Benchmark and Impaired Waters Monitoring

Additional Implementation Measures

Resilient Stormwater Control Design



PFAS Indicator Monitoring

Required for all sectors except:

- ✓ Sector E – Glass, Clay, Cement, Concrete and Gypsum Products
- ✓ Sector G – Metal Mining
- ✓ Sector H – Coal Mining
- ✓ Sector J – Mineral Mining and Dressing
- ✓ Sector O – Steam Electric Generating
- ✓ Sector Q – Water Transportation

40 PFAS compounds listed in EPA Method 1633

Quarterly throughout permit term

No threshold, report-only



Benchmark Monitoring

New schedule - quarterly for first three years of permit, can stop benchmark monitoring for remainder of permit term if annual average does not exceed benchmark threshold at any point (don't trigger AIM)

Shift from indicator to benchmark monitoring for some sectors – 11 subsectors previously required to do indicator monitoring had significant number of data points that would have exceeded benchmark thresholds



Impaired Waters Monitoring

Required for discharging to impaired waters with or without an approved TMDL

Quarterly for duration of permit term

If pollutant of concern is detected, or is outside acceptable range for a given parameter for the waterbody to meet its designated use, Additional Implementation Measure (Level 1) is triggered



Permit Status

The public comment period ended May 19, 2025

Federal eRulemaking Portal: <https://www.regulations.gov/docket/EPA-HQ-OW-2024-0481>

Still no action by EPA on the draft permit!

On Thursday January 29th, EPA sent email notices that the new MSGP will not be issued will not be issued before the expiration of the current MSGP, and that current permit will be administratively continued



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

What is EPA Proposing?

NPDES Permit No. MAG860000 2024 Draft CII General Permit

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

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

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

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

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

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

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

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

CII Properties

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



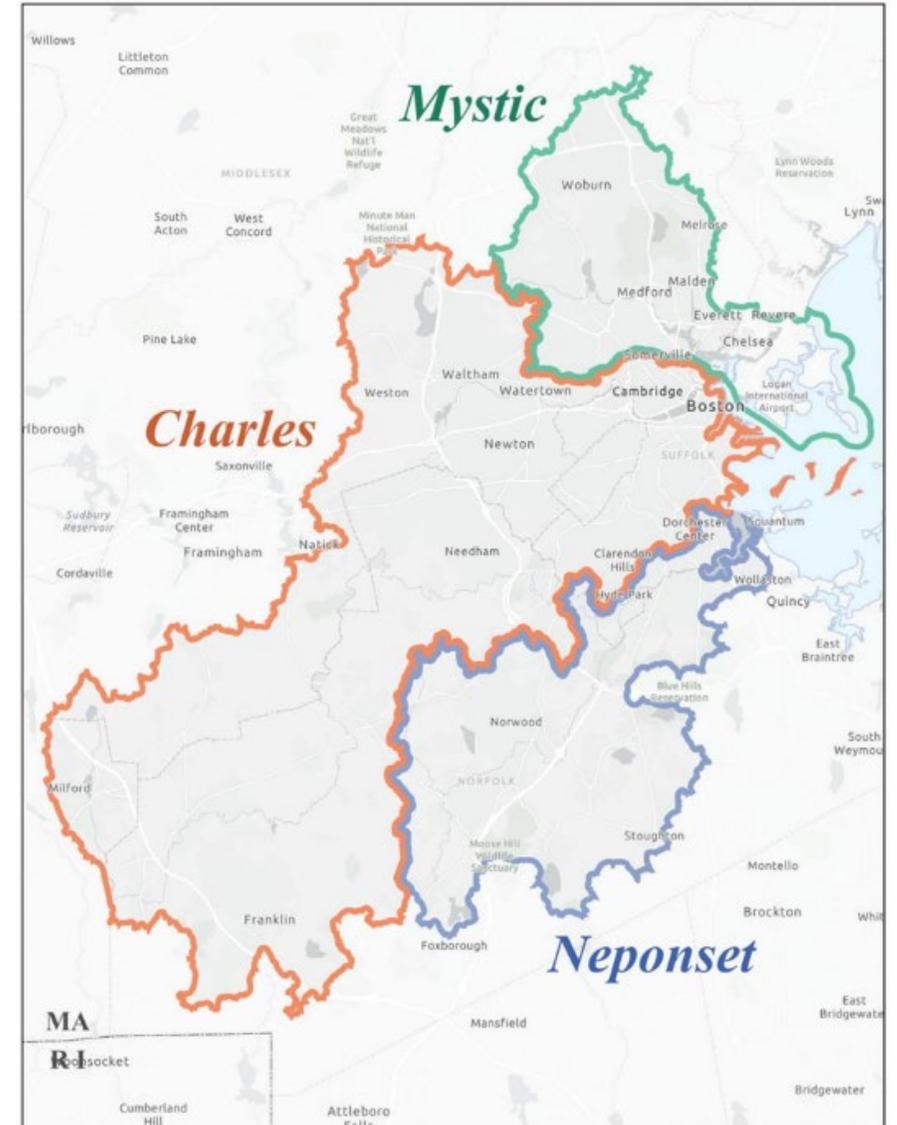
Communities Included

Charles River Watershed – 35

Mystic River Watershed – 21

Neponset River Watershed – 14

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



Phosphorous Reduction Goals

Charles River Watershed: 65%

Mystic River Watershed: 62%

Neponset River Watershed: 60%

No additional phosphorous load from the addition of new impervious cover



Pollutant Load Reduction Goal

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

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

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

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

Phosphorous Reduction Options

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

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

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

Permit Status

The public comment period closed on March 17, 2025

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

Still no action by EPA on the draft permit!

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