

Response to Public Comments
Reissuance of NPDES Permit No. MA0028941

North Station Railroad Terminal
135 Causeway Street
Boston, MA 02116

The U.S. Environmental Protection Agency's New England Region (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) are issuing a Final National Pollutant Discharge Elimination System (NPDES) Permit for the North Station Railroad Terminal (NSRT) located in Boston, Massachusetts to three (3) co-Permittees: Massachusetts Bay Transportation Authority (MBTA), Keolis Commuter Services, LLC (Keolis), and Delaware North Corporation (DNC). This permit is being issued under the Federal Clean Water Act (CWA), 33 U.S.C., §§ 1251 et. seq., and the Massachusetts Clean Water Act, M.G.L. Ch. 21, §§ 26-35.

In accordance with the provisions of 40 C.F.R. §124.17, this document presents EPA's responses to comments (RTC) received on the Draft NPDES Permit, #MA0028941, issued for NSRT. The RTC explains and supports EPA's determinations that form the basis of the Final Permit. From October 27, 2017 through November 25, 2017, EPA and MassDEP (together, the "Agencies") solicited public comments on the Draft Permit, which was developed to regulate the discharge of stormwater and various process waters from outfall serial number 001 to the Charles River in Boston, Massachusetts.

The co-Permittees MBTA and Keolis submitted comments on the Draft Permit that were dated November 27, 2017. These comments were considered timely as they were dated on the first business day after the close of the official comment period, which fell on a weekend day. In addition, all three co-Permittees submitted supplemental comments dated February 2, 2018 and the co-Permittee Keolis submitted supplemental comments dated April 9, 2018. Since these two sets of supplemental comments were submitted after the close of the comment period, they have not been reproduced in this response to comments document. However, EPA did review these supplemental comments. The first set of supplemental comments included a table titled "Proposed Responsibilities for co-Permittees on Major Permit Requirements for North Station". The second set of supplemental comments included a detailed description of the procedures required to conduct an annual cleaning of the site's storm sewer lines and appurtenances.

For this Final Permit, the Agencies have opted to consider these supplemental comments. Below, the responses of the Agencies indicate when supplemental comments were considered and when the suggested revised permit language describing co-Permittee responsibilities has been adopted by the Agencies in the Final Permit.

Although EPA's decision-making process has benefited from the comments submitted, the information and arguments presented did not raise any substantial new questions concerning the permit. The Final Permit is substantially identical to the Draft Permit that was available for public comment, with the exception of the clarifications regarding co-Permittee responsibilities as well as other minor revisions based on other comments, which are described in the responses below. In addition, The Final Permit includes revised Part II Standard Conditions which have become available since the issuance of the Draft Permit. The April 2018 revisions to the Part II Standard Conditions do not contain significant changes from the January 2007 Part II Standard Conditions. The revisions include updates to provisions and definitions to be consistent with federal regulations and some reorganization for clarity.

The changes to the Final Permit from the Draft Permit are not considered changes warranting the Agencies to exercise their discretion to reopen the public comment period under 40 C.F.R. § 124.14(b), but rather are considered a logical outgrowth of the comments received.

Copies of the Final Permit may be obtained by writing or calling George Papadopoulos of EPA's Industrial Permits Branch (OEP 06-1), Office of Ecosystem Protection, 5 Post Office Square, Suite 100, Boston, MA 02109-3912; Telephone: (617) 918-1579.

Comments submitted jointly by Janis Kearney of Massachusetts Bay Transportation Authority (MBTA) and Clary Coutu of Keolis Commuter Services, LLC (Keolis):

Comment 1:

Page 1 of 18: Responsibility of co-Permittees

MBTA and Keolis request that the following statement be removed from the permit:

"The co-Permittee Delaware North Corporation is responsible only for the requirements of Part I.B of this Permit for the portions of the stormwater collection system that it owns or operates".

MBTA and Keolis recommend that the statement be revised to read: "The co-Permittees Massachusetts Bay Transportation Authority (MBTA) as owner of certain Parcels of land consisting of North Station and Commuter Rail facilities, Keolis Commuter Services, LLC. (Keolis) as operator of the Commuter Rail, and Delaware North Corporation (DNC) as owner of certain Parcels of land consisting of facilities and operations of TD Garden are responsible for the implementation of this Permit. Further, Delaware North Corporation is responsible for the implementation of best management practices (BMPs) to meet the requirements of Part I.A, B, D, and E of this Permit."

Operations of the DNC control approximately half of the total permitted drainage area and approximately half of the impervious surface of the permitted drainage area. Therefore, DNC is subject to requirements established in Part I. A, B, D, and E of this

Draft Permit and is responsible for implementing stormwater controls and best management practices to support permit requirements as further described in comments herein.

Response to Comment 1:

EPA has considered the suggestions of the co-Permittees regarding how the Permit should describe the allocation of co-Permittee responsibilities. First, the statement in the Draft Permit referring to the co-Permittee Delaware North, has been removed from the cover page of the Final Permit. In its place, instead of including a description of individual co-Permittee responsibilities, the cover page of the Final Permit states that each co-Permittee is responsible for complying with all Parts of the Final Permit, unless otherwise noted. Next, the Agencies considered each statement of responsibility within the Permit where a possible division of responsibilities among the co-Permittees is relevant. As a result, the following are changes made to the Final Permit. The phrases which specify permit responsibility are noted by the bolded text in the following, revised Parts of the Permit:

I.A.1 - EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Such discharges shall be limited and monitored by **all co-Permittees** as specified below. This language was requested by the co-Permittees in their original comments on the draft Permit which were submitted to the Agencies on November 27, 2017 as well as in their supplemental comments.

I.B. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

Two of the co-Permittees, MBTA and Keolis, shall continue to jointly implement a Stormwater Pollution Prevention Plan (SWPPP). A separate, **new, or revised** SWPPP shall be **implemented** by the third co-Permittee, Delaware North Corporation (DNC), for property under its control which drains to the oil/water separator and discharges to Outfall 001. This language change was different than that proposed by the co-Permittees in their original comments submittal.

I.B.6 - The Bacteria Reduction Report is to include the following information, **with the co-permittee DNC supporting the development and implementation of items I.B.6.c and d. for the portions of the site on which DNC conducts operations or controls.** This reflects the language change requested by the co-Permittees in their supplemental comments dated February 2, 2018.

I.C.2 - The Permittees (MBTA and Keolis) shall develop an outfall and stormwater drainage system screening and sampling program within one (1) year of the permit's effective date. This program shall include procedures for sample collection, use of field kits, and storage and conveyance of samples, including relevant hold times. **The co-Permittee DNC shall support this program for storm sewer lines under its control, such as those associated with the**

parking garage and parking lot catch basins. This reflects the language change requested by the co-Permittees in their supplemental comments dated February 2, 2018.

I.D. Source Identification and Reduction Plan (SIRP)

The Permittees (MBTA and Keolis) shall continue to implement the Source Identification and Reduction Plan (SIRP) that was required by the 2010 permit for the pollutants iron, magnesium, manganese, pathogenic bacteria, and COD. **The co-permittee DNC shall develop and implement its own, separate SIRP for these pollutants specific to areas of the site that it controls and on which it conducts activities, such as parking lot sweeping, implementation of deicing and snow management BMPs, and cleaning of storm sewer lines under DNC control. Each SIRP can be part of the respective co-Permittee's SWPPP.** This reflects the language change requested by the co-Permittees in their supplemental comments dated February 2, 2018.

I.E. Phosphorous Control Plan (PCP)

The Permittees shall develop and implement the following site-specific BMPs for phosphorus. **Two of the co-Permittees, MBTA and Keolis, shall develop a PCP for the portions of the site which they control or on which they conduct operations and Delaware North shall develop a PCP for the portions of the site which it controls or on which it conducts operations. All co-Permittees shall work collaboratively to develop their independent PCPs. The PCPs require the following.** This language reflects the language that was requested by the co-Permittees in their original comments on the draft Permit as well as in their supplemental comments dated February 2, 2018.

Comment 2:

Page 2 of 18: MassDOT Building

MBTA and Keolis request that references to the MassDOT building are deleted from the permit. The draft permit states that the authorized discharge includes treated stormwater runoff from “a Massachusetts Department of Transportation Building”. However, the revised permit renewal application documents submitted on June 30, 2015 stated that “the Massachusetts Highway Department building is not connected to the North Station stormwater drainage system, according to available historical documentation.” Also note that this building is not located on North Station or TD Garden property. (See also Comment 6.)

Response to Comment 2:

As shown in Fact Sheet Figure 2 that was provided by MBTA and Keolis, the drainage area does not include a MassDOT building, which had been identified in a previous version of this figure. Therefore, mention of the MassDOT building in Part I.A.1 of the Draft Permit has been removed from the Final Permit. The Fact Sheet is not being changed after the public comment period, but this response acknowledges that any mention of the MassDOT building in the Fact Sheet is no longer applicable to this facility.

Comment 3:

Page 2 of 18: Responsibility of co-Permittees

MBTA and Keolis request that each co-Permittee (MBTA, Keolis, and DNC) be specifically identified as responsible for meeting the requirements specified in the Effluent Monitoring Table of Part I. A.

The final sentence of A.1 reads: *“Such discharges shall be limited and monitored by the Permittees as specified below.”* MBTA and Keolis recommend that the statement be revised to read: “Such discharges shall be limited and monitored by all co-Permittees as specified below.”

Since stormwater of all co-Permittees comes together prior to being discharged at Outfall Serial Number 001, all co-Permittees are required to control and limit the discharge of pollutants.

Response to Comment 3:

This change has been made to the Final Permit, to reflect the requested description of co-Permittee responsibilities as discussed in the response to Comment 1.

Comment 4:

Effluent Monitoring Table, Page 3 of 18: Chronic C-NOEC

MBTA and Keolis request clarification. The draft permit text and Fact Sheet do not include chronic Whole Effluent Toxicity (WET) testing and it appears that NOAEL should be included in the table instead of Chronic C-NOEL. Footnote 9 of the Effluent Monitoring Table states that WET testing is to be conducted in accordance with Attachment A, *Freshwater Acute Toxicity Test Procedure and Protocol*. Section VII of this protocol includes reporting the “No Observed Acute Effect Level (NOAEL)”, but makes no reference to the “Chronic C-NOEC”, as stated in the draft permit’s table listing WET effluent characteristics to be reported.

Response to Comment 4:

The commenter is correct. The Draft Permit mistakenly required the reporting of the “Chronic C-NOEC” on Page 3. The Final Permit has been revised to change the requirement to report the Chronic-NOEC Level to a requirement to report the No Observed Acute Effect Level (NOAEL) as described in the acute WET testing protocol in Permit Attachment A.

Comment 5:

A. Footnote 9, Page 5 of 18: Submittal Deadline for Annual May WET Results:

MBTA and Keolis requests that the deadline described in Section V.K (Page 23 of 29) of the Fact Sheet be included in Footnote 9 in order to provide time to complete the *weather-dependent* WET sampling, analysis and laboratory report preparation. The current version of the Draft Permit is inconsistent with the submittal deadline for the WET sampling included in the Fact Sheet (Sec. V.K, p. 23). The draft permit requires WET test results to be submitted by the last day of the month following the completion of the test (i.e., June 30 for May testing). However, this submittal deadline described in Section V.K (Page 23 of 29) of the Fact Sheet states that “the test report for a May sampling event shall be submitted with the July DMR, which will be due no later than August 15”. It further states that “if the sampling event is delayed due to impracticability, the reporting date is also delayed by the same number of months.”

Additionally, please clarify whether the WET retest should be conducted only during the following calendar quarter, per the Fact Sheet. An inconsistency is noted regarding the timing of retesting in the event that the WET test indicates toxicity. The draft permit states that another WET test shall be conducted “no later than the end of the following calendar quarter”, while the Fact Sheet states that “another WET test would need to be conducted during the following calendar quarter.”

Response to Comment 5:

The language in footnote 9 on Page 6 of the Final Permit has been changed to require that the results of the May WET test be submitted with the July DMR, which is due by August 15th.

Regarding any WET retesting due to a violation of the LC50 limit of 100% or greater, this would be required any time during the following calendar quarter, which runs from July 1st to September 30th. Footnote 9 on Page 6 of the Final Permit has been revised to require the results of this retest to be submitted with the October DMR, which is due by November 15th. If the WET sampling cannot be conducted during the month of May, which falls in the calendar quarter ending June 30th, then a retest would be required during the next calendar quarter that runs from July 1st to September 30th as revised in footnote 9 on Page 6 of the Final Permit.

Comment 6:

Page 8 of 18: Chemicals Used at the Facility

Since product formulations can change, be discontinued over time, or may be unavailable at the time of procurement, MBTA and Keolis request that the permit reference a certain type, or class of product rather than specific Brand Name products (e.g., include the permitted use of potassium acetate-based or sodium chloride-based deicing compounds, and soy-based dry lubricant).

Further, MBTA and Keolis request that co-Permittees be permitted to use either potassium acetate-based or sodium chloride-based deicing compounds, as the stormwater from both areas eventually mixes and flows to the same outfall.

Response to Comment 6:

A sentence has been added to Part I.A.13 of the Final Permit to allow for co-Permittees to switch between different brand name products within certain classes, such as different brand name formulations of potassium acetate-based deicing compounds. In addition, a sentence has been added to allow for the co-Permittees to use either potassium acetate-based or sodium chloride-based deicing compounds.

Comment 7:

Page 8 of 18: Solid Waste and Refuse Activities at TD Garden

The draft permit states that storage and handling of solid waste and refuse associated with food service activities at TD Garden takes place in the site's northeast, ground-level loading/unloading area. Please clarify that this refers to the loading/unloading area inside the TD Garden building.

Response to Comment 7:

Part I.A.13.f of the Final Permit has been revised to clarify that the loading/unloading area is inside the TD Garden building.

Comment 8:

Page 8 of 18: 2,000-gallon Aboveground Storage Tank in MassDOT Building

This 2,000-gallon diesel fuel aboveground storage tank (AST) is located in the off-site MassDOT building and this building is not connected to the North Station stormwater drainage system, according to available historical documentation. Therefore, MBTA and Keolis requests that references to this tank and the MassDOT building be removed from the permit.

Response to Comment 8:

EPA acknowledges that this MassDOT AST is not connected to the North Station stormwater drainage system. Therefore, Part I.A.13.g., which references this AST, has been removed from the Final Permit.

Comment 9:

Introductory paragraph, Page 9 of 18: Stormwater Pollution Prevention Plan (SWPPP)
Section B Page 9 of the Draft Permit reads: *“Two of the Permittees, MBTA and Keolis shall continue to jointly implement a stormwater Pollution Prevention Plan (SWPPP). A separate SWPPP shall also be developed by the third co-Permittee, Delaware North Corporation (DNC), for property under its control which drains to the oil water separator and discharges to Outfall 001. Alternatively, DNC can adopt the portions of the Keolis/MBTA SWPPP that apply to its operations and discharges.”*

MBTA and Keolis request that the term “alternatively” and language in this section be replaced and recommend the following language: All co-Permittees shall develop SWPPPs in a collaborative effort to meet the required Permit standards that apply to their respective operations and discharges.

Response to Comment 9:

Although the Agencies have considered this comment, we have revised the introductory paragraph of Part I.B to read as described in the response to Comment 1, which differs from the co-Permittees’ requested language change.

Comment 10:

B.6, Page 11 of 18: Bacteria Reduction Report
MBTA and Keolis request that the last sentence of the first paragraph (Section B.6) be revised and recommend the following language: “By March 1 of each year, the Permittee shall submit as a DMR attachment a Bacteria Reduction Report, if an exceedance of the Massachusetts State Water Quality Standard for *E. Coli* (benchmark) is observed within the previous 12 months. The Bacteria Reduction Report is to include the following information...”

Response to Comment 10:

The Agencies agree with this change, and it has been made in the Final Permit.

Comment 11:

B.9, Page 12 of 18: *Weekly Inspection and Maintenance of Absorbent Pads and Oil/Water Separator*

MBTA and Keolis request that the current permit requirements be continued as established for the inspection and maintenance of absorbent pads and the oil/water separator. The draft permit includes a new requirement to conduct weekly inspection and maintenance of the absorbent pads and oil/water separator. However, under the current permit, absorbent pads located where locomotives park and the oil/water separator are inspected monthly and maintained (at a minimum) quarterly.

Since Keolis assumed operations of the Commuter Rail in July of 2014, there have been no violations of the oil and grease effluent limit. Therefore, Keolis requests that the current maintenance procedures and frequency be continued. The Fact Sheet (Sec. V.B, p. 14) states that the inspection frequency increase to weekly is “due to the occasional high levels of oil & grease resulting in permit violations.” Specifically, the Fact Sheet refers to five (5) violations of the 15 mg/L effluent limit (20 – 230 mg/L, Attachment 1: Discharge Monitoring Data, p. 3). All of these permit violations occurred from March 2011 to September 2013, prior to Keolis’ operation of North Station.

Response to Comment 11:

The Agencies do not believe that weekly inspection requirement of these areas is overly burdensome. More frequent inspections would serve to more quickly allow the co-Permittees to take appropriate action in the event of spills or other circumstances that could result in violations of permit limits or conditions. Therefore, the weekly inspection and maintenance requirement has been maintained in the Final Permit.

Comment 12:

Page 14 of 28: *Implementing the Source Identification and Reduction Plan (SIRP)*

Section D, page 14 of the Draft Permit reads: “*Permittees (MBTA and Keolis) shall continue to implement the Source Identification and Reduction Plan (SIRP) that was required by the 2010 permit for the pollutants iron, magnesium, manganese, pathogenic bacteria, and COD. The goal of the SIRP is to reduce to the maximum extent possible, the discharge of these pollutants from the facility*”. Since stormwater runoff from all co-Permittees co-mingle before discharging to Outfall 001, MBTA and Keolis request that language in the Draft Permit is revised and recommend the following language:

“All co-Permittees shall implement the Source Identification and Reduction Plan (SIRP) following the requirements established in the 2010 permit for pollutants iron, magnesium, manganese, pathogenic bacteria, and COD. The goal of the SIRP is to reduce, to the maximum extent possible, the discharge of these pollutants from the Facility. All co-Permittees shall incorporate within their SWPPPs the BMPs established in the SIRP to meet the requirements of discharge of these pollutants to the maximum extent possible as established in this Permit.”

Response to Comment 12:

Although the Agencies have considered this comment, we have revised the introductory paragraph of Part I.D to read as described in the response to Comment 1.

Comment 13:

D.2, Page 12 of 18: Annual Cleaning of Storm Sewer Lines and Appurtenances
MBTA and Keolis request that the requirement for Annual Cleaning of Storm Sewer Lines and Appurtenances (Sec. D.2, p.14) be reduced to a single cleaning to occur within one year of the effective date of the permit.

Under the current permit, the SIRP required a single cleaning of all storm sewer lines and appurtenances after the permit was authorized. The draft permit increases this requirement to “clean all storm sewer lines and appurtenances discharging to Outfall 001 on an annual basis, or more frequently if necessary. This includes the cleaning of pipes, culverts, catch basins, or other structures located along the entire alignment of the storm sewer system discharging to Outfall 001.”

Based on a review of the Fact Sheet and recent effluent data, the increased cleaning frequency is not warranted. The goal of the SIRP is to reduce the discharge of iron, magnesium, manganese, pathogenic bacteria, and COD. Data collected during the current permit term (March 2011 through March 2016) indicate that the discharge of these constituents have largely decreased or remained comparable to levels observed during the previous permit term (April 2004 through March 2009). Specifically, the Fact Sheet indicates:

- **Iron** (p. 19): “The current permit term’s iron concentrations have been reduced considerably”, from an average concentration of 1,162 mg/L during the previous permit to 1.74 mg/L. The average concentration of iron was decreased by approximately 99.8% from the previous to the current permit term.

- **Magnesium** (p. 19): “Significant reductions from the last permit term”, from an average concentration of 88,750 mg/L to 139 mg/L. The average concentration of magnesium was decreased by approximately 99.8% from the previous to the current permit term.
- **Manganese** (p. 20): “Significant reductions from the last permit term”, from an average concentration of 340 mg/L to 0.54 mg/L. The average concentration of manganese was decreased by approximately 99.8% from the previous to the current permit term.
- **COD** (p. 18): “The average and range of COD values over this period are similar to those evaluated during the development of the current permit” (generated between April 2004 through March 2009).

The draft permit addresses the minimization of bacteria discharges through the new SWPPP requirements. Specifically, the draft permit includes a new E. coli benchmark to trigger additional source identification, reduction and/or treatment to attempt to reduce the discharge level of E. coli. The draft permit also requires a one-time dry weather screening study to assess whether there are any illicit connections to the stormwater drainage system which could be a source of bacterial or other pollutants. The new SWPPP requirements as proposed in the draft permit are designed to achieve meaningful bacteria reduction.

As current data show that iron, magnesium, and manganese concentrations “have been reduced considerably” and that COD concentrations have remained similar to the previous permit term, and the draft permit requires the implementation of increased measures for bacteria control, an increased frequency of stormwater drainage system cleaning is not warranted. MBTA and Keolis request that this BMP be reduced to a single cleaning to occur within one (1) year of the effective date of the permit.

Response to Comment 13:

The Agencies have considered this comment and the supplemental comments dated April 9, 2018 from the co-Permittee Keolis which further describe the procedures required to conduct an annual cleaning of storm sewer lines and appurtenances. The Agencies have revised Part I.D.2 of the Final Permit to require a cleaning of the storm sewer lines within one (1) year of the effective date of the permit and to repeat such cleaning as necessary during the permit term, with a minimum frequency of once every five (5) years.

Comment 14:

E.2, Page 15 of 18: Development and Implementation of Separate PCPs

MBTA and Keolis request that the permit stipulates that co-Permittees MBTA/Keolis and TD Garden are responsible for preparing and implementing separate Phosphorous Control Plans (PCP) for the portions of the drainage area under their control.

MBTA/Keolis and Delaware North are responsible for controlling and operating separate areas of the permitted drainage area. For this reason, MBTA and Keolis request that the Permit establishes that two PCPs be jointly developed for submittal to EPA within 1.5 years of effective date of permit.

The total area covered by the NPDES Permit for the Facility is composed of separate Parcels of properties owned by MBTA (North Station) and operated by Keolis; and, other Parcels owned by DNC (TD Garden). The facility's total drainage area covered by the Permit is approximately 8.45 acres, of which impervious surface covers approximately 6.34 acres. The impervious portion of the drainage area is recognized as a major source of phosphorous contamination in stormwater discharge, per the Face Sheet (Section V. J., Page 20 of 29). Of the impervious surface area MBTA/Keolis own and operate approximately 48% and DNC approximately 52%. As a result, MBTA, Keolis and Delaware North should be considered at least equally responsible for controlling impacts to the drainage system that may result in phosphorous contamination in the discharge.

A successful plan will require development of BMPs that are unique to the distinct operations and will address site access and control issues that are present at separately operated portions of the drainage area. Requiring MBTA/Keolis and Delaware North to develop separate PCPs is consistent with the requirement for DNC to develop its own SWPPP.

Section E, page 15 of the Draft Permit reads: "*the Permittees shall develop and implement the following site-specific BMPs for phosphorus...*". The MBTA and Keolis request that this sentence be revised and recommend the following language: "All co-Permittees are responsible for preparing and implementing a Phosphorus Control Plan (PCP) for their distinct properties within the drainage area of the permitted Facility".

Response to Comment 14:

EPA acknowledges that MBTA/Keolis and Delaware North control distinct drainage areas associated with this site. Therefore, for the purposes of this Permit, MBTA and Keolis will be required to submit a PCP for the portions of the drainage area under their control or on which they conduct operations and Delaware North will be required to submit a PCP for the portions of the drainage area under its control or on which it conducts operations. All co-Permittees are expected to work collaboratively to develop their independent PCPs. Therefore, there are 2 PCPs that will be developed and implemented during this Permit, which will be subject to the schedule of required submittals that are described in Part I.E.3. The change in the Final Permit language in shown in the response to Comment 1.

Comment 15:

E.2, Page 15 of 18: Phosphorous Reduction

MBTA and Keolis request clarification regarding the 62% phosphorus reduction value. It is unclear whether the 62% reduction of phosphorus is intended as a “goal” or “limit”, as there appears to be some inconsistency between the Fact Sheet and the Permit. The Fact Sheet (Sec. V.E, p. 21, last paragraph) refers to the “phosphorus load reduction goal of 62%”. The Permit (Sec. I.E.2) says to “undertake to reduce” the average annual load by at least 62%, but it does not appear to specify that it is a limit.

Further, MBTA and Keolis request that the term “*by at least*” (Sec. I.E.2) be replaced and recommend the following language: “undertake to reduce the average annual baseline phosphorus load (calculated in Part E.1. above, using Attachment C) to the maximum extent possible by 62%.” The Facility is geographically constrained, built out, and occupied by continuous operations. An assessment following best engineering practices may result in suggesting the addition of structural BMP for phosphorus control and credits is likely infeasible.

Response to Comment 15:

EPA considers the 62% phosphorus loading reduction a permit limit, consistent with the requirements and assumptions of the Phosphorus TMDL. In light to the constraints of this site pointed out by the commenter, the PCP compliance schedule in Part I.E.3 of the Final Permit has been revised to allow for the submittal of the PCP Implementation Report within 5 years from the effective date of the Permit, instead of 4.5 years. Further, in the Final Permit the Agencies have allowed additional flexibility in attaining the phosphorous loading reductions required in the PCP by allowing credits from other MBTA properties under certain circumstances. This allowance in Part I.E.2 is as follows:

The Permittees may propose verifiable phosphorus load reductions from other facilities which they own or operate within the Lower Charles River watershed that are subject to the phosphorus TMDL to use as credits for load reductions in this PCP. If so, the phosphorus load reductions cannot be double counted for both facilities, must be calculated using Attachment C, must be verifiable, and must include clear responsibilities for continuous operation and maintenance requirements.

Comment 16:

F.1, Page 16 of 18: Submittal of Quarterly DMRs

MBTA and Keolis request clarification. The due date for submittal of quarterly DMRs is not specified. It is assumed that the quarterly DMRs due date continues to be the 15th day of the month following the end of the reporting month.

Response to Comment 16:

Monitoring results are required to be filed each month, electronically via the NetDMR system, no later than the 15th day of the month following the completed reporting period. For example, the monitoring results for August of 2018 would be due to be filed no later than September 15, 2018.

Comment 17:

Section I.A, Page 4 of 29: TD Garden Distinct from North Station

The Fact Sheet states that the North Station Railroad Terminal is also referred to as TD Garden, or the “Facility”. North Station and TD Garden operate different areas of the entire Facility covered by the Permit. Thus, we request that the Facility be defined as a combination of the North Station Railroad Terminal and TD Garden for clarity.

Response to Comment 17:

Although the Fact Sheet cannot be changed after the public comment period, EPA acknowledges for the record that this site is comprised of two distinct areas. MBTA and Keolis are responsible for portion of the site that includes the railroad tracks and commuter platforms (also referred to as the North Station Railroad Terminal), while Delaware North is responsible for the area encompassing mainly the roof of the TD Garden and associated service areas.

Comment 18:

Section I.A, Page 4 of 29: Add Second Supplemental Permit Renewal Application

The second supplemental permit renewal application, dated November 23, 2016, also should be referenced in the second paragraph of this section.

Response to Comment 18:

Although the Fact Sheet cannot be changed after the public comment period, the submittal of the supplemental renewal application dated November 23, 2016 is acknowledged for the record.

May 4, 2018