

NPDES Permit No. MA0003531

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”), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§ 26-53)

**Bird, Inc. d/b/a Certainteed Corporation**

is authorized to discharge from the facility located at

**1077 Pleasant Street  
Norwood, MA 02062**

to receiving water named

**Neponset River (MA73-01)  
Boston Harbor Watershed**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on the first day of the calendar month following 60 days after signature.

This permit expires at midnight, five years from the last day of the month preceding the effective date.

This permit supersedes the permit issued on September 20, 2005.

This permit consists of 20 pages in Part I including effluent limitations, monitoring requirements, 8 pages in Attachment A – Freshwater Acute Toxicity Test Procedure and Protocol (2011), and 25 pages in Part II, the Standard Conditions.

Signed this     day of

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Ken Moraff, Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Region 1  
Boston, MA

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David Ferris, Director  
Massachusetts Wastewater Management Program  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

**PART I**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date and lasting through the expiration date, the Permittee is authorized to discharge treated contact cooling water through **Outfall Serial Number 001** to the Neponset River. The discharge shall be limited and monitored by the Permittee as specified below:

Effluent Characteristic	Discharge Limitation		Monitoring Requirements <sup>1</sup>	
	Average Monthly	Maximum Daily	Measurement Frequency <sup>2</sup>	Sample Type <sup>3</sup>
Flow Rate <sup>4</sup>	0.04 MGD	Report MGD	Continuous	Meter
Total Flow <sup>4</sup>	Report MGal/Mo		When Discharging	Meter
Total Suspended Solids	40 mg/L and 46 lbs/day	70 mg/L and 68 lbs/day	Monthly	Grab
pH Range <sup>5,6</sup>	6.5-8.3 Standard Units		Weekly	Grab
Oil and Grease	-----	15 mg/L	Monthly	Grab
Temperature <sup>7</sup>	83° F	90° F	Weekly	Grab
Aluminum <sup>8</sup>	2.6 mg/L	Report mg/L	Weekly	Grab
Copper <sup>9</sup>	-----	Report mg/L	Monthly	Grab
Lead <sup>10</sup>	-----	Report mg/L	Monthly	Grab
Chlorine, Total Residual <sup>11</sup>	-----	Report mg/L	Monthly	Grab
<b>WHOLE EFFLUENT TOXICITY<sup>12,13,14</sup></b>				
LC <sub>50</sub>	Acute LC <sub>50</sub> ≥ 100%		2/Year	Grab
Hardness	-----	Report mg/L	2/Year	Grab
Total Residual Chlorine	-----	Report mg/L	2/Year	Grab
Alkalinity	-----	Report mg/L	2/Year	Grab
pH	-----	Report SU	2/Year	Grab
Specific Conductance	-----	Report µmhos/cm	2/Year	Grab
Total Solids	-----	Report mg/L	2/Year	Grab
Total Dissolved Solids	-----	Report mg/L	2/Year	Grab
Ammonia	-----	Report mg/L	2/Year	Grab
Total Organic Carbon	-----	Report mg/L	2/Year	Grab

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Cadmium	-----	Report mg/L	2/Year	Grab
Copper <sup>9</sup>	-----	Report mg/L	2/Year	Grab
Lead <sup>10</sup>	-----	Report mg/L	2/Year	Grab
Nickel	-----	Report mg/L	2/Year	Grab
Zinc	-----	Report mg/L	2/Year	Grab
Aluminum <sup>8</sup>	-----	Report mg/L	2/Year	Grab
Antimony	-----	Report mg/L	2/Year	Grab
Iron	-----	Report mg/L	2/Year	Grab
Manganese	-----	Report mg/L	2/Year	Grab
Chromium	-----	Report mg/L	2/Year	Grab
Calcium	-----	Report mg/L	2/Year	Grab
Magnesium	-----	Report mg/L	2/Year	Grab
Phosphorus	-----	Report mg/L	2/Year	Grab
<b>WHOLE EFFLUENT TOXICITY TEST, RECEIVING WATER CHEMICAL ANALYSIS<sup>15,16</sup></b>				
Hardness	-----	Report mg/L	2/Year	Grab
Alkalinity	-----	Report mg/L	2/Year	Grab
pH	-----	Report SU	2/Year	Grab
Specific Conductance	-----	Report µmhos/cm	2/Year	Grab
Ammonia	-----	Report mg/L	2/Year	Grab
Total Organic Carbon	-----	Report mg/L	2/Year	Grab
Cadmium	-----	Report mg/L	2/Year	Grab
Copper <sup>9</sup>	-----	Report mg/L	2/Year	Grab
Lead <sup>10</sup>	-----	Report mg/L	2/Year	Grab
Nickel	-----	Report mg/L	2/Year	Grab
Zinc	-----	Report mg/L	2/Year	Grab
Aluminum <sup>8</sup>	-----	Report mg/L	2/Year	Grab
Antimony	-----	Report mg/L	2/Year	Grab
Iron	-----	Report mg/L	2/Year	Grab
Manganese	-----	Report mg/L	2/Year	Grab
Chromium	-----	Report mg/L	2/Year	Grab
Calcium	-----	Report mg/L	2/Year	Grab
Magnesium	-----	Report mg/L	2/Year	Grab
Phosphorus	-----	Report mg/L	2/Year	Grab

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2. During the period beginning on the effective date and lasting through the expiration date, the Permittee is authorized to discharge treated contact process water, non-contact cooling water, boiler condensate, boiler blowdown, and stormwater through the cylindrical overflow structure to **Outfall Serial Number 002** to the Neponset River. The discharge shall be limited and monitored by the Permittee as specified below:

Effluent Characteristic	Discharge Limitation		Monitoring Requirements <sup>1</sup>	
	Average Monthly	Maximum Daily	Measurement Frequency <sup>2</sup>	Sample Type <sup>3</sup>
Flow Rate <sup>4</sup>	Report MGD	Report MGD	When Discharging	Estimate
Number of Events	Report		When Discharging	Count
pH Range <sup>5,6</sup>	6.5-8.3 Standard Units		Monthly	Grab
Total Suspended Solids	20 mg/L	30 mg/L	Monthly	Grab
<b>WHOLE EFFLUENT TOXICITY<sup>12,13,14</sup></b>				
LC <sub>50</sub>	Report %		2/Year	Grab
Hardness	-----	Report mg/L	2/Year	Grab
Total Residual Chlorine	-----	Report mg/L	2/Year	Grab
Alkalinity	-----	Report mg/L	2/Year	Grab
pH	-----	Report SU	2/Year	Grab
Specific Conductance	-----	Report µmhos/cm	2/Year	Grab
Total Solids	-----	Report mg/L	2/Year	Grab
Total Dissolved Solids	-----	Report mg/L	2/Year	Grab
Ammonia	-----	Report mg/L	2/Year	Grab
Total Organic Carbon	-----	Report mg/L	2/Year	Grab
Cadmium	-----	Report mg/L	2/Year	Grab
Copper <sup>9</sup>	-----	Report mg/L	2/Year	Grab
Lead <sup>10</sup>	-----	Report mg/L	2/Year	Grab
Nickel	-----	Report mg/L	2/Year	Grab
Zinc	-----	Report mg/L	2/Year	Grab
Aluminum <sup>8</sup>	-----	Report mg/L	2/Year	Grab
Antimony	-----	Report mg/L	2/Year	Grab
Iron	-----	Report mg/L	2/Year	Grab
Manganese	-----	Report mg/L	2/Year	Grab
Chromium	-----	Report mg/L	2/Year	Grab

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Calcium	-----	Report mg/L	2/Year	Grab
Magnesium	-----	Report mg/L	2/Year	Grab
Phosphorus	-----	Report mg/L	2/Year	Grab
WHOLE EFFLUENT TOXICITY TEST, RECEIVING WATER CHEMICAL ANALYSIS <sup>15,16</sup>				
Hardness	-----	Report mg/L	2/Year	Grab
Alkalinity	-----	Report mg/L	2/Year	Grab
pH	-----	Report SU	2/Year	Grab
Specific Conductance	-----	Report µmhos/cm	2/Year	Grab
Ammonia	-----	Report mg/L	2/Year	Grab
Total Organic Carbon	-----	Report mg/L	2/Year	Grab
Cadmium	-----	Report mg/L	2/Year	Grab
Copper <sup>9</sup>	-----	Report mg/L	2/Year	Grab
Lead <sup>10</sup>	-----	Report mg/L	2/Year	Grab
Nickel	-----	Report mg/L	2/Year	Grab
Zinc	-----	Report mg/L	2/Year	Grab
Aluminum <sup>8</sup>	-----	Report mg/L	2/Year	Grab
Antimony	-----	Report mg/L	2/Year	Grab
Iron	-----	Report mg/L	2/Year	Grab
Manganese	-----	Report mg/L	2/Year	Grab
Chromium	-----	Report mg/L	2/Year	Grab
Calcium	-----	Report mg/L	2/Year	Grab
Magnesium	-----	Report mg/L	2/Year	Grab
Phosphorus	-----	Report mg/L	2/Year	Grab

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3. During the period beginning on the effective date and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater through **Outfall Serial Number 003** to the Neponset River. The discharge shall be limited and monitored by the Permittee as specified below:

Effluent Characteristic	Discharge Limitation		Monitoring Requirements <sup>1</sup>	
	Average Monthly	Maximum Daily	Measurement Frequency <sup>2</sup>	Sample Type <sup>3</sup>
Flow Rate <sup>4</sup>	-----	20 gpm	When Discharging	Estimate
Total Flow <sup>4</sup>	Report MGal/Mo		When Discharging	Meter
Number of Events	-----	Report	Monthly	Count
pH Range <sup>5,6</sup>	6.5-8.3 Standard Units		Monthly	Grab
Total Suspended Solids	10 mg/L	15 mg/L	Monthly	Grab
Oil and Grease	-----	15 mg/L	Monthly	Grab
Ammonia	-----	Report mg/L	2/Year	Grab
Phosphorus	-----	Report mg/L	2/Year	Grab

4. During the period beginning on the effective date and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater during through **Outfall Serial Number 004** to the Neponset River. The discharge shall be limited and monitored by the Permittee as specified below:

Effluent Characteristic	Discharge Limitation		Monitoring Requirements <sup>1</sup>	
	Average Monthly	Maximum Daily	Measurement Frequency <sup>2</sup>	Sample Type <sup>3</sup>
Flow Rate <sup>4</sup>	-----	100 gpm	When Discharging	Estimate
Total Flow <sup>4</sup>	Report MGal/mo		When Discharging	Meter
Number of Events	-----	Report	Monthly	Count
pH Range <sup>5,6</sup>	6.5-8.3 Standard Units		Monthly	Grab
Total Suspended Solids	10 mg/L	15 mg/L	Monthly	Grab
Oil and Grease	-----	15 mg/L	Monthly	Grab
Ammonia	-----	Report mg/L	2/Year	Grab
Phosphorus	-----	Report mg/L	2/Year	Grab

**Footnotes for Parts I.A.1 through 4:**

<sup>1</sup>Sampling for effluent parameters shall be collected before the effluent mixes with any other waste stream or enters the Neponset River. Sampling for effluent parameters for Outfall 001 shall be conducted after treatment in the concrete settling pools. Sampling for effluent parameters for Outfall 002 shall be conducted after treatment in the detention pond at the cylindrical overflow structure, before the effluent mixes with stormwater from the municipal drainage system from Pleasant Street. Sampling for effluent parameters for Outfalls 003 and 004 shall be conducted after treatment in the oil/water separator before the effluent mixes with stormwater from other areas of the Facility. Only treated stormwater is permitted to be discharged through Outfall 003 and 004. All samples shall be tested in accordance with the procedures in 40 Code of Federal Regulations (CFR) §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Any changes in sampling location must be approved in writing by EPA and MassDEP.

<sup>2</sup>Sampling frequency of continuous is defined as sampling of the effluent once per hour. Sampling frequency of weekly is defined as the sampling of one discharge event during every week of each calendar month when discharge occurs. Monthly is defined as the sampling of one discharge event in each calendar month, when discharge occurs. 2/Year sampling shall be performed concurrently with the monthly monitoring event during January through June, inclusive, and July through December, inclusive. If no qualifying event occurs in those months, then the biannual sample shall be collected during the next discharge event. If no discharge occurs during a monitoring period, the Permittee shall follow the No Data Indicator Code guidelines found in the *NPDES Permit Program Instructions for the Discharge Monitoring Report Forms (DMRs)*, which may be found on the EPA Region 1 web site at <http://www.epa.gov/region1/enforcement/water/dmr.html>.

<sup>3</sup>Grab samples shall be taken during the first 15 minutes of the initiation of the discharge where practicable, but in no case later than within the first hour of discharge. If collection of sample(s) during the first 15 minutes of discharge is impracticable, the Permittee shall submit a description of why the collection of the sample(s) during the first 15 minutes was impracticable.

<sup>4</sup>The flow rate for Outfalls 001 and 002 is to be measured in the units of million gallons per day (MGD), and Outfalls 003 and 004 in gallons per minute (gpm). The flow rate for Outfalls 001, 003 and 004 shall be based upon flow meter results from an approved flow measuring device collected at the same time and on the same day each week. The Permittee shall report total flow recorded by the flow meters for Outfalls 001, 003 and 004 in the units of million gallons per month (MGal/mo). The flow rate for Outfall 002 shall be an estimate based upon the duration of discharge and volume of the detention pond and/or appurtenances.

<sup>5</sup>Requirement for State Certification.

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<sup>6</sup>The pH of the effluent shall be in the range of 6.5 to 8.3 standard units and not more than 0.5 standard units outside of the naturally occurring range. There shall be no change from natural background conditions that would impair any use assigned to the class of the receiving water.

<sup>7</sup>The temperature shall be collected for Outfall 001 at the same time and on the same day each week and in conjunction with flow rate, pH, and total recoverable aluminum measurements, above.

<sup>8</sup>The minimum level (ML) for total recoverable aluminum is defined as 20 µg/L using EPA approved methods found in 40 CFR §136. 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.

<sup>9</sup>Analysis must be completed for total recoverable copper using a detection limit for analysis equal to or lower than the hardness-based chronic criterion, 6 µg/L.

<sup>10</sup>Analysis must be completed for total recoverable lead using a detection limit for analysis equal to or lower than the hardness-based chronic criterion, 1.6 µg/L.

<sup>11</sup>The ML for Total Residual Chlorine (TRC) is defined as 20 µg/L using EPA approved methods found in 40 CFR §136. 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. When reporting sample data at or below the ML, see the latest EPA Region 1 *NPDES Permit Program Instructions for the Discharge Monitoring Report Forms (DMRs)* for guidance.

<sup>12</sup>The Permittee shall conduct acute whole effluent toxicity (WET) tests twice per year following the effective date of the permit. The Permittee shall test the daphnid, *Ceriodaphnia dubia*, only. Toxicity test samples shall be collected for Outfall 001 and Outfall 002 during January through June, inclusive, and July through December, inclusive. The test results shall be submitted by the last day of the month following the completion of the test. The tests must be performed in accordance with test procedures and protocols specified in Attachment A of this permit. Following one year of the effective date of the permit *and* two tests, if toxicity is not indicated in the effluent for Outfall 002, additional WET testing is not required for Outfall 002. This elimination in testing does not apply to Outfall 001.

<sup>13</sup>The LC<sub>50</sub> (Lethal Concentration 50 Percent) is the concentration of effluent which causes mortality to 50% of the test organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.

<sup>14</sup>For each WET test the Permittee shall report the concentrations of the parameters listed above found in the 100% effluent sample in Discharge Monitoring Reports (DMRs) submitted to EPA and MassDEP. All chemical parameter results must still be reported in the

appropriate toxicity report. These samples, taken in accordance with the WET testing requirements, may be used to satisfy weekly and/or monthly sampling requirements specified in the table above as long as the timing of sampling for the remaining parameters in Part I.A.1. coincides with the 2/year WET test sampling.

<sup>15</sup>The dilution water sample for the WET tests shall be collected from the Neponset River at a point immediately upstream of Outfall 001's zone of influence at a reasonably accessible location. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the Permittee shall either follow procedures outlined in Attachment A – Freshwater Acute Toxicity Test Procedure and Protocol, Section IV., DILUTION WATER in order to obtain an individual approval for use of an alternate dilution water, or the Permittee shall follow the Self-Implementing Alternative Dilution Water Guidance which may be used to obtain automatic approval of an alternate dilution water, including the appropriate species for use with that water. This guidance is found in Attachment G of *NPDES Program Instructions for the Discharge Monitoring Report Forms (DMRs)*, which may be found on the EPA Region I web site at <http://www.epa.gov/Region1/enforcementandassistance/dmr.html>. If this guidance is revoked, the Permittee shall revert to obtaining individual approval as outlined in Attachment A. Any modification or revocation of this guidance will be transmitted to the permittees. However, at any time, the Permittee may choose to contact EPA Region 1 directly using the approach outlined in Attachment A. For each WET test the Permittee shall report the concentrations of the parameters listed above in DMRs submitted to EPA and MassDEP.

<sup>16</sup>In conjunction with each WET test, the Permittee shall report the concentrations of hardness, alkalinity, pH, specific conductance, ammonia, total organic carbon, total recoverable cadmium, total recoverable copper, total recoverable lead, total recoverable nickel, total recoverable zinc, and total recoverable aluminum found in the 100% effluent and receiving water control (0% effluent) samples in DMRs submitted to EPA and MassDEP, noted above as Whole Effluent Toxicity and Whole Effluent Toxicity Test, Receiving Water Chemical Analysis, respectively. Even where alternate dilution water has been agreed upon, the results of the receiving water control (0% effluent) analyses must be reported. Total residual chlorine, total solids and total dissolved solids must also be reported for 100% effluent. The ML for analysis shall be no greater than the following: 0.2 µg/L for total recoverable cadmium, 0.5 µg/L for total recoverable copper, total recoverable lead, and total recoverable nickel, and 5 µg/L for total recoverable zinc. When a receiving water control (0% effluent) is collected for both Outfall 001 and 002, a single Receiving Water Chemical Analysis is sufficient. Samples of 100% effluent and receiving water control (0% effluent) shall also be collected for analysis of total recoverable antimony, total recoverable iron, total recoverable manganese, total recoverable chromium, total recoverable calcium, total recoverable magnesium, and total phosphorus. Samples shall be collected as grab samples.

**PART I.A. (continued)**

5. The discharge shall not cause a violation of the Massachusetts water quality standards for the receiving waters.
6. The effluent shall not impart taste, turbidity, toxicity, radioactivity, or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their use.
7. The effluent shall not cause objectionable discoloration of the receiving water.
8. The effluent shall contain neither a visible oil sheen, foam, nor floating or settleable solids at any time.
9. The effluent shall not contain materials in concentrations or in combinations which are hazardous or toxic to aquatic life or which would impair the uses designated by the classification of the receiving water.
10. The effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.
11. The Permittee shall attach a copy of the laboratory case narrative to the respective DMR form submitted to EPA and MassDEP for each sampling event reported or concurrent with the submittal of reports using NetDMR as detailed in Part I.E of this Permit. The laboratory case narrative shall include a copy of the laboratory data sheets for each analysis identifying the test method, the analytical results, and the detection limits for each analyte. The laboratory case narrative shall also provide a brief discussion of whether all appropriate QA/QC procedures were met and were within acceptable limits.
12. The Permittee shall report the results of sampling for any parameter above its required frequency, and any additional testing conducted that is beyond what is required herein, if the sampling and testing is conducted on an effluent in accordance with EPA approved methods consistent with the provisions of 40 CFR § 122.41(l)(4)(ii).
13. The Permittee shall properly operate and maintain all treatment systems and associated appurtenances.
14. The Permittee shall provide written notification to EPA and MassDEP of any changes in the operations at the Facility that may have an effect on the permitted discharge of process water or stormwater from the Facility, including changes that have the potential to cause flow through the treatment systems that exceed their maximum design flow rates or treatment capacity.
15. The Permittee shall not discharge any toxic pollutant or material including, but not limited to, chemicals (e.g., surfactants, disinfectant agents, detergents, emulsifiers), chemical additives, or bioremedial agents, including microbes, which was not reported in the permit application. Pollutants which are not limited by this permit, but which have been specifically disclosed in the permit application, may be discharged up to the frequency and level disclosed in the application, provided that such discharge does not violate Section 307 or 311 of the CWA or applicable state water quality standards.

16. The Permittee shall notify EPA and MassDEP at the addresses in Part I.E. when it proposes to add or replace any chemicals, chemical additives, or bioremedial agents that have the potential to come into contact with stormwater or enter the collection and treatment system.
17. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe (40 CFR §122.42):
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - i. 100 micrograms per liter ( $\mu\text{g/L}$ );
    - ii. 200  $\mu\text{g/L}$  for acrolein and acrylonitrile; 500  $\mu\text{g/L}$  for 2,4-dinitrophenol; and one milligram per liter ( $\text{mg/L}$ ) for antimony;
    - iii. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
    - iv. Any other notification level established by the Director in accordance with 40 CFR §122.44(f) and Massachusetts regulations.
  - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - i. 500 micrograms per liter ( $\mu\text{g/L}$ );
    - ii. One milligram per liter (1  $\text{mg/l}$ ) for antimony;
    - iii. 10 times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
    - iv. Any other notification level established by the Director in accordance with 40 CFR §122.44(f) and Massachusetts regulations.
  - c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
18. Numerical Effluent Limitations for Toxicants
  - a. EPA or MassDEP may use the results of the chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the CWA, state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including, but not limited to, those pollutants listed in Appendix D of 40 CFR §122.
19. Toxics Control
  - a. The Permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
  - b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been

promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

**B. UNAUTHORIZED DISCHARGES**

1. The Permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfalls listed in Part I A.1 through 4 of this permit. Discharges of wastewater from any other point sources not authorized by this permit or other NPDES permits shall be reported in accordance with Part II (Standard Conditions), Section D.1.e.(1) of this permit (Twenty-four hour reporting).
2. Discharge of wash water containing detergents is prohibited.
3. Discharge of latex paint is prohibited.
4. Discharges from Outfall 002 via the emergency overflow slab are prohibited except to the extent such discharges comply with the “bypass” or “upset” conditions as described in Standard Conditions, Parts II.B.4 and II.B.5 below.
5. Discharges of untreated and/or non-stormwater flows from Outfalls 003 and 004 are prohibited except to the extent such discharges are authorized above, or except to the extent such discharges comply with the “bypass” or “upset” conditions as described in Standard Conditions, Parts II.B.4 and II.B.5 below.
6. At no time shall solids removed from stormwater treatment operations and solids control equipment cleaning be discharged to the Neponset River. The Permittee shall comply with all existing federal, state, and local laws and regulations that apply to the reuse or disposal of these solids.

**C. REOPENER CLAUSE**

This permit may be modified, or revoked and reissued in accordance with 40 CFR §122.62. The reason for modification or revocation may include, but is not limited to:

1. Material and substantial alterations or additions to the Facility or activity have occurred;
2. New information is received which was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance; or
3. An applicable effluent standard or limitation is issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, which:
  - a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
  - b. controls any pollutant not limited by this permit.

If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the CWA.

**D. OTHER REQUIREMENTS**

1. Stormwater Pollution Prevention Plan (SWPPP)
  - a. The Permittee shall continue to implement, and maintain a SWPPP designed to reduce, or prevent, the discharge of pollutants in stormwater to the Neponset River. The SWPPP shall be a written document that is consistent with the terms of this permit and shall serve as a tool to document the Permittee's compliance with the terms of this permit. Development guidance and a recommended format for the SWPPP are available on the EPA website for the Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities (<http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>).
  - b. The SWPPP shall be updated and certified by the Permittee **within 30 days of the effective date of this permit**. The Permittee shall certify that its SWPPP has been updated and shall be signed in accordance with the requirements identified in 40 CFR §122.22. A copy of this initial certification shall be sent to EPA and MassDEP **within 60 days of the effective date of this permit**.
  - c. The SWPPP shall be prepared in accordance with good engineering practices and shall be consistent with the general provisions for SWPPPs included in the most current version of the MSGP. In the current MSGP (effective May 27, 2009), the general SWPPP provisions for the primary industrial category consistent with the operations at this facility are included in Part 8.D. Specifically, the SWPPP shall document the selection, design, and installation of control measures and contain the elements listed below:
    - i. A pollution prevention team with collective and individual responsibilities for developing, implementing, maintaining, revising and ensuring compliance with the SWPPP;
    - ii. A site description which includes the activities at the facility; a general location map showing the facility, receiving waters, and outfall locations; and a site map showing the extent of significant structures and impervious surfaces, directions of stormwater flows, and locations of all existing structural control measures, stormwater conveyances, pollutant sources (identified in Part c. iii. below), stormwater monitoring points, stormwater inlets and outlets, and industrial activities exposed to precipitation such as, storage, disposal, material handling;
    - iii. A summary of all pollutant sources which includes a list of activities exposed to stormwater, the pollutants associated with these activities, a description of where spills have occurred or could occur, a description of non-stormwater discharges, and a summary of any existing stormwater discharge sampling data;
    - iv. A description of all stormwater controls, both structural and non-structural;
    - v. A schedule and procedure for implementation and maintenance of the control measures described above and for the quarterly inspections and best management practices (BMPs) described below; and

- vi. Sector specific SWPPP provisions included in Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing, subsector D1 – Asphalt Paving and Roofing Materials and Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products, subsector E3 – Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products.
- d. The SWPPP shall document the appropriate BMPs implemented or to be implemented at the facility to minimize the discharge of pollutants in stormwater to waters of the United States and to satisfy the non-numeric technology-based effluent limitations included in this permit. At a minimum, these BMPs shall be consistent with the control measures described in the most current version of the MSGP. In the current MSGP (effective May 27, 2009), these control measures are described in Part 2.1.2. and Part 8.D. Specifically, BMPs must be selected and implemented to satisfy the following non-numeric technology-based effluent limitations:
- i. Minimizing exposure of manufacturing, processing, and material storage areas to stormwater discharges;
  - ii. Good housekeeping measures designed to maintain areas that are potential sources of pollutants;
  - iii. Preventative maintenance programs to avoid leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters;
  - iv. Spill prevention and response procedures to ensure effective response to spills and leaks if or when they occur;
  - v. Erosion and sediment controls designed to stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants;
  - vi. Runoff management practices to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff;
  - vii. Proper handling procedures for salt or materials containing chlorides that are used for snow and ice control; and
  - viii. Sector specific BMPs included in Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.
- e. The SWPPP must document the appropriate BMPs implemented or to be implemented (e.g., using a Standard Operating Procedure) that specifically satisfy the following site-specific, non-numeric technology-based effluent limitations:
- i. Sampling procedures to ensure consistent sample methods, consistent sample time and conditions, and sample collection location for each outfall consistent with the requirements of this permit, which meet adequate laboratory controls and/or appropriate quality assurance procedures included in Part II.B.1. and yield data representative of discharges from the Facility under authority of Section 308(a) in accordance with 40 CFR §122.41(j), §122.44(i), and §122.48;

- ii. Material management procedures to describe the handling of water and/or solids removed from the treatment and control systems or related appurtenances during all types of maintenance activity;
- iii. An inspection process that requires all areas with industrial materials or activities exposed to stormwater and all structural controls used to comply with effluent limits in this permit to be inspected at least once per quarter by qualified personnel with one or more members of the stormwater pollution prevention team. Inspections shall begin during the first full calendar quarter after the effective date of this permit. EPA considers quarters as follows: January to March; April to June; July to September; and October to December. Each inspection must include a visual assessment of stormwater samples (from the outfalls), which shall be collected within the first 15 minutes of discharge from a storm event, stored in a clean, clear glass or plastic container, and examined in a well-lit area for the following water quality characteristics: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of pollution. The Permittee shall document the following information for each inspection and maintain the records along with the SWPPP:
  - 1) The date and time of the inspection and at which any samples were collected;
  - 2) The name(s) and signature(s) of the inspector(s)/sample collector(s);
  - 3) If applicable, why it was not possible to take samples within the first 15 minutes;
  - 4) Weather information and a description of any discharges occurring at the time of the inspection;
  - 5) Results of observations of stormwater discharges, including any observed discharges of pollutants and the probable sources of those pollutants;
  - 6) Any control measures needing maintenance, repairs or replacement; and
  - 7) Any additional control measures needed to comply with the permit requirements.
- iv. Solids minimization measures that optimize reduction in loading of settleable and/or suspended sediment, silt, solids and/or organic matter, including nutrients (i.e., nitrogen and phosphorus) from the facility to the Neponset River that shall include, at a minimum:
  - 1) Evaluating and minimizing sources of solids that may come into contact with stormwater including, but not limited to, raw materials, in-process product or infrastructure, finished product and/or treatment systems;
  - 2) Completing a loading analysis sufficient to quantify settleable and/or suspended sediment, silt, solids and/or organic matter loadings in the

- facility as well as loadings to the receiving water; the evaluation shall be such that variations in loadings can be determined with a high degree of confidence;
- 3) Optimizing production and/or treatment processes with the current infrastructure and/or treatment system or with alterations, including adopting practices that implement and maintain solids removal; and
  - 4) Incorporating nutrient reduction BMPs designed to reduce discharges of nitrogen and phosphorus, including the following: procedures to manage grass cuttings and leaf litter on the property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; sweeping of paved surfaces at the facility at a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (following leaf fall); and inspection and maintenance of catch basins to ensure that no sump shall be more than 50 percent full.
- f. The Permittee shall amend and update the SWPPP within 14 days of any changes at the facility that result in a significant effect on the potential for the discharge of pollutants to the waters of the United States. Such changes may include, but are not limited to: a change in design, construction, operation, or maintenance, materials storage, or activities at the facility; a release of a reportable quantity of pollutants as described in 40 CFR §302; or a determination by the Permittee or EPA that the BMPs included in the SWPPP appear to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity.
  - g. Any amended, modified, or new versions of the SWPPP shall be re-certified and signed by the Permittee in accordance with the requirements identified in 40 CFR §122.22. The Permittee shall also certify, at least annually, that the previous year's inspections and maintenance activities were conducted, results recorded, records maintained, and that the facility is in compliance with this permit. If the facility is not in compliance with any aspect of this permit, 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 maintain at the facility a copy of its current SWPPP and all SWPPP certifications (the initial certification, re-certifications, and annual certifications) signed during the effective period of this permit, and shall make these available for inspection by EPA and MassDEP. In addition, the Permittee shall document in the SWPPP any violation of numeric or non-numeric stormwater effluent limits with a date and description of the corrective actions taken.
  - h. The SWPPP requirements for Outfalls 002, 003 and 004 authorized by this permit may be incorporated into any other existing SWPPP for the facility (i.e., a SWPPP prepared for MSGP permit coverage for discharges of stormwater associated with industrial

activity). However, where any provision that applies to outfalls authorized under this permit differs from the requirements of a SWPPP prepared to meet the requirements of the MSGP, the requirements in this permit shall take precedence.

## E. MONITORING AND REPORTING

1. **For a period of six months from the effective date of the permit**, the Permittee may either submit monitoring data and other reports to EPA in hard copy form or report electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection. **Beginning no later than six months after the effective date of the permit**, the Permittee shall begin reporting using NetDMR, unless the Terminal is able to demonstrate a reasonable basis that precludes the use of NetDMR for submitting DMRs and reports. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:
  - a. Submittal of Reports Using NetDMR:
    - i. NetDMR is accessed from: <http://www.epa.gov/netdmr>. **Within six months of the effective date of this permit**, the Permittee shall begin submitting DMRs and reports required under this permit electronically to EPA using NetDMR, unless the Terminal is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs and reports (“opt-out request”). DMRs shall be submitted electronically to EPA no later than the **15<sup>th</sup> day of the month** following the completed reporting period; and
    - ii. All reports required under the permit shall be submitted to EPA as an electronic attachment to the DMR. A permittee submitting reports using NetDMR is no longer required to submit hard copies of DMRs or other reports to EPA, with the exception of a duplicate copy of the hydrostatic test summary letter/report noted below, and no longer required to submit hard copies of DMRs to MassDEP. However, permittees shall continue to send hard copies of reports other than DMRs (including Hydrostatic Test Summary Letter/Report, and Toxicity Test Results) to MassDEP until further notice from MassDEP.
  - b. Submittal of NetDMR Opt-Out Requests:
    - i. Opt-out requests must be submitted in writing to EPA for written approval at least 60 days prior to the date a facility would be required under this permit to begin using NetDMR. This demonstration shall be valid for 12 months from the date of EPA approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to EPA unless the Permittee submits a

renewed opt-out request and such request is approved by EPA. All opt-out requests should be sent to the following addresses:

Attn: NetDMR Coordinator

U.S. Environmental Protection Agency, Water Technical Unit  
5 Post Office Square, Suite 100 (OES04-1)  
Boston, MA 02109-3912

And

Massachusetts Department of Environmental Protection  
Surface Water Discharge Permit Program  
1 Winter Street  
Boston, Massachusetts 02108

c. Submittal of Reports in Hard Copy Form:

- i. Monitoring results shall be summarized for each calendar month and reported on separate hard copy DMRs postmarked no later than the 15<sup>th</sup> day of the month following the completed reporting period. All reports required under this permit shall be submitted as an attachment to the DMRs, with the exception of a duplicate copy of the hydrostatic test summary letter/report noted below. Signed and dated originals of the **DMRs, and all other reports or notifications DMRs (if opting out of NetDMR)**, required herein or in Part II shall be submitted to the Director at the following address:

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

- ii. Duplicate signed copies of **DMRs (if opting out of NetDMR), and all other reports or notifications** required above, shall be submitted to the State at the following address:

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

iii. And, **WET test reports ONLY**, to the State at the following address:

Massachusetts Department of Environmental Protection  
Surface Water Discharge Permit Program  
8 New Bond Street  
Worcester, Massachusetts 01606

d. Any verbal reports, if required in Parts I and/or II of this permit, shall be made to both EPA Region 1 and to MassDEP.

**F. STATE PERMIT CONDITIONS**

1. This authorization to discharge includes two separate and independent permit authorizations. The two permit authorizations are (i) a federal National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Clean Water Act, 33 U.S.C. §§1251 et seq.; and (ii) an identical state surface water discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53, and 314 C.M.R. 3.00. All of the requirements contained in this authorization, as well as the standard conditions contained in 314 CMR 3.19, are hereby incorporated by reference into this state surface water discharge permit.
2. This authorization also incorporates the state water quality certification issued by MassDEP under § 401(a) of the Federal Clean Water Act, 40 C.F.R. 124.53, M.G.L. c. 21, § 27 and 314 CMR 3.07. All of the requirements (if any) contained in MassDEP's water quality certification for the permit are hereby incorporated by reference into this state surface water discharge permit as special conditions pursuant to 314 CMR 3.11.
3. 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. Environmental Protection Agency. 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.