

**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

This General Permit for Private CII Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds in Massachusetts (“CII GP”) shall become effective DATE. The CII GP will expire at midnight, 5 years from the effective date.

Signed this XX day of DATE

Ken Moraff, Director
Water Division
Environmental Protection Agency Region 1
Boston, MA

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PART 1. APPLICABILITY AND COVERAGE

1.1. Introduction

This **General Permit for Private Commercial, Industrial, and Institutional Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds in Massachusetts (“CII GP”)** authorizes the discharge of stormwater (stormwater runoff, snow melt runoff, and surface runoff and drainage) and authorized non-stormwater discharge, as set forth in Part 1.6, (collectively, “discharges”) from certain commercial, industrial, and institutional sites (hereinafter “CII sites” or “dischargers”) that discharge through private separate storm sewer systems, or through a Municipal Separate Storm Sewer Systems (“MS4”)(40 CFR § 122.26(b)(8)) into the Charles River, Mystic River, and/or the Neponset River Watersheds or directly into the rivers, their streams and/or tributaries in the Commonwealth of Massachusetts.¹ EPA has determined that stormwater discharges from these CII sites contribute to violations of Water Quality Standards and have designated these discharges for NPDES permitting.² Appendix A lists definitions of terms, abbreviations, and acronyms used in this General Permit and all other appendices.

1.2. Geographic Coverage

This CII GP is available to certain CII sites with 1 acre or more of impervious cover³ and who discharge through private separate storm sewer systems, or through a Municipal Separate Storm Sewer Systems (“MS4”)(40 CFR § 122.26(b)(8)) into the Charles River, Mystic River, and/or the Neponset River Watersheds or directly into the rivers, their streams, and/or tributaries in the Commonwealth of Massachusetts. The CII sites eligible for coverage are identified in Part 1.4.

1.3. Definitions

The definition of “Permittee” and other terms that clarify who is subject to this CII GP include:

“Permittee”: the owner of a site, of one or more contiguous sites, with one (1) acre or more of impervious cover is considered to be the Permittee. If there is a written agreement that provides another single entity with authority to make decisions with respect to operational

¹ 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 EPA Region 1 Preliminary Clean Water Act Residual Designation Determination for Certain Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds, in Massachusetts. September 22, 2022.

³ Impervious Cover is defined as “any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas, and other areas created using nonporous material, buildings, rooftops, structures, artificial turf and compacted gravel or soil.” (EPA Region 1 Preliminary Clean Water Act Residual Designation Determination for Certain Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds, in Massachusetts (September 22, 2022, citing US EPA MS4 2016 permit)). EPA uses “impervious surface,” “impervious area,” and “impervious cover” interchangeably.

control of one or more sites, the entity with such authority (the “operator”) will be considered the Permittee. When a site is leased to multiple lessees, the owner shall be the Permittee.

“Site”: the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (40 CFR § 122.2). For purposes of this permit, “site” shall include “contiguous” properties or parcels when such properties or parcels are owned by the same entity.

“Contiguous” parcels or properties are parcels or properties of land that are adjacent and owned by the same entity. For purposes of this permit, “adjacent” properties or parcels may include those that are separated by an area such as: an alley, roadway, sidewalk, path, driveway, garden(s), or other structure that interrupts the continuous flow or use of the land and/or an easement, if the land on either side of such an area(s) is owned by the same entity.

1.4. Eligible Dischargers

Owners or operators (40 CFR § 122.2) eligible for coverage under the CII GP for stormwater discharges from their site must meet all of the following conditions 1.4.1-1.4.4., with 1.4.5 describing special circumstances:

- 1.4.1. Sites or contiguous sites that have 1 acre or more of impervious cover that have stormwater discharges to an MS4, a private separate storm sewer system, or directly to receiving water(s) in one or more of the following watersheds⁴:
 - Charles River Watershed;
 - Mystic River Watershed; or
 - Neponset River Watershed; and
- 1.4.2. Sites must be located in one or more municipalities listed in Table 1 below; and
- 1.4.3. Sites must be private properties with commercial, industrial, or institutional land uses that are classified in the Massachusetts Tax codes as one of the use types listed in Appendix H; and
- 1.4.4. Sites are not municipally, state, or federally owned properties.
- 1.4.5. Additionally, sites that are also covered by another NPDES permit with one or more acre of impervious area will also need to seek coverage under this CII GP (or an individual permit) if the site owner or operator:
 - 1.4.5.A. has submitted a no exposure certification (“NEC”) under the Multi-Sector General Permit (“MSGP”);
 - 1.4.5.B. has an MSGP or individual stormwater permit that covers industrial stormwater discharges for only a portion of the site where industrial activities occur, in which case coverage for the remaining portion of the site must be this sought; or

⁴ These watersheds are defined by the following Hydrologic Unit Codes (“HUC”): Lower Charles: 0109000107, Upper Charles: 0109000106, Mystic: 0109000105; Neponset: 0109000108.

1.4.5.C. is covered by another NPDES wastewater permit, that has stormwater discharges from impervious surfaces that are not regulated under the other NPDES permit.

Table 1. Municipalities located fully or partially in the Charles, Mystic, and Neponset River Watersheds. Municipalities with an asterisk next to their names are located in more than one watershed.

Charles River Watershed	Mystic River Watershed	Neponset River Watershed
*Arlington	*Arlington	*Boston
Ashland	*Belmont	Canton
Bellingham	*Boston	*Dedham
*Belmont	Burlington	*Dover
*Boston	*Cambridge	*Foxborough
Brookline	Chelsea	*Medfield
*Cambridge	Everett	Milton
*Dedham	*Lexington	Norwood
*Dover	Malden	Quincy
*Foxborough	Medford	Randolph
Franklin	Melrose	Sharon
Holliston	Reading	Stoughton
Hopedale	Revere	*Walpole
Hopkinton	*Somerville	Westwood
*Lexington	Stoneham	
Lincoln	Wakefield	
*Medfield	*Watertown	
Medway	Wilmington	
Mendon	Winchester	
Milford	Winthrop	
Millis	Woburn	
Natick		
Needham		
Newton		
Norfolk		
Sherborn		
*Somerville		
*Walpole		
Waltham		
*Watertown		

Wayland		
Wellesley		
Weston		
Westwood		
Wrentham		

1.5. Prohibited Discharges

This CII GP permit prohibits the following:

1. Discharges or discharge-related activities that are likely to adversely affect any species listed as endangered or threatened under the Endangered Species Act (“ESA”) or to result in the adverse modification or destruction of habitat that is designated as critical under the ESA.
2. Discharges whose direct or indirect impacts do not prevent or minimize adverse effects on any Essential Fish Habitat.
3. Discharges, or implementation of a stormwater management program, which adversely affects properties listed or eligible to be listed on the National Register of Historic Places.
4. Stormwater discharges prohibited under 40 CFR § 122.4.
5. Discharges that are mixed with sources of non-stormwater (i.e. industrial wastewater and sanitary wastewater) unless such non-stormwater discharges are authorized under a separate NPDES permit, or are listed in Part 1.6. of this permit. Discharges that are mixed with non-stormwater remain unlawful until the source of non-stormwater is eliminated.
6. Drainback water. Standing water in a catch basin sump removed during cleaning via vacuum truck or other means shall be discharged to the sanitary sewer or other facility designed for the treatment and disposal of drainback water. No drainback water shall be discharged to the MS4, directly to the receiving water, or via a private separate storm sewer system.
7. Under the Safe Drinking Water Act certain subsurface stormwater controls are subject to the State’s Underground Injection Control (“UIC”) regulations. Authorization for such discharges shall be obtained from Massachusetts Department of Environmental Protection, Bureau of Water Resources, Drinking Water Program, Underground Injection Control, 100 Cambridge Street, Suite 900, Boston, MA 02114. All stormwater discharge structures meeting the definition of a "well"⁵ in MassDEP's UIC regulations, 310 CMR 27.00, require the submittal of a UIC registration applications. Therefore, the following actions require UIC registration:

⁵ “Well” means any structure, including but not limited to a bored, drilled, or driven shaft, a dug hole, seepage pit, an improved sinkhole, or a soil absorption system that injects directly to the subsurface regardless of the depth below ground surface of the injection. A ground surface injection structure is considered a well for the purpose of these regulations if the depth is greater than its largest surface dimension. Ground surface injection to a trench or seepage pit that has been filled with greater than 18 inches of permeable fill material is considered a well, regardless of the depth and width dimensions." MassDEP's UIC regulations, 310 CMR 27.00.

- a. infiltration trenches or seepage pits (if stormwater is directed to any trench or pit that has been backfilled with greater than 18 inches of permeable fill material or that is deeper than its widest surface dimension)
 - b. any subsurface infiltration structure receiving stormwater, regardless of depth vs. horizontal dimensions (e.g.; drywell, leaching chambers, perforated pipe drainfield, etc.)
8. Discharges for which the Director makes a determination that an individual permit is required.

1.6. Allowable Non-Stormwater Discharges

Certain non-stormwater discharges are allowed under this permit. However, if the receiving MS4 or EPA identifies the non-stormwater discharge as a significant source of pollutants to waters of the United States (see 40 C.F.R. § 122.34(b)(3)(ii)), the discharge must be eliminated per Part 1.6. The list of allowable non-stormwater discharges is as follows:

1. Water line flushing
2. Landscape irrigation
3. Diverted stream flows
4. Rising ground water
5. Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20))
6. Uncontaminated pumped ground water
7. Discharge from potable water sources
8. Foundation drains
9. Air conditioning condensation
10. Irrigation water, springs
11. Water from crawl space pumps
12. Footing drains
13. Lawn watering
14. Individual car washing
15. Flows from riparian habitats and wetlands
16. De-chlorinated swimming pool discharges
17. Street and parking lot wash waters
18. Building wash waters without detergents

1.7. Notice of Intent (NOI)

For purposes of the CII GP, the owner or operator, as defined in Part 1.3, is subject to regulation under the NPDES program and is responsible for securing coverage under the CII GP (or an individual permit). To obtain coverage under this permit:

- 1.7.1. The operator or owner must file a Notice of Intent (“NOI”) and receive authorization to discharge.
- 1.7.2. Owners or operators that own several contiguous parcels or sites must secure coverage under a single NOI that covers all sites.

- 1.7.2.A. Any contiguous sites operated or owned by the same entity that meet the other eligibility requirements are required to seek permit coverage if the total impervious cover from all contiguous sites is 1 acre or more.
- 1.7.3. Submissions must be made electronically prior to the initiation of any new discharge or by the due date described in Part 1.10.
- 1.7.4. The NOI must be:
- 1.7.4.A. Complete (i.e., contain all of the information required in the NOI, summarized for reference in Appendix G);
- 1.7.4.B. Accurate (i.e., prepared in accordance with the instructions in the NOI, summarized for reference in Appendix G); and
- 1.7.4.C. Signed by the owner or operator in accordance with the signatory requirements of 40 CFR § 122.22.
- 1.7.5. In the event EPA determines an NOI is incomplete, EPA will notify the owner or operator of the information required for completeness and specify a timeframe for submission of the information. EPA may request additional information when the information is necessary to adequately review the NOI and make a determination of coverage.

1.8. NOI Options

- 1.8.1. For purposes of the CII GP, site owners or operators must use EPA's NPDES CII eReporting Tool (NeT-Multiform) to electronically prepare and submit the NOI for coverage under the CII GP, unless a site owner or operator requests and receives a waiver from EPA Region 1. To access NeT-Multiform, go to: <https://cdx.epa.gov/>
- 1.8.2. Waivers from electronic reporting may be granted based on one of the following conditions:
- 1.8.2.A. If the Permittee's operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as underserved for broadband internet access in the most recent report from the Federal Communications Commission;
- 1.8.2.B. If the Permittee has limitations regarding available computer access or computer capability. If EPA Region 1 grants the Permittee approval to use a paper NOI, and the Permittee elects to use it, the Permittee must provide all of the information required in Appendix G; or
- 1.8.2.C. If instructed by EPA.

1.9. NOI Requirements

The complete NOI requirements are specified in Appendix G, and include:

- Eligibility Section, including impervious cover acreage and site tax code
- Applicant Information
- NOI Preparer information

- Site Information
- Discharge Information
- Existing Stormwater Control Measure Information, if applicable
- Additional Disclosure Requirements
- Certification Requirements

Permittees must refer to Appendix G for complete NOI requirements.

The NOI must be signed in accordance with the signatory requirements of 40 CFR § 122.22.

1.10. NOI Timeframes

1.10.1. Existing CII Site

For any CII sites that have 1 acre or more of impervious cover at the time of permit effective date that are eligible to submit an NOI under the permit (i.e., meet eligibility criteria as described in Part 1.4), the following applies:

- 1.10.1.A. Permittees of sites with 5 or more acres of impervious cover must submit an NOI to EPA for coverage under the CII GP no later than 6 months after the effective date of the CII GP.
- 1.10.1.B. Permittees of sites with greater than or equal to 2 and less than 5 acres of impervious cover must submit an NOI to EPA for coverage under the CII GP no later than 12 months after the effective date of the CII GP.
- 1.10.1.C. Permittees of sites with greater than or equal to 1 and less than 2 acres of impervious cover must submit an NOI to EPA for coverage under the CII GP no later than 24 months after the effective date of the CII GP.
- 1.10.1.D. In the case of change of site ownership or operator the new Permittee must submit an NOI to EPA for coverage under the CII GP no later than 30 days after property transfer or change in owner or operator.

For enforcement purposes, an owner or operator of an existing CII site that fails to submit the required NOI in the timeframe above (or apply for coverage under an individual permit) will be considered to be discharging without a permit. Anyone who fails to submit an NOI within the timeframes above will be subject to the compliance schedule laid out in Part 2.1.1.A⁶, which begins with the original authorization dates for each permitting category based on acreage as outlined in Part 1.13.

⁶ Permittees authorized at a later date due to a late submission of an NOI do not receive an extension on the compliance schedule. Once authorized, these permittees will be subject to the same compliance schedule that the other Permittees within the same permitting group (acreage threshold based on IC area) are subject to. Specifically, the authorization effective date used to calculate the schedule of compliance due dates in sections 2.1.1.A. shall be as listed below and not the individual authorization effective date.

- for sites 5 acres or greater- 1 year from permit effective date,
- for sites 2 acres or greater and less than 5 acres- 2 years from permit effective date,
- for sites 1 acre or greater and less than 2 acres- 3 years from permit effective date

1.10.2. New and Increased Impervious Cover

For sites that have new or increased impervious cover discharges, if one or more of the following three conditions are met, eligible Permittees must submit an NOI to EPA at least 30 days prior to the occupancy of the site or termination of the Construction General Permit, whichever is sooner. If the NOI timeframes outlined in Part 1.10.1 have passed the compliance schedule in Part 2.1.1.A still applies:

- 1.10.2.A. any newly developed site,
- 1.10.2.B. any site that had less than 1 acre of impervious cover that increases its impervious cover to 1 acre or more, or,
- 1.10.2.C. any site that is not yet permitted under the CII GP that increases its impervious cover to exceed the next impervious cover acreage category.⁷

For enforcement purposes, any owner or operator of sites with a new or increased discharge that fails to submit a required NOI in the timeframe above will be considered discharging without a permit and is in noncompliance with the CII GP.

1.11. Permit Compliance

Non-compliance with any of the requirements of this permit, including failure to submit an NOI (unless the owner or operator has submitted an application for coverage under an individual permit), or late submission of an NOI, constitutes a violation of the permit and the CWA and may be grounds for an enforcement action and may result in the imposition of injunctive relief and/or penalties.

1.12. Continuation of this Permit

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect for all discharges that were authorized prior to expiration. This means that all authorized sites must continue to comply with all permit requirements, including requirements for new development or redevelopment on their authorized sites and annual report submittals. If a site subject to this CII GP was granted permit authorization prior to the expiration date of this permit, it will automatically remain authorized by this CII GP until the earliest of:

- Authorization under a reissued CII GP following timely and appropriate submittal of a complete and accurate NOI requesting authorization to discharge under the reissued permit; or
- Issuance or denial of an individual permit for the facility discharges; or
- Authorization or denial under an alternative General Permit.

⁷ The categories identified for permitting are sites with impervious cover ranging from 1) 1 acre or more to less than 2 acres, 2) 2 acres or more to less than 5 acres, and 3) 5 acres or more of impervious cover.

If the site owner or operator does not submit a timely, appropriate, complete, and accurate NOI requesting authorization to discharge under the reissued CII GP or a timely request for authorization under an individual or alternative General Permit, authorization under this permit will terminate on the due date for the NOI under the reissued CII GP unless otherwise specified in the reissued CII GP.

1.13. EPA Determination of Coverage

During the period beginning on the permit effective date and lasting through the expiration date, EPA authorizes discharges under the CII GP under the terms and conditions specified in this permit.

Any eligible owner or operator of CII sites that meets the eligibility criteria may notify EPA of its intent to be covered under the CII GP. Coverage under the CII GP will be effective as outlined immediately below unless EPA notifies the owner or operator in writing that it is not eligible to be covered under this permit. Before doing so, however, EPA would likely put the NOI on hold and notify the discharger to correct the NOI submittal, if possible, to confirm eligibility. EPA will provide applicants with an authorization determination in the following timeframes:

- Existing sites with 5 acres or more of impervious cover: 6 months following the deadline for submittal of NOI to EPA;
- Existing sites with greater than or equal to 2 acres and less than 5 acres of impervious cover: 12 months following the deadline for submittal of NOI to EPA;
- Existing sites with greater than or equal to 1 acre and less than 2 acres of impervious cover 12 months following the deadline for submittal of NOI to EPA; or
- New or increased discharges: 6 months following the deadline for submittal of NOI to EPA.

The effective date of coverage will be the date indicated in the authorization to discharge provided to the owner or operator by EPA.

1.14. Written Authorization to Discharge

Any owner or operator authorized to discharge under the CII GP will receive written notification from EPA. Failure to submit to EPA an NOI to be covered and/or failure to receive from EPA written notification of permit coverage means that the owner or operator is not authorized to discharge under the CII GP. An owner or operator that is denied permit coverage by EPA is not authorized under the CII GP to discharge to a receiving water.

1.15. When the Director May Require an Individual Permit

The Director may require any owner or operator authorized by or seeking coverage under the CII GP to apply for and obtain an individual NPDES permit. Instances where an individual permit may be required include the following:

- 1.15.1. A determination under 40 CFR § 122.28(b)(3), including:

- 1.15.1.A. Effluent limitation guidelines are promulgated for the point source(s) covered by this permit;
- 1.15.1.B. 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;
- 1.15.1.C. Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the General Permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary; or
- 1.15.1.D. The discharge(s) is a significant contributor of pollutants.
- 1.15.2. The owner or operator is not in compliance with the conditions of the CII GP.
- 1.15.3. Actual or imminent harm to aquatic organisms, including ESA or human health, is identified.
- 1.15.4. The discharge adversely impacts any federally managed species for which critical habitat (under ESA) or EFH has been designated.
- 1.15.5. The point source(s) covered by the CII GP no longer:
 - 1.15.5.A. Involves the same or substantially similar types of operations;
 - 1.15.5.B. Discharges the same types of wastes; or
 - 1.15.5.C. Requires the same operating conditions.
- 1.15.6. In the opinion of the Director, is more appropriately controlled under an individual or alternate General Permit.

If the Director requires an individual permit, the site owner or operator will be notified in writing and will be given a brief explanation of the reasons for this decision. When an individual NPDES permit is issued to a site owner or operator otherwise subject to the CII GP, the applicability of this permit to that site owner or operator is automatically terminated upon the effective date of the individual permit.

1.16. When an Individual Permit May Be Requested

Any site owner or operator may request to be excluded from the coverage under the CII GP by applying for an individual NPDES permit. In addition, any interested person may petition the Director to take such action. In such a case, the Permittee must submit an individual permit application in accordance with the requirements of 40 CFR 122.28(b)(3)(iii), with reasons supporting the request, to EPA Region 1. The request may be granted by issuance of an individual permit if your reasons are adequate to support the request. When the Permittee is authorized to discharge under an alternative permit, the Permittee's authorization to discharge under this CII GP is terminated on the effective date of the alternative permit.

PART 2. PERMIT LIMITATIONS

This section includes terms and conditions to reduce the discharge of Phosphorus (and other pollutants) directly to receiving waters or indirectly via the MS4 or via a private separate storm

sewer system; to protect water quality; and to satisfy the appropriate water quality requirements of the Federal Clean Water Act and Massachusetts Water Quality Standards.

2.1. Water Quality-Based Limitations for Stormwater

This permit includes provisions to ensure that discharges from the Permittee's CII site protect water quality and meet applicable Water Quality Standards,⁸ in accordance with the schedules set forth in Part 2.1.1.A.

To address the discharge of Phosphorus from a CII site to meet Water Quality Standards, all Permittees must reduce Phosphorus from stormwater discharges from their site by the following percentages based on the watershed into which the site discharges:

- Charles River Watershed: 65%
- Mystic River Watershed: 62%
- Neponset River Watershed: 60%

To demonstrate compliance with the permit, the permittee must complete all requirements outlined in this Part within the timeframes in the compliance schedule (Part 2.1.1.A) and certify the completion of these requirements in annual reports submitted to EPA. To demonstrate compliance with the site specific pollution reduction requirement (Part 2.1.1.B.b), the permittee has three options to demonstrate compliance.

1. Onsite Phosphorus discharge reductions through structural or non-structural stormwater controls measures within the watershed. For sites that discharge to more than one watershed, the onsite and offsite reduction must happen proportionally within each watershed.
2. Offsite Phosphorus discharge reductions (stormwater control measures 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.
3. Offsite Phosphorus discharge reductions (stormwater control measures are implemented at another location that is not the permitted site) via trading credits reducing Phosphorus loadings on another CII site in the same watershed.

2.1.1. Stormwater Pollution Control Plan and Schedule of Compliance for meeting Water Quality-Based Limitations

Pursuant to §402(a)(1) of the CWA, development and implementation of a plan, such as a Stormwater Pollution Control Plan ("SPCP"), may be included as a special condition in NPDES

⁸ Applicable Water Quality Standards are the state standards that have been federally approved or promulgated as of the issuance date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>.

permits. The SPCP requirement has been incorporated into this CII GP in accordance with elements of pollution prevention as set forth in the Pollution Prevention Act of 1990 (42 USC §13101) and EPA BMP guidance, as detailed in EPA's Guidance Manual for Developing Best Management Practices ("BMPs").⁹

To address discharges of Phosphorus from their site to meet Water Quality Standards, all Permittees shall develop, implement, and maintain a Stormwater Pollution Control Plan ("SPCP") designed to reduce the amount of Phosphorus in stormwater discharges from their site to the Charles River, Mystic River, or Neponset River and their tributaries. The Permittee must maintain the SPCP and certify to EPA annually in the annual report that the SPCP is up to date and its components have been developed within the timeframe set forth in the compliance schedule.

The requirements of the SPCP shall be completed within the timeframe listed for each section and the Permittee shall report in annual reports pursuant to Part 3.2 of the Permit on its progress toward achieving their pollution reduction requirement. The SPCP must be a written document (hardcopy or electronic). The SPCP may either be a stand-alone document or may be incorporated into any other plan developed for the site as required under other permits or programs. Permittees must provide certification to EPA as part of the NOI that a SPCP meeting the requirements of the CII GP will be developed and implemented as part of this permit. Once the plan has been developed, the Permittee will have to report on the planned stormwater control measures ("SCMs") (structural and nonstructural) and their implementation progress in their annual report submissions to EPA.

The SPCP developed by the Permittee will outline how Total Phosphorus stormwater discharges from CII sites will be reduced to meet the watershed-specific requirements by the percentages as defined in Part 2.1.1.B.b. This plan must be implemented by selecting appropriate structural or nonstructural stormwater management controls through one of the following three pathways to compliance (described in more detail below in Part 2.1.1.C) or a combination of any of the options that equals the reduction required for each site no later than the timeframes described in Part 2.1.1.A. The minimum components of a general SPCP are outlined in the sections below.

2.1.1.A. Compliance Schedule

Permittees of existing CII sites shall follow the compliance schedule set forth below. Permittees of newly developed CII sites shall follow a compressed compliance schedule, as outline at the end of this section.

⁹ Operators may refer to *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA-833-B-93-004, 1993).

Permittees of existing CII sites will have a compliance schedule¹⁰, as described below, for the newly established water quality-based Phosphorus reduction requirements if they are unable to meet the permit requirements at the time of authorization. Under this compliance schedule, the Permittee must develop and implement a SPCP, with components as outlined in Part 2.1.1.B, to reduce stormwater discharges by the timeframes described below.

- a. Within 2 years of the date of the authorization to discharge under the General Permit, the Permittee shall develop a SPCP. This plan shall include the following elements to address pollution reduction:
 - i. The SPCP shall determine the site-specific pollutant load responsibility based on impervious cover as outlined in Part 2.1.1.B.a.ii and then outline how the Permittee will meet an interim limit of 50% of their Site-Specific Pollution Reduction requirement within 6 years of the date of authorization and 100% of their Site-Specific Pollution Reduction within 11 years of the date of authorization date using structural and/or nonstructural stormwater controls. The Permittee shall use the Storm Sewer System Site Map (see Part 2.1.1.B.c) to outline how structural controls and nonstructural controls will be used to meet the site-specific pollutant load reduction responsibility.
 - ii. The Permittee shall develop an Operations and Maintenance Plan as part of the SPCP that outlines procedures and documents operations and maintenance activities of stormwater control measures.
- b. Within 6 years of the date of the authorization to discharge under the General Permit, the Permittee shall meet an interim limit of 50% of their Site-Specific Phosphorus Reduction requirement.
- c. Within 11 years of receiving authorization to discharge under the General Permit, the Permittee shall achieve 100% of their Site-Specific Phosphorus Reduction requirement.

Permittees of newly-developed CII Sites that become eligible for CII GP coverage after permit effective date due to added impervious cover or new development and elect to seek coverage under this permit by submitting an NOI, are required to comply with permit Parts 2.1.1.B and 2.1.1.C within 2 years of permit authorization.

2.1.1.B. Components of the Stormwater Pollution Control Plan (“SPCP”)

- a. Site and Permittee Information
 - i. Site Name and Contact Information
 - (1) Each SPCP shall identify the CII site(s) covered by this permit by their CII GP Permit Number,

¹⁰ See footnote 6

- (2) Each SPCP shall identify the applicable CII site(s) by their location ID from the Massachusetts Interactive Property Map¹¹,
 - (3) Hours of operation,
 - (4) Site contact information, including address, primary contact staff (name, position, phone number, and email address),
 - (5) Staff in charge during hours of operation (name, position, phone number, and email address).
- ii. Stormwater Pollution Control Responsibility
- (1) Each site must have a person or persons identified and responsible for the implementation of the requirements in this General Permit. The Permittee shall include the following in their SPCP:
 - The person or persons and their contact information who is or are responsible; and
 - The position(s) within the organization who assist in implementing the SPCP; and
 - The responsibilities, duties, and activities of each of the person or persons listed in this section.

b. Site-Specific Pollutant Load Reduction Responsibility

i. Existing CII sites with 1 acre or more of impervious cover

For existing CII sites, the site-specific pollutant load reduction responsibility (“Site-Specific Reduction”) is 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. Sites with increases in impervious cover are subject to requirements outlined in Part 2.1.1.B.b.ii and newly developed sites are subject to requirements in Part 2.1.1.B.b.iii.

The Permittee of an existing CII site has two options to determine the impervious cover acreage (A_{CII}) of their site prior to multiplying it by the average annual Phosphorus load and applying the watershed-specific reduction requirements:

Option 1: Certify impervious cover acreage as submitted in the NOI.¹²

¹¹ Link: <https://www.mass.gov/info-details/massachusetts-interactive-property-map>

¹² Results from this analysis rely on the following data sources: 2016 MassGIS Land Use/Land Cover data and February 2023 MassGIS Property Tax Parcels for the Mystic and Neponset River Watersheds and January 2024 MassGIS Property Tax Parcels for the Charles River Watershed.

Option 2: Refine the CII site’s impervious cover acreage as submitted in the NOI using one of the methods described in Appendix E “Determining Impervious Cover Acreage”. If the permittee refines their CII site’s impervious cover as part of this requirement, the permittee must submit a CNOI (Part 4.1) to update the baseline impervious cover.

If Permittees choose Option 2, and the Permittee is responsible for multiple sites, this calculation must be made for each site that the Permittee submitted a NOI for. To then determine the final Site-Specific Pollutant Load Reduction Responsibility, the Permittee must multiply the average annual pollutant load from the CII site(s) by the watershed-specific pollution reduction requirement. The generic application of this calculation is:

$$\text{Site-Specific Reduction} = (\text{Acres}_{\text{IC}} * 1.80 \text{ lbs/acre-yr}) * R_{\text{WS}}\%$$

Where R_{WS} is the watershed-specific pollution reduction requirement, it is:

- Charles River Watershed: 65% reduction
- Mystic River Watershed: 62% reduction
- Neponset River Watershed: 60% reduction

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

$$\begin{aligned} \text{Site-Specific Reduction} &= (7.5 \text{ acres} * 1.80 \text{ lbs/acre-yr}) * 62\% \\ \text{Site-Specific Reduction} &= 8.37 \text{ lbs/yr} \end{aligned}$$

Appendix J “Methodology for Determining Site-Specific Pollutant Calculations” outlines how the calculation for the site-specific pollutant load reduction requirement under other scenarios should be carried out under this CII GP.

For pollution tracking and reporting purposes, if a site drains to two municipalities, is covered by another NPDES permit, or is located in more than one watershed, the Permittee must report the site-specific pollution requirements to EPA as outlined in Appendix J that reflects the conditions of the site.

- ii. Increased Discharges from New Development and/or Redevelopment on existing CII sites
 - (1) “Redevelopment sites” are defined as sites that meet the impervious cover threshold for eligibility under this permit and that add impervious cover after the permit effective date. Any net increase in impervious cover on an existing CII site must meet the following requirements:
 - For redevelopment sites or sites that meet the impervious cover threshold for eligibility under this permit that add impervious cover, no additional Phosphorus load may be

added from runoff generated by this new impervious cover addition. In other words, the allowable runoff load generated from this newly added impervious cover must not exceed the load that existed for the previous pervious area.

- The previous pervious load is dependent on the hydrologic soil group (“HSG”)¹³ and can be referenced in Table 2.
- If the HSG is not known, the Permittee may conduct soil testing to determine the HSG or assume conditions to be HSG C for the Phosphorus load export rate.
- For existing CII sites undergoing redevelopment or additions of impervious cover, the existing impervious cover portion of the site must meet pollution reduction requirements as outlined in Part 2.1.1.B.b.
 - (2) Any redevelopment that does not change the total net area of impervious cover must meet the established site-specific pollution requirements as outlined in Part 2.1.1.B.b. This requirement can be met on site, or off-site, as described in Part 2.1.1.C.

Table 2. Pollutant Load Export Rate for Phosphorus for pervious soil types by Hydrologic Soil Group. HSG C is bolded as it serves as a proxy in situations where soil types are unknown.

Hydrologic Soil Group (HSG)	Pollutant Load Export Rate for Phosphorus (lb/ac yr)
HSG A	0.03
HSG B	0.12
HSG C	0.21
HSG D	0.37

iii. Newly Developed Sites after Permit Effective Date

(1) Any newly developed parcel that was undeveloped prior to the permit Effective Date, that after development, will meet eligibility requirements of this CII GP under Part 1.4 will be eligible for permit coverage and must meet the following requirements:

- Submit an NOI (or secure NPDES coverage under an individual permit); and

¹³ To determine the Hydrologic Soil Group (HSG), navigate to <https://maps.massgis.digital.mass.gov/> in a web browser and add the Top 20: Hydrologic Soil Group” layer to the map. This layer is can be found by navigating to Physical Resources > Top 20 Soils: Hydrologic Soil Group in the layer list.

- Must not add Phosphorus load from runoff generated by newly added impervious cover.¹⁴
 - ◆ The previous pervious load is dependent on the hydrologic soil group (“HSG”) and can be referenced in Table 2.
 - ◆ If the HSG is not known, the Permittee may conduct soil testing to determine the HSG or assume conditions to be HSG C for the Phosphorus load export rate.
 - The pollution load reduction requirement can be met on site, or off-site, as described in Part 2.1.1.C.
- c. Storm sewer system site map
- i. Permittees must meet this requirement within 12 months of the effective date of authorization.
 - ii. The map shall be available for review by federal, state, and local agencies upon request. The map may be produced by hand or through computer-aided methods (e.g., Geographic Information System, “GIS”).
 - iii. The required scale and detail of the map shall be appropriate to facilitate a rapid understanding of the system by the Permittee and EPA or the State. In addition, the mapping shall serve as a planning tool for structural stormwater control measures.
 - iv. The Permittee shall update the map as needed and include the updated version in their SPCP. Updates can include, for example, changes to site impervious cover, installation of structural SCMs, or changes to the stormwater system. At a minimum, the map must include the following:
 - (1) the extent of impervious area on site
 - Changes in impervious cover must be submitted to EPA as part of a CNOI.
 - (2) the location of all outfalls (latitude and longitude);
 - (3) the names of all waters that receive discharges from outfalls (directly or via other sewer systems);
 - (4) interconnections to any other sewer systems (private, MS4, combined sewer system);
 - (5) existing stormwater treatment structures and their contributing area (e.g., detention and retention basins, infiltration systems, bioretention areas, water quality

¹⁴ Porous or pervious pavement on newly developed sites shall not be included in impervious cover calculations. Additionally, any Phosphorus reductions achieved by porous or pervious pavement (compared to traditional impervious pavement) may not be credited towards a newly developed site’s Phosphorus load reduction requirement originating from other impervious surfaces.

- swales, gross particle separators, oil/water separators, or other proprietary systems);
- (6) open channel conveyances (swales, ditches, etc.);
 - (7) pipes;
 - (8) manholes;
 - (9) catch basins; and
 - (10) catchment delineations. Any available system data and topographic information may be used to produce catchment delineations. For the purpose of this permit, a catchment is the area that drains to an individual outfall or interconnection.
 - (11) Installation of structural SCM
 - Installations of structural SCMs and implementation of nonstructural SCM and the associated pollutant removal must be submitted to EPA as part of a CNOI.

d. Stormwater Control Measures

Permittees must implement structural and nonstructural SCMs to meet CII site-specific pollution reduction requirements under their site-specific pollution reduction plans. Upon implementation of structural and nonstructural controls, Permittees must calculate this CII site-specific pollution reduction achieved in pounds per year, which is used to track their progress towards the site-specific pollution reduction target. Additionally, upon implementation of Stormwater Control Measures (structural or nonstructural), the Permittee must submit a Change NOI ("CNOI") to EPA to indicate which SCMs have been implemented (Part 4.1). Permittees can only take credit for CII site pollution reductions if structural and nonstructural controls and infrastructure are operated and maintained as designed as described in Part 2.1.1.B.d.iv.

A Permittee that is located in more than one municipality should calculate their pollution load for the impervious cover in each municipality to determine the load reduction requirement in each municipality.

i. New Structural SCMs

The permittee may install structural SCMs on their site to meet the stormwater pollution reduction requirement. If the permittee does so, the permittee must submit this information as part of a CNOI and the SPCP must include information on the pollution reduction achieved by the SCM(s). The Permittee shall demonstrate pollution reduction by the following means.

- (1) SCMs pollutant removal percentage calculations must be consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016), calculations in Appendix F, or other SCM performance evaluation tool provided by EPA Region

- 1, where available. If EPA Region 1 tools do not address the planned or installed SCM performance, then the Massachusetts -approved SCM design guidance or performance standards may be used to calculate SCM performance.
- (2) All stormwater management system designs shall be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook¹⁵, which reflects the requirements of the Massachusetts Wetlands Protection Act Regulations Stormwater Standards.
 - (3) The Permittee must ensure adequate long-term operation and maintenance of any installed SCM that is operational as outline in outlined in Part 2.1.1.B.d.iv and Appendix I.

If a Permittee determines their site may be exposed to, or has previously experienced, major storm and flood events, or contributes to localized flooding, the Permittee should prioritize green infrastructure and/or SCMs that reduce such flooding or enhance evapotranspiration where appropriate.

ii. Existing Structural SCMs

For sites that have existing structural SCMs, permittees may receive credit for achieving Phosphorus reductions. To receive pollution reduction credit, the Permittee shall:

- (1) maintain records demonstrating SCM operation and maintenance in accordance with 2.1.1.B.d.iv and Appendix I;
- (2) certify to EPA in the annual report that existing SCMs have been maintained or retrofitted within 2 years after the effective date of the authorization in their annual report and annually thereafter.
- (3) To calculate credit of the existing SCM the Permittee's calculations shall be consistent with

¹⁵ As of the date of public notice, the 2008 Massachusetts Stormwater Handbook and Wetlands Protection Act Regulations at 310 CMR 10.00 promulgated in 2014 are currently effective. On December 22, 2023, MassDEP proposed revisions to the Wetlands Regulations and corresponding revisions to 401 water quality certifications, as well as an update to the Stormwater Handbook. See <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>. EPA anticipates that MassDEP may finalize these regulations and the Stormwater Handbook revisions prior to issuance of a Final CII General Permit. If so, EPA will update references in the Permit to reflect the current version of the Stormwater Handbook.

- Performance Curves in Appendix F. If original as-built drawings are unavailable, the Permittee may estimate the relevant parameters (i.e., the contributing SCM catchment area and SCM DSV) to receive credit.
- EPA Region 1's BMP Accounting and Tracking Tool (2016), calculations in Appendix F, or other SCM performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the installed SCM performance, then the Massachusetts approved SCM design guidance or performance standards may be used to calculate SCM performance.
- If a Performance Curve is not available for the existing SCM, it is appropriate to use an available SCM Performance Curve when the listed SCM's treatment Unit Operation and Process (e.g., Infiltration) is the same or similar to that of the existing SCM.

iii. Nonstructural SCMs

The permittee may elect to implement nonstructural SCMs, such as street or parking lot sweeping, leaf litter collection, and catch basin cleaning to prevent pollutants from entering the receiving water. If the Permittee implements nonstructural controls to comply with this permit, the Permittee must submit a CNOI to EPA to report the implementation of nonstructural controls.

- (1) Pollutant removal percentages achieved through nonstructural controls must be consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016), calculations in Appendix F, or other SCM performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the SCM performance, then the Massachusetts approved SCM design guidance or performance standards may be used to calculate SCM performance.
 - (2) The Permittee shall maintain records of street and parking lot sweeping and associated pollution reduction credit calculations.
 - (3) The Permittee shall maintain records of catch basin cleaning and associated pollution reduction credit calculations.
- Details on catch basin maintenance are in Appendix F and Appendix I.

iv. Maintaining Stormwater Pollution Reduction Credits

Permittees must undertake appropriate operations and maintenance practices for each selected SCM that they install (or for which they are responsible through off-site Phosphorus reduction agreements (see 2.1.1.C.b). In order to receive pollution reduction credits for implementation of structural and nonstructural controls, the permittee must document proper operations and maintenance of these controls in their SPCP. The minimum requirements that the permittee must document are outlined in Appendix I.

2.1.1.C. Pathways to Compliance

The Permittee has the option to meet the pollution reduction requirements of the permit by implementing stormwater management controls onsite or offsite. The sections below describe pathways for Permittees to meet pollution reduction requirements as outlined in this CII GP.

a. Onsite Phosphorus Reductions

Onsite Phosphorus Reductions refers to pollutant removal practices that are implemented at the location that is the permitted site.

b. Offsite Phosphorus Reductions

Offsite Phosphorus Reductions refers to pollutant removal practices that are implemented at another location that is not the permitted site. Should the Permittee select to comply with this permit by using Offsite Phosphorus Reductions to address their site-specific Phosphorus reduction requirements of this permit, the Permittee remains responsible for all conditions and requirements of this permit.

If the Permittee elects to reduce site-specific Phosphorus loads offsite, the SPCP must describe procedures and plans appropriate for addressing stormwater management on the eligible sites, what SCM is being implemented and how much Phosphorus reduction is occurring onsite and offsite. This information is also submitted as part of the annual report.

Offsite Phosphorus Reduction may be achieved via several methods, including a Regionalized Stormwater Management group, or similar entity, direct Permittee-to-Permittee credit trading, or Co-Funding of Projects.

- i. Regionalized Stormwater Management: Permittees may enter into a legally binding agreement with a local Watershed Management Group (“WMG”), or similar entity, to fund, or partially fund, a regional stormwater control project, or a series of stormwater control projects and the associated operations and maintenance, that would operate within the watershed in which the site is located. This agreement may span multiple municipalities but must be limited to the boundary of the Charles, Mystic, or Neponset River watersheds, or smaller subwatersheds.

- ii. Permittee-to-Permittee credit trading: A Permittee may enter into a legally binding agreement to fund or partially fund a new stormwater management control project or purchase pollution reduction credits from an existing stormwater management control project within the watershed. The Permittee's agreement will include the associated operations and maintenance of the Stormwater Control Project.
- iii. Co-Funding of Projects: Multiple Permittees may enter into a legally binding agreement to fund or partially fund a new stormwater management control project within the watershed. The Permittee's agreement will include the associated operations and maintenance of the Stormwater Control Project.

Projects part of any offsite Phosphorus reduction program are limited by following minimum conditions:

- (1) Any Permittee engaging in offsite Phosphorus reduction remains responsible for complying with pollution reduction requirements as outlined in this Permit and all other permit conditions. Engaging in legally binding agreements with any other permittee or regionalized stormwater management group does not transfer permit responsibilities to that other entity and the Permittee remains responsible for compliance with all permit requirements.
- (2) Agreements must be made with other CII Permittee(s) or MS4 Permittee(s) and be located on other permitted CII site(s) or on MS4 properties within the Charles, Mystic, or Neponset watersheds.
- (3) Agreements to fund or purchase credits from such a project or projects must account for operations and maintenance of stormwater controls.
- (4) These projects may be implemented as part of a Watershed Based Plan or other appropriate mechanism.
- (5) Projects should consider the impacts that offsite Phosphorus reduction will have on localized water quality and where the co-benefits of SCMs (such as flood reduction, shading, urban heat island reduction, or carbon capture) will occur. Specific details

related to the funded project that involve individual CII sites shall be documented in the agreement as specified in this section.

- (6) The CII or MS4 Permittee that provides pollution reduction credits via trading to other Permittees who are seeking offsite Phosphorus reduction credits must not count these traded credits towards their own site-specific pollution reduction responsibility.
- (7) The project must have an operations and maintenance plan that outlines the responsible party and actions for ensuring the stormwater control functions as designed. The Permittee receiving the removal credits must certify annually that operation and maintenance activities are being conducted.
 - (8) The project must be completed by the time the CII site is required to meet stormwater management requirements under **Part 2.1.1.A.**
 - (9) Permittees prematurely terminating the agreement or ceasing operations and maintenance will not receive pollution reduction credit from this project and will need to demonstrate compliance with the permit through other actions.
 - (10) The Permittee must comply with the agreement to receive any stormwater pollution reduction credits. This agreement shall include, but is not limited to:
 - Description of project(s) funded;
 - Description of the drainage area contributing to the stormwater control(s), including a drainage map;
 - Receiving water;
 - Listing of contributing CII sites and their NPDES IDs;
 - Total pollution reduction achieved by the project(s);
 - Breakdown of pollution reduction credits by each contributing CII site(s);
 - Certify operations and maintenance requirements and responsibilities; and

- The specified timeframe for project completion.

2.1.1.D. Reporting Requirements

Starting 14 months after authorization, Permittees must submit an annual report summarizing the activities related to permit requirements of the reporting year in NeT-Multiform. The reporting year begins on the permit's effective date. Permittees shall refer to Appendix K for more detailed annual reporting requirements.

2.2. Requirements to Reduce Pollutants using Best Management Practices

The Permittee shall reduce the discharge of pollutants from their CII site(s) as detailed in Parts 2.2.1 and 2.2.2.

2.2.1. Onsite Chemical Application Management Plan

The Permittee must implement onsite chemical application management activities that address landscaping and winter maintenance on the site. The Permittee must develop and implement an Onsite Chemical Application Management Plan ("OCAMP") for the site. This OCAMP must be developed in conjunction with the SPCP that describes the stormwater management controls on site, which is due within 2 years of the date of authorization. The Permittee must have this plan available on site and certify annually as part of their Annual Report that all requirements of the OCAMP are being implemented 1 year after completion of the Plan, or within 3 years of permit authorization.

2.2.1.A. Lawn Maintenance and Landscaping Activities

- a. Establish procedures to address erosion or poor vegetative cover when the Permittee becomes aware of it, especially if the erosion is within 50 feet of a surface waterbody.
- b. Establish procedures for management of trash containers on site. At a minimum, procedures must include proper cleaning schedules and sufficient number of containers.
- c. Within 24 months of the date of authorization, Permittees must comply with Massachusetts Regulation 330 CMR 31.00 Plant nutrient application requirements for agricultural land and non-agricultural turf and lawns.

2.2.1.B. Winter Maintenance Plan

EPA recognizes the use of deicing chemicals during the winter season is often necessary. For this reason, the CII GP does not prohibit the use of salts as the preferred deicing agent but focuses instead on reducing the amount of chloride applied to various sources (driveways, parking lots, storage, etc.) through the use of calibration, low salt zones, application rate standards, and other SCMs designed to control the amount of road salt applied without compromising public safety. As part of the Onsite Chemical Application Management Plan, all Permittees must develop a Winter Maintenance Plan aimed at reducing the total amount of

chloride applied to the site. The Winter Maintenance Plan can be optimized to meet the needs of the permittee as long as the total amount of chloride applied is reduced on site. The Permittee shall consider the following components of the Winter Maintenance Plan:

- a. Permittees must track and report the total amount of salt used per season and the application rate (in pounds per acre) in the annual report. Information that may be relevant to create a plan to help document this information includes, but is not limited to:
 - i. Description of the CII site. Linear feet of roadways or sidewalks, main features and layout of the site including stormwater runoff /topography, as well as vegetation and shaded areas. Including a general map of the development that identifies these features is helpful.
 - ii. Operations Plan – Outline how winter operators are making informed decisions as to when and to what extent materials are applied to private roadways, sidewalks, and parking lots.
 - iii. Equipment Calibration– Outline how winter operators will calibrate all chloride application winter equipment. Typically, a 25% reduction in salt use can be achieved simply by calibrating equipment and is the single most important aspect to achieving salt use reductions.
 - iv. Mechanical Removal – Describe mechanical removal practices such as where snow should be stored and how often plowing should occur. Include goals, such as practices that minimize snow- and ice-pack to reduce the need for abrasives, salt and or brine applicants.
 - v. Salt Storage, Usage Evaluation, and Monitoring – Describe how salt will be stored on site to prevent exposure of salt stockpiles to precipitation and runoff, if applicable, and how salt usage will be documented and how salt use will be monitored and evaluated.
 - vi. Analysis of Alternative De-icing Materials, Site Design Considerations and Watershed Offsets – The Permittee is encouraged to evaluate alternative de-icing materials (calcium magnesium acetate, e.g.) that could be used for winter maintenance activities.¹⁶.

2.2.2. Stormwater Training

- 2.2.2.A. Beginning in Year 2 after permit authorization, the person or persons responsible for implementing the requirements of this permit, as outlined in 2.1.1.B.a.ii(1) must participate in two annual trainings related to stormwater topics. The Permittee shall certify in the Annual Report that the trainings were concluded for the reporting year. The Permittee shall, at a minimum, consider the topics listed below when developing and/or considering the list of topics

¹⁶ More detail on alternative methods is available at: NHDES WMB-4: Road Salt and Water Quality Fact Sheet (2021) <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/wmb-4.pdf>

for training. The Permittee shall focus on participating in trainings most relevant to their property. Relevant topics may include:

- a. lawn maintenance (elimination of pesticides, herbicides, and eliminating fertilizers that contain Phosphorus) and information on Massachusetts Regulation 331 CMR 31.00 pertaining to proper use of Phosphorus containing fertilizers on turf grasses;
- b. use of salt or other de-icing and anti-icing materials (minimize their use);
- c. proper storage of salt or other de-icing/anti-icing materials (cover/prevent runoff to storm system and contamination to ground water);
- d. benefits of appropriate on-site infiltration of stormwater;
- e. building maintenance (use of detergents);
- f. proper storage of materials (emphasize pollution prevention);
- g. proper management of waste materials and dumpsters (cover and pollution prevention);
- h. proper management of parking lot surfaces (sweeping);
- i. proper car care activities (washing of vehicles and maintenance);
- j. proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs (discharges must be dechlorinated and otherwise free from pollutants);
- k. proper sediment and erosion control management practices.

PART 3. RECORDKEEPING AND REPORTING REQUIREMENTS

In addition to any record-keeping and reporting requirements specified in PART 1 and PART 2 above, and in the Standard Conditions of the CII GP (Attachment B), the following record-keeping and reporting requirements apply to discharges covered under the CII GP.

3.1. Record-Keeping Requirements

3.1.1. Records Content

Records must be maintained (hardcopy or electronic) pertaining to coverage under the CII GP for the following:

- 3.1.1.A. Data used to complete the NOI and any subsequent Change NOI for the CII GP;
- 3.1.1.B. Documentation for the development, implementation, and maintenance of the SPCP, including site-specific pollutant load responsibility.
- 3.1.1.C. Any records of operation and maintenance; and
- 3.1.1.D. Any records of employee training.

3.1.2. On-Site Records

The following records (hardcopy or electronic) must be maintained on-site and/or with the Permittee to be made available upon inspection and/or request by EPA or the State:

- 3.1.2.A. A complete copy of the CII GP;
- 3.1.2.B. A copy of EPA's authorization to discharge and any subsequent modifications, if applicable;
- 3.1.2.C. Copies of any information submitted to EPA, the State, and the municipality in which the site is located;
- 3.1.2.D. Copies of any correspondence received from EPA, the State, and the municipality in which the site is located regarding permit coverage;
- 3.1.2.E. A copy of the Stormwater Pollution Control Plan; and
- 3.1.2.F. A copy of the Operations and Maintenance Plan
- 3.1.2.G. A copy of the Onsite Chemical Applications Management Plan

3.1.3. Retention of Records

Permittees must retain the records specified above for a minimum of three years from the date that coverage under this the CII GP expires or is terminated, whichever applies. This records retention period may be extended at the request of EPA or the State.

3.2. Reporting Requirements

The Permittee shall submit Annual Reports to EPA using NeT-Multiform. Appendix K outlines the reporting structure for the permit.

3.2.1. All Annual Reports must be submitted electronically using NeT-Multiform. Permittees shall use the annual reporting form in NeT-Multiform, unless, in accordance with Part 3.2.2, below, the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NeT-Multiform for submitting Annual Reports. NeT-Multiform is a web-based tool that allows Permittees to electronically submit NOIs and other required reports via a secure internet connection; the Permittee must continue to use NeT-Multiform after beginning to do so.

3.2.2. Submittal of NeT-Multiform Opt-Out Requests

NeT-Multiform opt-out requests must be submitted in writing to EPA for written approval at least 60 days prior to the date a Permittee would be required under the CII GP to begin using NeT-Multiform. This demonstration shall be valid for 12 months from the date of EPA approval and shall thereupon expire. At such time, Annual 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 EPA at the following address:

Attn: NeT-Multiform Coordinator
U.S. Environmental Protection Agency, Water Compliance Unit 2
5 Post Office Square, Suite 100 (04-4)
Boston, MA 02109-3912

All Permittees are subject to the reporting requirements in Part 3.2, the requirements found in Attachment B, Standard Conditions, and the requirements of a NOI, Change NOI and NOT. Information that must be submitted with a Permittee's NOI, Change NOI, and NOT is included in Appendix G, for reference. Information about what is required as part of Annual Reports is included in Appendix K, for reference.

3.3. EPA Permit Contact Information

For assistance with technical questions regarding the CII GP, contact EPA electronically at R1.RDA@epa.gov.

PART 4. ADMINISTRATIVE REQUIREMENTS

4.1. Change Notice of Intent (Change NOI or "CNOI")

Permittees covered under the CII GP may request a change to certain conditions through submission of a Change NOI ("CNOI") to EPA, prepared in accordance with the instructions provided for reference in Appendix G, and signed in accordance with 40 CFR § 122.22.

4.1.1. How to Request Change

For the purposes of the CII GP, a Change NOI may consist of either:

4.1.1.A. The Change NOI form available at: <https://cdx.epa.gov/cdx/>; or

4.1.1.B. Other form of official correspondence containing all of the information included in the Change NOI and as outlined in Appendix G of the CII GP if EPA has granted a waiver to electronic reporting.

4.1.2. Eligible Changes

Eligible changes may consist of a notification of change to following information. This includes but is not limited to: a change in the address for a Permittee, a change in contact information for a Permittee, a change in total site impervious cover and/or change in impervious cover included in RDA permitting¹⁷, or the implementation of a structural or non-structural stormwater control. **For a change in Permittee, a new NOI is required by the new Permittee and a NOT is required by the old Permittee (see Part 4.).** For a change in Permittee or any other information for which a Change NOI must be submitted, the Permittee must submit a Change NOI no more than 30 days following the date of Permittee change or within 30 days of changes to impervious cover or implementation of Stormwater Control Measures.

4.1.3. Supporting Documentation

¹⁷ Total site impervious cover and impervious cover included in RDA permitting may be the same, but in some instances, such as those where other NPDES permit coverage applies, the impervious cover included in RDA permitting may be less than the total site impervious cover.

- 4.1.3.A. Attach a brief narrative statement that describes the change. Include any written rationale or supporting documentation for the change, if required, or if otherwise being provided.

4.2. Notice of Termination (“NOT”)

All owners or operators covered under the CII GP must submit a written NOT to EPA, signed in accordance with 40 CFR § 122.22 and in accordance with the instructions provided in Appendix G.

4.2.1. How to Terminate Coverage

Under all conditions outlined in 4.2.1.A-D below, Permittees who seek to terminate coverage under this CII GP must 1) submit their NOT to EPA within thirty (30) days of the change in status and 2) comply with all CII GP and reporting requirements until the NOT is approved by EPA.

- 4.2.1.A. A NOT is required when one or more of the following conditions have been met.:
- a. Coverage under an individual or other general NPDES permit that authorizes the same stormwater discharges as this CII GP has been obtained.
 - b. There is a change in the owner or operator. If the owner or operator of the property subject to this permit changes the new owner or operator must file an NOI if they wish to continue coverage under this general permit no later than thirty (30) calendar days of the property transfer. The previous owner or operator must submit a Notice of Termination (NOT) no later than thirty (30) calendar days after CII GP coverage becomes active for the new owner or operator. In the case of a sale, the seller must ensure that all installed structural SCMs are maintained and functioning as designed at the time of sale and certify this in the NOT.
 - c. There is a change in the parcel use code following land cover use changes as reflected in the local tax codes and it is no longer eligible for permit coverage based on the eligible parcel use codes in Appendix H.
 - d. There is a reduction in impervious cover on site that results in the CII site to have a total of less than 1 acre of impervious cover. For this condition to be met, the elimination of impervious cover must be replaced with a qualifying pervious area¹⁸. The Permittee must certify that they have reduced their impervious cover extent to less than 1 acre in the annual report and indicate that this impervious cover reduction was achieved on the NOT.

¹⁸ “Qualifying Pervious Areas” are defined as natural or landscaped vegetated areas fully stabilized, with runoff that mimics hydrologic characteristics of the NRCS Hydrologic Soil Groups A-D.

- 4.2.1.B. For purposes of the CII GP, the NOT may consist of either:
- a. The electronic NOT; or
 - b. Another form of correspondence containing all of the information included in the NOT suggested format in Appendix G of the CII GP, if a waiver for electronic reporting has been approved for the operator by EPA.
- 4.2.1.C. A NOT must include the following general site information:
- a. The NPDES permit number assigned by EPA;
 - b. The name of the site and the street address (or a description of location using approximate geographic coordinates if no street address is available) for which the notification is submitted;
 - c. The name, address, and telephone number of the owner of the site;
 - d. The name, address, and telephone number of the operator of the site, if different from the owner;
 - e. Discharge location (i.e., longitude and latitude) and the receiving water(s).
 - f. A summary of all SCMs implemented onsite and offsite and their associated pollution reductions, in accordance with the instructions in Appendix F.
 - g. Certification that the Permittee has complied with all permit conditions to date.
 - h. Impervious cover remaining on site after SCM implantation.
- 4.2.1.D. Failure to submit a NOT shall result in continuation of General Permit coverage until expiration, including continuation of record-keeping and reporting requirements.

4.3. Expiration of the CII GP

4.3.1. No reissuance prior to expiration

If the CII GP is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and in effect. EPA cannot provide written authorization of coverage under the CII GP to any owner or operator who submits a NOI to EPA after the permit's expiration date. Therefore, those who want to seek coverage under the CII GP after the permit's expiration date must apply for an individual permit or wait until reissuance of the CII GP to obtain coverage under this general permit.

4.3.2. Notification of coverage prior to expiration

Any operator who was notified in writing of General Permit coverage prior to the expiration date will automatically remain covered by the continued General Permit until the earlier of:

- 4.3.2.A. Reissuance of the CII GP, at which time the owner or operator must comply with the new General Permit's NOI requirements and deadline to maintain authorization to discharge;
- 4.3.2.B. The Permittee's submittal of an NOT;
- 4.3.2.C. Issuance of an individual permit for the Permittee's discharges; or
- 4.3.2.D. A formal decision by EPA not to reissue the General Permit, at which time the Permittee must seek coverage under an individual permit or other general NPDES permit.

PART 5. STANDARD CONDITIONS

The Standard Conditions of NPDES Permits are included in Appendix B of this CII GP. These conditions shall apply where they are not inconsistent with the terms and requirements of this CII GP.