

Limitations for Discharges to Impaired Waters

Discharges to impaired waters under the DRGP are ineligible for coverage unless consistent with this appendix. Discharges may be eligible if a segment is impaired due to a pollutant which is not expected in the discharge covered by the DRGP. Similarly, the discharge would be eligible if the discharge contains the pollutants for which a segment is impaired (e.g., metals) but meets the WQBELs in the DRGP for those pollutants, equal to the water quality standards specified in Appendix E with no allowable dilution. Lastly, discharges to impaired waters subject to a TMDL or alternate TMDL may be eligible if the discharge is limited in accordance with the TMDL requirements, summarized below.

1. Requirements for Phosphorus TMDLs or Alternative TMDLs

1. The requirements of this Part are applicable to those dischargers subject to the following TMDLs or Alternative TMDLs:
 1. Final TMDL for Nutrients in the Lower Charles River Basin in Massachusetts (<https://www.mass.gov/doc/final-phosphorus-tmdl-report-for-the-lower-charles-river-basin/download>).
 2. Final TMDL for Nutrients in the Upper/Middle Charles River in Massachusetts (<https://www.mass.gov/doc/final-tmdl-for-nutrients-in-the-uppermiddle-charles-river-0/download>)
 3. Final Phosphorus TMDLs for lakes and ponds in Massachusetts including: Northern Blackstone River Watershed, Chicopee Basin, Connecticut Basin, French Basin, Millers Basin and Bare Hill Pond, Lake Quinsigamond, Flint Pond, Indian Lake, Lake Boon, Leesville Pond, Salisbury Pond, White Island Pond, Quaboag Pond, Lake Quina and Quacumquasit Pond. See <https://www.mass.gov/lists/total-maximum-daily-loads-by-watershed> for all TMDL Documents
 4. Assabet River Total Maximum Daily Load for Total Phosphorus in Massachusetts (<https://www.mass.gov/doc/final-nutrient-tmdl-report-for-the-assabet-river/download>)
 5. Mystic River Watershed Alternative TMDL in Massachusetts (<https://www.mass.gov/doc/mystic-river-watershed-alternative-tmdl-development-for-phosphorus-management-final-report/download>)
 6. Final Phosphorus TMDLs for waterbodies located in Rhode Island including: Kickemuit Reservoir, Upper Kickemuit River, Kickemuit River, Ten Mile River, Central Pond, Turner Reservoir, Lower Ten Mile River, and Omega Pond. See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all TMDL documents
 7. Final Phosphorus TMDLs for New Hampshire lakes and ponds including: Baboosic Lake, Horseshoe Pond, Nutt Pond, Pine Island Pond, Robinson Pond, Sebbins Pond, Showell Pond, Stevens Pond, Hoods Pond, Halfmoon Pond, Greenwood Pond, Flints Pond, Dorrs Pond, Country Pond, Governors

Lake, Sandy Pond, Daniels Lake, Locke Lake, Haunted Lake, Philips Pond, Captain Pond, Webster Lake, Turtle Pond. See <https://www.des.nh.gov/resource-center/publications?keys=TMDLPhosphorous&purpose=&subcategory=> for all TMDL documents.

8. Any other EPA approved Phosphorus TMDLs approved as of the issuance date of this permit
2. Operators that discharge to a waterbody or a tributary of a waterbody subject to a Final TMDL identified in Part 1.1 above shall comply with the following:
 1. Discharges of phosphorus are prohibited unless the Total Phosphorus concentration in the discharge is at or below the ML for Total Phosphorus analysis. MLs for analysis and test methods are specified in in Appendix I of the DRGP.

2. Requirements for Nitrogen TMDLs

1. The requirements of this Part are applicable to those dischargers subject to the following TMDLs:
 1. Final Nitrogen TMDLs in Massachusetts for the Buzzards Bay Watershed, the Cape Cod Watershed, Islands Watershed, and Narragansett Bay Watershed. See <https://www.mass.gov/lists/total-maximum-daily-loads-by-watershed> for all TMDL Documents.
 2. Final TMDL for Long Island Sound. See <http://longislandsoundstudy.net/wp-content/uploads/2010/03/Tmdl.pdf> for TMDL document.
 3. Any other EPA approved Nitrogen TMDL approved as of the issuance date of this permit.
2. Operators that discharge to a waterbody or a tributary of a waterbody subject to a Final TMDL identified in Part 2.1 above shall comply with the following:
 1. Discharges of nitrogen are prohibited unless the Total Nitrogen concentration in the discharge is at or below the ML for Total Nitrogen analysis. MLs for analysis and test methods are specified in in Appendix I of the DRGP.

3. Requirements for Bacteria and Pathogen TMDLs

1. The requirements of this Part are applicable to those dischargers subject to the following TMDLs:
 1. Final Bacteria and Pathogen TMDLs in Massachusetts for the Boston Harbor, Weymouth-Weir, and Mystic Watersheds, Buzzards Bay Watershed, Cape Cod Watershed, Charles River Watershed, Islands Watershed, Narragansett Bay Watershed, North Coastal Watershed, Parker River

Watershed, Shawsheen River Watershed, South Coastal Watershed, Taunton River Watershed. See <https://www.mass.gov/lists/total-maximum-daily-loads-by-watershed> for all TMDL Documents.

2. Final Bacteria TMDLs for New Hampshire Waters. See <https://www.des.nh.gov/resource-center/publications?keys=TMDLBacteria&purpose=&subcategory=> for all TMDL documents.
 3. Any other EPA approved Bacteria or Pathogen TMDLs approved as of the issuance date of this permit.
2. Operators that discharge to a waterbody or a tributary of a waterbody subject to a Final TMDL identified in Part 3.1 above shall comply with the following:
 1. Discharges of bacteria are prohibited unless the discharge concentration of the applicable bacteria or pathogen is at or below the concentration that meets water quality standards. Current water quality standards and test methods are found in Appendix E and Appendix I of the DRGP.

4. Requirements for Chloride TMDLs

1. The requirements of this Part are applicable to those dischargers subject to the following TMDLs:
 1. Final Chloride TMDL for waterbodies in the vicinity of the I-93 Corridor. See <https://www.des.nh.gov/resource-center/publications?keys=TMDLChloride&purpose=&subcategory=> for all TMDL documents.
 2. Any other EPA approved Chloride TMDL approved as of the issuance date of this permit.
2. Operators that discharge to a waterbody or a tributary of a waterbody subject to a Final TMDL identified in Part 4.1 above shall comply with the following:
 1. Discharges of chloride must be at or below the concentration that meets water quality standards. Current water quality standard and test methods are found in Appendix E and Appendix I of the DRGP.

5. Metals TMDL Requirements

1. The requirements of this Part are applicable to those dischargers subject to the following TMDLs:
 1. Final TMDLs for Aluminum, Iron, Lead and Cadmium in following Rhode Island Waters: Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir and Omega Pond. See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all RI TMDL documents.

2. Any other EPA approved Metals¹ TMDL approved as of the issuance date of this permit.
2. Operators that discharge to a waterbody or a tributary of a waterbody subject to a Final TMDL identified in Part 5.1 above shall comply with the following:
 1. Discharges of applicable metals must be at or below the concentration that meets water quality standards. Current water quality standard and test methods are found in Appendix E and Appendix I of the DRGP.

6. Requirements for Impaired Waters with No TMDL

1. Operators that discharge to a waterbody or a tributary of a waterbody listed as impaired for a given parameter for which a TMDL has not been completed shall comply with the following:
 1. Discharges of the given parameter must be at or below the concentration that meets water quality standards. Applicable water quality standards are referenced in Appendix E of the DRGP.
 2. If no water quality standard applies, the case-by-case limitations specified in Part 2.1.3 of the DRGP may be applied.

¹ For the purposes of the DRGP TMDL requirements “metals” means Aluminum (Al) Antimony (Sb), Arsenic (As), Berillyum (Be), Cadmium (Cd), Chromium (Cr), Copper (Cu), Iron (Fe) Lead (Pb), Nickel (Ni), Selenium (Se), Silver (Ag), Thallium (Tl), and Zinc (Zn)