

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DEWATERING AND REMEDIATION DISCHARGES**

General Permit Nos. MAG910000, NHG910000, CTG910000, RIG910000, and VTG910000

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 discharges of the following wastewaters:

1. Groundwater
2. Stormwater
3. Potable water
4. Surface water

From the following dewatering/remediation activities:

1. Site remediation
2. Site dewatering
3. Infrastructure dewatering/remediation
4. Material dewatering

Such discharges are authorized at sites located in Massachusetts and New Hampshire, Federal facility sites located in Vermont, and sites located on Indian Country lands in Connecticut, Massachusetts, and Rhode Island, unless otherwise restricted, and in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This Dewatering and Remediation General Permit (DRGP) shall become effective August 2, 2022.

This DRGP will supersede the previous Dewatering General Permit, which expired in May 2020 and the previous Remediation General Permit which expired in April 2022. The DRGP will expire at midnight, 5 years from the effective date.

Signed this 2 day of August, 2022

**KENNETH
MORAFF** Digitally signed by
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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
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PART 1 APPLICABILITY AND COVERAGE

1.1 Geographic Coverage

1.1.1 Massachusetts

The discharges authorized by the DRGP in the Commonwealth of Massachusetts are into all waters of the Commonwealth 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. The DRGP also applies to discharges from sites located on Indian Country lands. For sites subject to the Massachusetts Contingency Plan (310 CMR 40.0000), the DRGP applies as a matter of federal, but not state, law. For all other sites, the DRGP applies as a matter of both.

1.1.2 New Hampshire

The discharges authorized by the DRGP in the State of New Hampshire are into Class B waters of the State of New Hampshire unless otherwise restricted by the New Hampshire Surface Water Quality Regulations, New Hampshire Code of Administrative Rules, Chapter Env-Wq 1700 (or as revised), including 50 RSA §485-A:8-11, Classification of Waters.

1.1.3 Connecticut, and Rhode Island

The discharges authorized by the DRGP in the States of Connecticut and Rhode Island are into all waters from sites located on Indian Country lands, unless otherwise restricted by State Water Quality Standards (WQSs).

1.1.4 Vermont

The discharges authorized by the DRGP in the State of Vermont are into all waters from Federal facilities unless otherwise restricted by the Vermont Water Quality Standards (Environmental Protection Rule, Chapter 29A) (or as revised).

1.2 Eligible Discharges

1.2.1 Wastewaters

Operators are eligible to request coverage under the DRGP for discharges of the following wastewaters, provided that appropriate control measures are designed, installed, operated, and maintained to comply with the discharge limitations in this permit (see Part 2):

1. Groundwater refers to the hydrologic storage below ground surface, including aquifers, waters exchanged with surface waters, water from rain or melting ice and snow that soaks into the soil and is stored in the pores between rocks and particles of soil or within fractures in bedrock.

2. Stormwater refers to rainwater or other types of precipitation that runs off impervious and pervious surfaces, including flood waters and storm surge.
3. Potable Water refers to water that meets state and federal standards for drinking.
4. Surface Water refers to any body of water above ground, including oceans, streams, rivers, lakes, ponds, wetlands, and reservoirs.

For additional definitions pertaining to the DRGP refer to Attachment 1.

1.2.2 Activity Categories

Operators are eligible to request coverage under the DRGP for discharges related to the following dewatering and remediation-related activities.

1. Site remediation refers to activities conducted to remediate groundwater, soil, or other environmental media to regulatory cleanup standards.
2. Site dewatering refers to activities related to the removal of one or more wastewaters from excavations, trenches, foundations, vaults, or other similar points of accumulation at: 1) sites of any size where pollutants are present in the wastewater(s), including those naturally occurring;¹ or 2) construction sites less than one acre regardless of the presence of pollutants.²
3. Infrastructure dewatering/remediation refers to discharges related to the removal of one or more wastewaters from infrastructure, including, but not limited to:
 - 1) Pipelines and tanks: pipelines, tanks, and similar structures and appurtenances that store or convey petroleum products, non-petroleum products, potable water, groundwater, and certain surface waters during construction of new structures or repair or maintenance of existing structures, including removal, hydrostatic testing and hydrant flushing;
 - 2) Aquifers: short or long-term extraction of water from a distinct contaminated aquifer(s) such as aquifer pump testing, including when pollutants are naturally occurring;
 - 3) Wells: the development or rehabilitation of monitoring, extraction, and water supply wells at contaminated sites, including when pollutants are naturally occurring; and
 - 4) Collection structures: structures utilized for collecting one or more wastewaters that contain pollutants, including, but not limited to: sumps, dikes, vaults, and foundation drains, including when pollutants are naturally occurring.

¹ This includes construction sites greater than one acre covered under EPA's Construction General Permit (CGP) when the discharge contains either wholly, or in part, groundwater with one or more pollutants at a concentration that exceeds a water quality standard at no dilution.

² These "construction dewatering sites" are ineligible for EPA's Construction General Permit because they are less than 1 acre in size.

4. Material dewatering refers to the dewatering of contaminated solids, such as soil and sediment, and dredge material dewatering, including drain back waters.

1.3 Ineligible Discharges

The following discharges are ineligible for coverage under the DRGP:

1.3.1 Discharges to Outstanding Resource Waters in Massachusetts and New Hampshire:

1. As defined in Massachusetts by 314 CMR 4.06, unless an authorization is granted by the Massachusetts Department of Environmental Protection (MassDEP) by 314 CMR 4.04(3)(b);
or

2. As defined in New Hampshire under Env-Wq 1708.04(a), unless allowed by the New Hampshire Department of Environmental Services (NHDES) under Env-Wq 1708.04(b).

1.3.2. Discharges to Class A waters in New Hampshire, in accordance with RSA 485A:8, I. and Env-Wq 1708.05. To determine if the proposed receiving water is a Class A waterbody, contact NHDES as listed in Part 3.3 of the DRGP.

1.3.3. Discharges to Lakes and Ponds in New Hampshire.

1.3.4. Discharges that EPA or the U.S. Fish and Wildlife Service (FWS) or the National Oceanic and Atmospheric Administration (NOAA) (referred to collectively as “the Services”) determine are likely to adversely affect any species listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of critical habitat under ESA. See Appendix A of the DRGP for additional ESA information.

1.3.5. Discharges whose direct or indirect impacts do not prevent or minimize adverse effects on any designated Essential Fish Habitat (EFH). See Appendix B of the DRGP for additional EFH information.

1.3.6. Discharges to Ocean Sanctuaries in Massachusetts, as defined at 301 CMR 27.00.³

1.3.7. Discharges to territorial seas, as defined by Section 502 of the CWA.⁴

1.3.8. Discharges to a river designated as a Wild and Scenic River, unless in accordance with 16 U.S.C. 1271 *et seq.* See Part 1.4 for more information.

³ Boundary begins at mean low water.

⁴ The belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

1.3.9. Discharges which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act of 1966 (NHPA), 16 USC §470 *et seq.* See Part 1.4, and Appendix C for NHPA requirements.

1.3.10. Remediation or dewatering discharges resulting from on-site response action conducted pursuant to §§104, 106, 120, 121 or 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or discharges that may lead to recontamination of aquatic media at such sites.⁵

1.3.11. Discharges to a Publicly Owned Treatment Works (POTW) permitted under Section 402 of the CWA.

1.3.12. Discharge of dredge-related waters where the United States Army Corps of Engineers (ACE) authorizes the discharge of pollutants under a CWA §404 permit.⁶

1.3.13. Discharges of pollutants that cause or contribute to an impairment to receiving water segments identified by the State on the most recent EPA-approved 303(d) list unless the pollutant concentration is at or below a concentration that meets water quality standards. See Appendix E for the water quality criteria applicable to discharges covered by this general permit and Appendix F for the calculation methodology.

1.3.14. Discharges of pollutants inconsistent with an applicable Waste Load Allocation in an EPA approved TMDL. See Appendix G for the TMDLs applicable to discharges covered by this general permit.

1.3.15. New Sources, as defined in 40 CFR §122.2.

1.3.16. Discharges authorized under other United States Environmental Protection Agency (EPA) permits unless:

1. The discharges are separate from the permitted discharges; or
2. The discharges covered by another NPDES permit are eligible for and more appropriate to the DRGP.

⁵ Discharges from activities beyond the scope of the CERCLA sites are not included in this exclusion. Operators of discharges to a CERCLA site must implement adequate control measures and/or procedures to ensure that discharges will be controlled as necessary such that the discharge meets limits for the applicable water quality criterion with no dilution.

⁶ Dredge-related discharges may be covered under the DRGP if the ACE does not issue a general or individual permit under 33 USC §1344 for the activities, or if the ACE issues a permit, but does not address discharge limitations for dredge-related drainback waters in its permit(s). If authorized to discharge under the DRGP, the DRGP does not authorize dredging or disposal of dredge material, and does not constitute authorization under §404 of any dredging or filling operations. See 33 CFR §330.5 and §§401 and 404 of the CWA.

1.3.17. Discharges for which the Director makes a determination that an individual permit is required. See Part 1.5 of the DRGP.

1.4 Notice of Intent (NOI)

1.4.1 How to Obtain Coverage

1. For purposes of the DRGP, the party responsible for a discharge (hereinafter referred to as the “operator”), as defined by 40 CFR §122.2, of any “facility or activity” (hereinafter referred to as “site”) subject to regulation under the NPDES program is responsible for applying for coverage under the DRGP that meets either of the following criteria:

- 1) The party has operational control over site activities and treatment system specifications, including the ability to make modifications to those plans and specifications; or
- 2) The party determines acceptance of the work and payment for work performed to ensure compliance with the permit conditions; or
- 3) The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

2. Where there are multiple operators associated with the same project, all operators must obtain permit coverage. Subcontractors generally are not considered operators for the purposes of this permit. As required by 40 CFR §122.21(b), “[w]hen a facility or activity is owned by one person but is operated by another person, it is the operator’s duty to obtain a permit.”

3. Operators with one or more discharges eligible for coverage under the DRGP must submit a NOI to EPA electronically prior to the initiation of such discharge(s), except emergency discharges, as noted in Part 1.4. The NOI must be:

- 1) Complete (i.e., contain all of the information required in the NOI, summarized for reference in Appendix H);
- 2) Accurate (i.e., prepared in accordance with the instructions in the NOI, summarized for reference in Appendix H); and
- 3) Signed by the operator in accordance with the signatory requirements of 40 CFR §122.22.

4. In the event EPA determines an NOI is incomplete, EPA will notify the operator of the information required for completeness and specify a timeframe for submission of the information. EPA may request additional information, including additional samples as authorized under CWA §308(a), 33 U.S.C. §1318(a), when the information is necessary to adequately review the NOI and make a determination of coverage.

1.4.2 NOI Options

1. EPA Application

- 1) For purposes of the DRGP, an operator must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit the NOI for coverage under the DRGP, unless an operator requests and receives a waiver from EPA Region 1. To access NeT, go to:

<https://cdx.epa.gov/cdx>

- 2) Waivers from electronic reporting may be granted based on one of the following conditions:

- i. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband internet access in the most recent report from the Federal Communications Commission;
- ii. If you have limitations regarding available computer access or computer capability. If EPA Region 1 grants you approval to use a paper NOI, and you elect to use it, you must provide all of the information required in Appendix H; or
- iii. If instructed by EPA.

2. State Application

- 1) Massachusetts: Under 310 CMR 40.0000, as a matter of state law, the DRGP only applies to discharges that are not subject to the Massachusetts Contingency Plan (MCP). Therefore, sites subject to the MCP are not required to submit a copy of the NOI to MassDEP, or pay an application fee for the DRGP. Any operator with a site that is not subject to the MCP must submit the State form and fee to MassDEP when submitting a copy of the NOI to MassDEP. Municipalities are fee-exempt but must send a copy of the NOI to MassDEP. Instructions for submittal to MassDEP can be found here: <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>. See Part 3.3.3 for State reporting.
- 2) New Hampshire does not have a State application form. Operators of sites located in New Hampshire are encouraged to submit EPA's NOI to NHDES. See Part 3.3.3 for State reporting.
- 3) Connecticut and Rhode Island: The DRGP only applies to discharges from sites located on Indian Country lands. Operators of these sites are not required to submit a copy of the NOI to the State.
- 4) Vermont: The DRGP only applies to discharges from federal facilities. Operators of these sites are not required to submit a copy of the NOI to the State.

1.4.3 NOI Requirements

The NOI requirements are summarized below for informational purposes. The complete requirements are specified in Appendix H. These requirements include:

1. Eligibility Section

To determine eligibility for coverage under the DRGP, applicants must disclose:

- 1) Owner type
- 2) Operator type
- 3) Activity/Activities
- 4) Wastewater Type/Types
- 5) Existing NPDES coverage
- 6) Active or pending requests for coverage under the NPDES program
- 7) Whether any limitation on coverage applies (see Part 1.3)

2. Operator Information

For purposes of the DRGP, the operator(s) of any site subject to regulation under the NPDES program are responsible for applying for coverage. The following are the typical operators for the DRGP:

- 1) "Owner" as "Operator": sole permittee
- 2) "Operator" as "Operator": sole permittee
- 3) "Owner" and "Operator" as "Operators" (i.e., co-permittees)

3. Site Information;

- 1) Name and location, including street address and geographic coordinates (i.e., latitude/longitude).
- 2) Any existing or former regulatory status (e.g., Federal CERCLA, RCRA; State hazardous waste site).

4. Discharge Information;

- 1) Number of outfall(s).
- 2) The pathway (i.e., directly, or indirectly) by which the discharge(s) enter the receiving water.
- 3) Outfall(s) location(s), including geographic coordinates (i.e., latitude/ longitude).
- 4) Site plan.
- 5) Proposed maximum flow (i.e., the maximum daily effluent flow limitation requested, based on the design flow capacity of the most limiting component, if applicable).
- 6) Site plan.
- 7) Monitoring results for a minimum of **one representative wastewater** sample (untreated).
- 8) Monitoring results for a minimum of **one representative receiving water** sample (if required).
- 9) Monitoring results for any additional parameters required by EPA and/or the applicable State.

5. Treatment System Information

- 1) The type(s) of treatment that will be applied to the wastewater(s) prior to discharge.
- 2) A written description of any treatment system(s) or processes that will be applied to the discharge prior to discharge, identifying each major treatment component.
- 3) A line drawing or schematic of wastewater flow.

6. Chemical/Additive Information

- 1) Any chemical or additive the operator(s) intends to use or store that will be applied prior to discharge or may otherwise be present in discharge(s) from the site.
- 2) General information for each chemical or additive.
- 3) Written rationale justifying the addition of such chemical(s) or additive(s).

7. Additional Disclosure Requirements

- 1) Endangered and Threatened Species (See Appendix A)
- 2) Essential Fish Habitat (See Appendix B)
- 3) National Historic Preservation Act (See Appendix C)
- 4) Executive Orders on Environmental Justice (See Appendix D)

8. Supplemental Information

Operators may provide any additional information as an attachment(s) to the NOI.

9. Certification Requirements

The NOI must be signed by the operator(s) of the site, as specified, above, in accordance with the signatory requirements of 40 CFR §122.22 and confirm that the required notifications have been given prior to the initiation of discharge(s).

1.4.4 NOI Timeframes

1. Existing Discharges: For any existing discharge (i.e., discharges in accordance with the 2017 Remediation General Permit or the 2015 Dewatering General Permit), the following applies:

- 1) Operators of existing discharges must submit a NOI to EPA, and the appropriate State, when required, for coverage under the DRGP **no later than 90 days after the effective date of the DRGP.**

Existing coverage under the 2017 RGP or 2015 DGP remains administratively continued until EPA authorizes the discharge under the DRGP or permit coverage is terminated. Failure to submit a NOI within 90 days of the effective date of the DRGP for an existing discharge will result in automatic termination. For enforcement purposes, any operator of an existing discharge that fails to submit the required NOI will be considered discharging without a permit. A NOI is not required if the operator submits a NOT before the 90-day period expires. See Appendix H.

2. Emergency Discharges: For any emergency discharge, including discharges conducted in response to an emergency,⁷ or to avoid imminent endangerment to human health, public safety, or the environment, the following applies:

- 1) Operators of emergency discharges must submit a NOI to EPA, and the appropriate State, when required, **no later than 30 days after the discharges commence.**

An operator is required to provide documentation in the NOI submitted to EPA to substantiate the occurrence of an emergency or conditions requiring an emergency discharge.

3. New Discharges: For any discharge not considered an existing or emergency discharge, including sites that received authorization to discharge under the 2017 RGP or 2015 DGP but subsequently submitted a NOT, or sites covered under other discharge permits that wish to seek coverage under the DRGP, the following applies:

- 1) Operators of new discharges must submit an NOI to EPA, the appropriate State, when required, and the municipality in which the proposed discharge is located **at least 30 days prior to the proposed start of discharge.**

EPA provides access to NOIs received through EPA's NeT website and monitoring data submitted by operators authorized to discharge under this general permit through EPA's ECHO website.

1.5 EPA Determination of Coverage

During the period beginning on the effective date and lasting through the expiration date, EPA will authorize discharges under the DRGP to receiving waters in Massachusetts and New Hampshire, for federal facilities in Vermont, and for sites located on Indian country in Connecticut and Rhode Island under the terms and conditions specified in this permit. The effective date of authorization for each discharge covered under the DRGP is the date indicated in EPA's written authorization to discharge, lasting through the expiration date of the DRGP or written termination of coverage, whichever occurs first.

Any operator may request to be covered under the DRGP but the final authority rests with EPA. Coverage under the DRGP will be effective when EPA has reviewed the NOI, made a determination that coverage under the DRGP is authorized, and has notified the operator in writing of its determination, which will occur automatically 30 days following the submittal of a NOI to EPA, unless the NOI is placed on hold, or the discharge is authorized by EPA prior to 30 days (e.g., provisional coverage for emergency discharges). The effective date of coverage will be the date indicated in the authorization to discharge provided by EPA in writing. Any additional State conditions will be provided in writing.

⁷ Major weather events (including, but not limited to: tornadoes/hurricanes/tropical storms, extreme precipitation events, storm surge, and flood conditions); natural disasters (including, but not limited to: earthquakes, mud slides); disruption to essential public services; imminent threat to human health, public safety, or the environment.

1.5.1 Written Authorization to Discharge

To be authorized to discharge under the DRGP, an operator must:

1. Have a discharge located in the areas listed in Part 1.1, above;
2. Have a discharge type listed in Part 1.2, above;
3. Have a discharge that is not subject to the limitations on coverage in Part 1.3, above;
4. Submit a complete and accurate Notice of Intent (NOI) in accordance with the requirements of Part 1.4, above; and
5. Receive a written authorization to discharge from EPA as described in this part.⁸

Any operator authorized to discharge under the DRGP will receive written notification from EPA. Failure to submit to EPA a NOI to be covered and/or failure to receive from EPA written notification of permit coverage means that the operator is not authorized to discharge under the DRGP. An operator that is denied permit coverage by EPA is not authorized under the DRGP to discharge to Waters of the United States.

1.5.2 Emergency Authorization to Discharge

1. An emergency discharge is considered provisionally covered under the DRGP immediately upon the initiation of discharges on the condition that:
 - 1) A complete and accurate NOI is submitted in accordance with Part 1.4 **within 30 days after the emergency discharges commence**;
 - 2) Notification is provided to EPA in writing in accordance with Part 3.3.2 prior to commencing an emergency discharge when feasible, but no later than 24 hours after such discharges commence; and
 - 3) Monitoring proceeds in accordance with the monitoring requirements specified in Part 2 and Part 3 for the duration of provisional coverage for the parameters applicable to the wastewater(s) discharged; and
 - 4) The operator implements the applicable requirements of the BMP and BMPP special conditions, including corrective actions if any limitation for the applicable parameters is exceeded.
2. Provisional coverage is authorized immediately upon notification, and continues until either:
 - 1) EPA provides written authorization to discharge;
 - 2) EPA notifies the operator that authorization is delayed or denied; or

⁸ Where the DRGP refers to correspondence in writing from EPA, such correspondence may be by email, hardcopy mail, and/or facsimile transmittal.

- 3) The operator submits a NOT to EPA.

1.5.3 When the Director May Require an Individual Permit

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

1. A determination under 40 CFR §122.28(b)(3), including:
 - 1) A change has occurred in the availability of the demonstrated technology of practices for the control or abatement of pollutants applicable to the point source(s);
 - 2) Effluent limitation guidelines are promulgated for the point source(s) covered by this permit;
 - 3) 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;
 - 4) 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
 - 5) The discharge(s) is a significant contributor of pollutants.
2. The discharger is not in compliance with the conditions of the DRGP.
3. The discharge(s) is in violation of State water quality standards for the receiving water.
4. Actual or imminent harm to aquatic organisms, including ESA or human health, is identified.
5. The discharge adversely impacts any federally managed species for which critical habitat (under ESA) or EFH has been designated.
6. The point source(s) covered by the DRGP no longer:
 - 1) Involves the same or substantially similar types of operations;
 - 2) Discharges the same types of wastes;
 - 3) Requires the same discharge limitations or operating conditions; or
 - 4) Requires the same or similar monitoring.
7. 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 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 an operator otherwise subject to the DRGP, the applicability of this permit to that operator is automatically terminated upon the effective date of the individual permit.

1.5.4 When an Individual Permit May Be Requested

Any operator may request to be excluded from the coverage under the DRGP by applying for an individual NPDES permit. In addition, any interested person may petition the Director to take such action. When an individual NPDES permit is issued to an operator otherwise subject to the DRGP, the applicability of this permit to that operator is automatically terminated on the effective date of the individual permit.

PART 2 DISCHARGE LIMITATIONS

2.1 Numeric Limitations

2.1.1 Wastewater-Specific Limitations

During the period beginning on the effective date and lasting through the expiration date, each discharge shall be limited as specified in this section. The applicability of limitations is specified by the type of wastewater. Additional limitations are specified in Parts 2.2 and 2.3, below, and Part 6 for the applicable State(s).

1. Groundwater Limitations and Monitoring Requirements¹

Parameter ²	Limitations ^{3,4}	
	Wastewater Limitation	Case-by-Case Limitation
pH	6.0 to 9.0 SU	See Part 6
Total Suspended Solids	30 mg/L	---
Turbidity ⁵	50 NTU	See Appendix E
Total Nitrogen ⁶	10 mg/L	See Appendix E and G
Total Dissolved Solids	500 mg/L	---
Chloride	Report mg/L	See Appendix E and G
Total Petroleum Hydrocarbons	5 mg/L	---
Arsenic ⁷	104 µg/L	See Appendix E and G
Copper ⁷	242 µg/L	See Appendix E and G
Iron ⁷	5,000 µg/L	See Appendix E and G
Lead ⁷	160 µg/L	See Appendix E and G
Cyanide ⁸	178,000 µg/L	See Appendix E

2. Stormwater Limitations and Monitoring Requirements¹

Parameter ²	Limitations ^{3,4}	
	Wastewater Limitation	Case-by-Case Limitation
pH	6.0 to 9.0 SU	See Part 6
Total Suspended Solids	30 mg/L	---
Turbidity ⁵	50 NTU	See Appendix E
Total Nitrogen ⁶	10 mg/L	See Appendix G
Total Phosphorus ¹⁰	0.1 mg/L	See Appendix G
Bacteria: ⁹ <i>E. Coli</i> (FW) <i>Enterococcus</i> (SW)	Report CFU	See Appendix E and G
Total Dissolved Solids	500 mg/L	---
Chloride	Report mg/L	See Appendix E and G
Oil & Grease	15 mg/L	---
Copper ⁷	242 µg/L	See Appendix E and G
Nickel ⁷	1,450 µg/L	See Appendix E and G
Zinc ⁷	420 µg/L	See Appendix E and G

3. Potable Water Limitations and Monitoring Requirements¹

Parameter ²	Limitations ^{3,4}	
	Discharge Limitation	Case-by-Case
pH	6.0 to 9.0 SU	See Part 6
Total Suspended Solids	30 mg/L	---
Turbidity ⁵	50 NTU	See Appendix E
Ammonia ¹¹	Report mg/L	See Appendix E
Total Residual Chlorine ¹²	200 µg/L	See Appendix E
Copper ⁷	242 µg/L	See Appendix E and G
Lead ⁷	160 µg/L	See Appendix E and G
Zinc ⁷	420 µg/L	See Appendix E and G

4. Surface Water Limitations and Monitoring Requirements¹

Parameter ²	Limitations ^{3,4}	
	Wastewater Limitation	Case-by-Case Limitation
D. Surface Water		
pH	6.0 to 9.0 SU	See Part 6
Total Suspended Solids	30 mg/L	---
Turbidity ⁵	50 NTU	See Appendix E
Total Dissolved Solids	500 mg/L	---
Oil & Grease	15 mg/L	---
Mercury ⁷	0.739 µg/L	See Appendix E and G

Footnotes:

¹ The following abbreviations are used in Tables 1 through 4, above:

^a mg/L = milligrams per liter

^b NTU = nephelometric turbidity units

^c µg/L = micrograms per liter

^d FW = freshwater

^e SW = saltwater

^f CFU = colony forming units

² The limitation and/or report requirement for any parameter listed applies to any site if the given wastewater type will be discharged from the site, either in whole or part.

³ The limitation type for all wastewater limitations listed above is daily maximum. See Attachment 1 for additional definitions.

⁴ The case-by-case limitations for all parameters are specified in Part 6, below. Also see Appendix E and G.

⁵ Turbidity samples may be analyzed with a field meter using Method 180.1 Rev 2.0, or other EPA-approved method in 40 CFR §136.

⁶ Total Kjeldahl Nitrogen and Nitrate + Nitrite samples shall be collected concurrently. The results of these analyses shall be used to calculate the concentration of total nitrogen, as follows:

$$\text{Total Nitrogen (mg/L)} = [\text{Total Kjeldahl Nitrogen (mg/L)}] + [\text{Nitrate+Nitrite (mg/L)}]$$

⁷ The limitation for this parameter is expressed on the basis of total recoverable metal in the water column up to the maximum limit. See Appendix F for calculation methodology.

⁸ The limitation for cyanide is shown as free cyanide per liter. However, total cyanide must be reported. The compliance level for total cyanide is 5 µg/L. See Appendix F for calculation methodology.

⁹ *E. coli* is expressed in colony forming units per 100 mL and applies to freshwater, unless otherwise specified in Appendix E.

¹⁰ Total phosphorus shall be reported as total recoverable.

¹¹ Ammonia is expressed as total ammonia nitrogen. The ML for analysis must be less than or equal to 0.1 mg/L. See Attachment 1 for additional definitions.

¹² The compliance level for TRC is 30 µg/L. See Appendix F for calculation methodology.

2.1.2 Discharge Flow Limitations

Discharge flow shall be limited and monitored as specified below.

Discharge Flow Limitations¹		
Discharge Flow²	Limitations	
	Site-Specific Design Flow³	Maximum 1.0 MGD⁴

Table 3 Footnotes

¹ Discharge flow limitations apply to all discharges. The limitation type for discharge flow is daily maximum. Discharge flow shall be reported as the maximum measured flow rate of each day (i.e., 24 hours) of discharge in a monitoring period.

² Discharge flow shall be measured after treatment using a continuous measurement flow meter (i.e., a device that records the instantaneous gallons per minute (GPM) and total gallons discharged). If an operator demonstrates that use of a meter is infeasible and such a change is approved by EPA in writing, discharge flow shall be based on an estimate. An estimate of discharge flow shall be determined by the operation time and design flow of the treatment system in use at a site, or the flow rate and dimensions of the outfall at a site, if no treatment system is in use, unless otherwise instructed by EPA and/or the appropriate State.

³ Discharge flow shall not exceed the design flow capacity of any treatment system in use at a site, determined by the component of the treatment system with the most restricted. Additional Design Flow BMP requirements are included in Part 3.5.2, below.

⁴ If no design flow applies (i.e., no mechanical component is required to discharge), discharge flow shall not exceed 1.0 MGD, unless a flow limitation greater than 1.0 MGD is approved by EPA on a case-by-case basis. Discharge flow shall not exceed the flow of receiving water or alter the structural characteristics of the receiving water. Flow control measures must be used when necessary to dissipate energy and control erosion or scouring during discharge

2.1.3 Additional Case-by-Case Limitations

If any pollutant which is not limited by this general permit is present at a site and the operator is otherwise eligible for coverage under this general permit, the operator must disclose the pollutant(s) and concentration(s) in the NOI. Additional requirements for any such pollutants apply. EPA may:

1. Authorize the discharge on a case-by-case basis, provided the operator sufficiently demonstrates⁹ that pre-treatment¹⁰ will remove¹¹ the pollutant(s) from the wastewater(s) prior to discharge, and provided that such a discharge does not violate Section 307 or 311 of the CWA or applicable State water quality standards.¹²
2. Impose additional numeric and/or non-numeric limitations on a case-by-case basis for such pollutants if specified through a regulatory action which has been afforded public notice and comment as applicable (e.g., EPA regulation, guidance or policy, State 401 Certification modification, permit modification, antidegradation review, water quality standards variance, administrative order, order of conditions); or
3. Require an operator to obtain coverage under an individual permit, if information in the NOI, required reports, or from other sources indicates that the discharges are not or will not be controlled as necessary to meet water quality standards.

When additional discharge limitations and/or monitoring requirements apply, EPA and/or the State will provide the reasons for the additional conditions and will specify the monitoring and reporting requirements.

2.2 Best Management Practices Requirements

2.2.1 Best Management Practices Plan (BMPP)

Operators must develop, implement, and maintain a BMPP for the discharges covered under this general permit. The BMPP is required for all operators.

1. The BMPP shall provide a plan for compliance with the terms of this general permit and must document the implementation of control measures, including best management practices (BMPs), to meet the following non-numeric technology-based discharge limitations:
 - 1) Minimize the potential for violations of the terms of this general permit, taking corrective actions, when necessary;
 - 2) Minimize the number and quantity of pollutants and/or the toxicity generated, discharged, or potentially discharged at the site;

⁹ Either actual pre-treatment sample results or treatment technology specifications with treatment performance data.

¹⁰ For the purposes of this provision, “remove” means pre-treatment with the best available treatment technology or technologies.

¹¹ A sample result of non-detect obtained using a sufficiently sensitive test method. Non-detect means the presence of the given parameter is not indicated above the method detection limit for the analysis of that parameter.

¹² The discharge would be eligible if a segment is impaired due to a pollutant which is not expected in the discharge covered by this general permit. Similarly, the discharge would be eligible if the discharge contains the pollutants for which a segment is impaired (e.g., metals) but meets the limitations in this general permit for those pollutants with no dilution, as these limitations are equal to the water quality standards. See Appendix F for State-specific lists of water-quality based limitations and Appendix G for the list of limitations pertaining to waterbodies included in the States’ integrated list of waters (CWA 303(d) and 305(b)).

- 3) Minimize discharges of pollutants from the dewatering and remediation activities, including: material storage areas, on-site control measures and materials, treatment and material handling areas, loading and unloading operations, and accidental leaks or spills, including implementation of material compatibility and good housekeeping practices; and
- 4) Use pollution control technologies when necessary to meet the discharge limitations and requirements in this general permit, including the proper operation and maintenance of any such treatment system.

2. The BMPP must include the following information, at a minimum:

- 1) Name and location of the site;
- 2) Any necessary treatment system schematics, drawings, or maps, including up to date site plans with a detailed outfall diagram;
- 3) Identification and contact information for the operator(s);
- 4) Identification of potential sources of pollution;
- 5) Description of the specific control measures, including BMPs, the operator will take to reduce the pollutants associated with the following:
 - i. Wastewater(s) and discharge;
 - ii. Storage and handling areas;
 - iii. Site runoff;
 - iv. On-site transfer;
 - v. Loading or unloading operations;
 - vi. Spillage or leaks;
 - vii. Sludge and waste disposal; and
 - viii. Drainage onto the site (e.g., on-flow).
- 6) Description of the specific control measures, including BMPs, used to meet the requirements of this general permit and including the specific BMPs required for all discharges in Part 2.2, below.

3. The BMPP must be a written document (hardcopy or electronic). The BMPP may either be a stand-alone document or may be incorporated into any other BMPP, Pollution Prevention Plan, Spill Prevention Control and Counter Measures (SPCC) Plan, or other plan developed for the site as required under other permits or programs.¹³ Operators must provide BMPP certification to EPA for a site as follows:

- 1) Operators with existing discharges shall revise the BMPP to meet the terms of this general permit and shall certify as part of the NOI that a BMPP meeting the requirements of this general permit has been developed and implemented;
- 2) Operators with emergency discharges shall certify as part of the NOI that the BMP requirements included in Part 2.2 were met during provisional coverage and, if discharges will continue, shall certify as part of the NOI that a BMPP meeting the requirements of this general permit has been developed and implemented; and

¹³ Operators may refer to *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA-833-B-93-004, 1993).

- 3) Operators initiating new discharges shall certify as part of the NOI that a BMPP meeting the requirements of this general permit has been developed and will be implemented upon initiation of discharge.
4. The operator must certify the BMPP annually, thereafter, as follows:
 - 1) On or before January 15th each calendar year, or upon Notice of Termination (NOT) if a discharge lasts less than one year, the operator must certify through an attachment to the December DMR that the requirements of the BMPP were met for the previous calendar year, or for the duration of discharge if a discharge lasts less than a full calendar year;
 - 2) Each certification must state any occasions of non-compliance with the requirements of the BMPP, any exceedance of any discharge limitations included in this general permit, and any corrective actions taken within the calendar year;
 - 3) The required certification statements must be maintained with a complete, up to date BMPP on site or at the location of the principal operator identified in the NOI and made available for inspection by EPA or the State;
 - 4) Any amendments to the BMPP resulting from any change which occurred at the site must be explained in the certification for the calendar year in which the change(s) occurred;
 - 5) Each certification must be signed in accordance with 40 CFR §122.22; and
 - 6) Failure to submit the required certifications may result in permit termination and/or penalties imposed by EPA, the State, or both.

2.2.2 Best Management Practices (BMPs)

Operators must implement control measures, including the following best management practices (BMPs), to meet the discharge limitations and requirements in this general permit. Operators must design, install, implement, and maintain all control measures in accordance with good engineering practices, including manufacturer's design specifications.¹⁴ The BMPs specified below are required for all operators.¹⁵

1. A **Discharge Flow BMP** must include, at a minimum:
 - 1) Documentation of the method(s) for measuring discharge flow;
 - 2) Flow control measures that prevent discharge(s) that exceed the discharge flow limit;
 - 3) Flow management practices which divert, infiltrate, reuse, contain, or otherwise reduce extraneous uncontaminated runoff and minimize the extent to which such waters commingle with dewatering/remediation activity discharges; and
 - 4) Control measures that ensure the discharges covered by the DRGP do not adversely affect the receiving water by erosion, stream scouring, or sedimentation.
2. A **Preventative Maintenance BMP** must include, at a minimum:

¹⁴ Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your BMPP.

¹⁵ Additional guidance for BMPs can be found in *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004).

- 1) Documented procedures and protocols that ensure all control measures, including all treatment system components and related appurtenances used to achieve the limitations in this general permit remain in effective operating condition and do not result in leaks, spills, and other releases of pollutants;
- 2) A maintenance schedule for all treatment system components and related appurtenances used to meet the limitations of this general permit; and
- 3) Records of the completion of regular maintenance activities.

3. A **Pollutant Minimization BMP** must include, at a minimum:

- 1) Identification and assessment of the type and quantity of pollutants, including their potential to impact receiving water quality;
- 2) Control measures must ensure dilution is not used as a form of treatment, or as a means to achieve the limitations and requirements in this general permit; and
- 3) Selection, design, installation and proper operation and maintenance of pollution control technologies necessary to meet the limitations and requirements in this general permit. The treatment technologies may include, but are not limited to any combination of the following:¹⁶

- i. Adsorption/Absorption
- ii. Advanced Oxidation Processes
- iii. Air Stripping
- iv. Granulated Activated Carbon (GAC)/Liquid Phase Carbon Adsorption
- v. Ion Exchange
- vi. Precipitation/Coagulation/Flocculation
- vii. Separation/Filtration

4. An **Administrative Controls BMP** must include, at a minimum:

- 1) Documentation of the site security procedures appropriate for the treatment and other systems related to the NPDES discharge(s);
- 2) Documentation of employee training conducted at least annually (or once, for discharges lasting less than one year) for site personnel who have direct or indirect responsibility for ensuring compliance with this general permit;
- 3) A schedule for and record of routine inspections conducted at least monthly by site personnel who have direct knowledge of the activities at the site, the control measure(s) in use at the site, and the ability to assess the effectiveness of any control measure(s) in use at the site to meet the limitations and requirements of this general permit. Routine inspections must, at a minimum: 1) Assess the wastewater(s) sources, discharge, treatment system, and activity areas, including the outfall, where practicable; 2) Identify any uncontrolled leaks, spills, or discharges; and 3) Conduct visual inspection for indicators of pollution, including, but not limited to: objectionable aesthetic properties

¹⁶ Descriptions of these treatment technologies can be found in the Federal Remediation Technology Roundtable *Remediation Technologies Screening Matrix and Reference Guide, Version 4.0 (2007)* available at <http://www.frtr.gov/scrmttools.htm>.

including color, odor, clarity, floating solids, settled solids, suspended solids, foam, and oil sheen.

- 4) Procedures for completing evaluation, and revision (i.e., repair, modification, or replacement), if necessary, of any control measure used at the site if any of the following conditions occur or are detected during an inspection, monitoring or by other means:
 - i. An unauthorized release or discharge (e.g., spill, leak, or discharge of wastewater not authorized by this or another NPDES permit;
 - ii. A discharge violates a numeric effluent limit listed in this permit;
 - iii. The control measures are not stringent enough to control discharges as necessary such that the receiving water will meet applicable water quality standards and/or the non-numeric limits in this permit;
 - iv. A required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained; and
 - v. Whenever a visual assessment shows evidence of pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).
 - vi. The following corrective actions are required upon discovery of a violation of a permit limitation, at a minimum:
 - i. The operator must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is achieved;
 - ii. Notification must be provided to EPA and to the appropriate State via telephone, e-mail or other verbal or written means in accordance with Part 3.3.2 within 24 hours; and
 - iii. The cause of the permit violation must be identified, and corrective action must be initiated within 72 hours, if necessary to, prior to resuming discharge in accordance with Part 3.1.3, or Part 3.1.2 when a treatment system is not in use, unless otherwise instructed by EPA and/or the appropriate State.

5. **Quality Assurance/Quality Control (QA/QC) BMP** must include, to the maximum extent practicable:

- 1) A description of applicable monitoring requirements;
- 2) A map and/or treatment system diagram indicating the location of each monitoring point with a geographic identifier (i.e., latitude and longitude coordinates);
- 3) Specifications for the number of samples, type of sample containers, type of preservation, holding times, type, and number of quality assurance field samples (i.e., matrix spiked and duplicate samples and sample blanks), sample preparation requirements (e.g., sampling equipment calibration, clean sampling procedures), and sample storage and shipping methods, including EPA QA/QC and chain-of-custody procedures;¹⁷
- 4) Name(s), address(es), and telephone number(s) of the laboratories used by the operator;
- 5) Specifications for analytical methods, analytical detection and quantitation limits for each required parameter, and laboratory data delivery and documentation requirements;
- 6) A schedule for review of sample results, which must be reviewed by the operator no more than 72 hours from receipt of the results; and

¹⁷ Described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5).

- 7) A description of data validation, and data reporting processes (i.e., DMRs and other reports via NetDMR).
6. **Materials Management BMP** must include, at a minimum:
 - 1) Good housekeeping practices and/or control measures that maintain areas that are potential sources of pollutants, including, but not limited to: contaminated soil and groundwater and treatment system chemicals, additives, materials, or appurtenances;
 - 2) Material compatibility practices and/or control measures must ensure safe handling, use and storage of materials including, but not limited to chemicals and additives (e.g., algaecides/biocides, antifoams, coagulants, corrosion/scale inhibitors/coatings, disinfectants, flocculants, neutralizing agents, oxidants, oxygen scavengers, pH conditioners, surfactants and bioremedial agents, including microbes);
 - 3) For any chemical and/or additive used or stored at a site, operators must document, at a minimum:
 - i. Product name, chemical formula, and manufacturer of the chemical or additive;
 - ii. Purpose or use of the chemical or additive;
 - iii. Safety Data Sheet (SDS) and Chemical Abstracts Service (CAS) Registry number for each chemical or additive;
 - iv. The frequency (e.g., hourly, daily), duration (e.g., hours, days), magnitude (i.e., frequency as maximum and average concentration), and method of application for the chemical or additive;
 - v. Any material compatibility risks for storage of the chemical or additive;
 - vi. If available, the vendor's reported aquatic toxicity (NOAEL and/or LC₅₀ for aquatic organism(s)); and
 - vii. A description of the material management control measures employed (e.g., inventory, containment devices, protected storage building(s) and/or cabinet(s)) and any measures taken to ensure material compatibility.
 - 4) Spill prevention practices and spill control measures, including other handling and collection methods, when necessary (e.g., containment devices), must reduce spills and leaks from the treatment system and the release of chemical and/or additives in use at a site. The following actions are required upon detection of a leak, spill, or other release containing a hazardous substance or oil, such as visual observation of a visible sheen, at a minimum:
 - i. The discharge must stop immediately;
 - ii. Notification must be provided to EPA in accordance with Part 4.6.3.b or c within 24 hours;¹⁸
 - iii. The source of the leak, spill or other release must be identified, and corrective action must be taken in accordance with Part 2.2.e, above, if necessary, prior to resuming discharge, unless instructed otherwise by EPA and/or the appropriate State; and

¹⁸ State, tribal, or local requirements may necessitate additional notification to local emergency response, public health, and/or drinking water supply agencies.

- iv. When a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs, the operator must document a description of the release, the circumstances leading to the release, the date of the release, a description of any corrective actions taken and the date such corrective actions are completed.
- 5) Control measures that ensure proper management of solid and hazardous waste and prevent solids, sludge, or other pollutants removed during treatment or control of water and wastewaters from entering Waters of the United States.

7. Major Storm and Flood Events BMP must include:

- 1) Structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures to minimize impacts from discharges from major storm and flood events.¹⁹
- 2) If an operator determines their site may be exposed to,²⁰ or has previously experienced such major storm and flood events,²¹ additional control measures that must be considered include, but are not limited to:
 - i. Reinforce materials storage structures to withstand flooding and additional exertion of force;
 - ii. Prevent floating of semi-stationary structures by elevating above flood level or securing with non-corrosive device;
 - iii. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);
 - iv. Temporarily store materials and waste above flood level;
 - v. Temporarily reduce or eliminate outdoor storage;
 - vi. Temporarily relocate any mobile vehicles and equipment to higher ground;
 - vii. Develop scenario-based emergency procedures for major storm and flood events that are complementary to regular BMP planning and identify emergency contacts for staff and contractors; and

¹⁹ Major storm and flood events refers to instances resulting from major storms such as hurricanes, extreme/heavy precipitation events, and hydrologic flood events such as high-water events, storm surge, and high tide flooding. Extreme/heavy precipitation refers to precipitation that is occurring in more intense or more frequent events according to location and season.

²⁰ To determine if your site is susceptible to an increased frequency of major storm and flood events that could impact the discharge of pollutants, you should reference EPA, FEMA, NOAA, or USGS map products and tools, at a minimum. For example, several available products is currently found at https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qt-news_science_products.

²¹ NOAA's Storm Event Database is available at: <http://www.ncdc.noaa.gov/stormevents/>. Events listed in this database include: The occurrence of storms and other significant weather phenomena having sufficient intensity to cause loss of life, injuries, significant property damage, and/or disruption to commerce; rare, unusual, weather phenomena that generate media attention; and other significant meteorological events that occur in connection with another event.

- viii. Conduct staff training for implementing your emergency procedures at regular intervals.
 - 3) If such control measures are already in place due to existing requirements mandated by other state, local or federal agencies, a brief description of the controls and a reference to the existing requirement(s) must be documented in your BMPP.
8. **Nutrient Management BMP** must include control measures that minimize the discharge of nutrients, including total nitrogen and total phosphorus, from the site to the receiving water. Additional control measures that must be considered include, but are not limited to:
- 1) Procedures to minimize the use of pesticides, herbicides, and fertilizers. Procedures must include requirements for use of slow-release fertilizers on permittee-owned property, in addition to reducing and managing fertilizer use (i.e., the proper use, storage, and disposal of pesticides, herbicides, and using only in accordance manufacturer's instructions).
 - 2) Practices for lawn maintenance and landscaping activities that are protective of water quality. Practices include reduced mowing frequencies, proper management and disposal of grass clippings and leaf litter, and use of alternative landscaping materials (e.g., drought resistant planting). Blowing organic waste materials onto adjacent impervious surfaces is prohibited.
 - 3) Routine sweeping of impervious surfaces. The minimum frequency is monthly.
9. **Bacteria Reduction BMP** must be implemented to:
- 1) Use all known, available, and reasonable methods to prevent rodents, birds, and other animals from feeding/nesting/roosting at the facility. Nothing in this section shall be construed as allowing violations of any applicable federal, state, or local statutes, ordinances, or regulations including the Migratory Bird Treaty Act.
 - 2) Perform at least one inspection of the site conveyance system to identify and eliminate sanitary sewer cross-connections.
 - 3) Install structural source control measures to address on-site activities and sources that could cause bacterial contamination (e.g., compost piles, food waste piles, and animal products).
 - 4) Implement administrative source control measures to prevent bacterial contamination from any known sources of fecal coliform bacteria (e.g., animal/human waste).

2.3 Special Conditions

2.3.1 Prohibited Discharges

1. The following discharges are expressly prohibited under the DRGP:
 - 1) The discharge of any sludge and/or bottom deposits from any storage tank or basin;
 - 2) Wastewater from washout of concrete;

- 3) Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - 4) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - 5) Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
 - 6) Toxic or hazardous substances from a spill or other release.
2. Dilution is expressly prohibited as a form of treatment.

2.3.2 Conditions for Discharges of Chemicals & Additives

1. An operator shall not discharge any chemical or additive²² that was not reported in the NOI submitted to EPA for a site or provided through a subsequent Change NOI.
2. Upon written authorization to discharge, chemicals and/or additives that have been disclosed to EPA may be discharged up to the frequency and level disclosed, provided that such discharge does not violate §§ 307 or 311 of the CWA or applicable State water quality standards.
3. To request authorization to discharge a new chemical or additive, the operator must submit a Change NOI. The Change NOI must include the following information for each chemical and/or additive that will be discharged:
 - 1) Product name, chemical formula, general description, and manufacturer of the chemical/additive;
 - 2) Purpose or use of the chemical/additive;
 - 3) Safety Data Sheet (SDS) and Chemical Abstracts Service (CAS) Registry number for each chemical/additive;
 - 4) The frequency (e.g., hourly, daily), magnitude (i.e., maximum application concentration), duration (e.g., hours, days), and method of application for the chemical/additive;
 - 5) If available, the vendor's reported aquatic toxicity (i.e., NOAEL and/or LC₅₀ in percent for aquatic organism(s)).
 - 6) Written rationale that demonstrates that the discharge of such chemicals and/or additives as proposed will not: 1) will not add any pollutants in concentrations that exceed any permit limitation; and 2) will not add any pollutants that would justify the application of permit conditions different from, or in addition to those currently in this permit.
4. Discharges of a new chemical or additive are authorized under this permit 30 days following written notification to EPA in a CNOI unless otherwise notified by EPA.

²² A chemical or additive, includes, but is not limited to: algacides/biocides, antifoams, coagulants, corrosion/scale inhibitors/coatings, disinfectants, flocculants, neutralizing agents, oxidants, oxygen scavengers, pH conditioners, surfactants and bioremedial agents, including microbes,

5. EPA and/or the appropriate State may request additional information to provide authorization to discharge chemicals and/or additives, including but not limited to: WET testing.

2.3.3 Conditions for Infrastructure Dewatering

In addition to meeting the BMP requirements for all discharges, above, discharges from pipeline and tank dewatering must meet the following requirements:

1. Pipeline(s), tank(s) or similar structures and appurtenances must be pre-cleaned to remove scale, solids, and residues unless these structures are used only for potable water storage or conveyance;²³
2. Water quality control measures must be implemented if potable water, groundwater, or surface waters other than the receiving water will be discharged that prevent lower quality waters being transferred to higher quality waters;
3. Discharges of chemicals and/or additives used for tank or pipeline cleaning, repair or installation are prohibited unless in accordance with Part 2.3, above; and
4. Discharges of tank bottom water and/or sludge generated in the dewatering of the infrastructure is prohibited.

PART 3 MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

In addition to any monitoring, record-keeping and reporting requirements specified in Parts 1, and 2, above, and in the Standard Conditions of the DRGP (Attachment 2), the following monitoring, record-keeping and reporting requirements apply to discharges covered under the DRGP. EPA may notify the operator of additional monitoring requirements. Any such notice will briefly state the reasons for the monitoring and will specify the monitoring and reporting requirements.

3.1 Monitoring Requirements

Sampling of the wastewater(s), discharge and/or receiving water must yield data representative of the discharge under authority of Section 308(a) in accordance with 40 CFR §122.41(j), §122.44(i), and §122.48. The sample type for all monitoring locations is grab. Each grab sample must be analyzed and cannot be composited.

3.1.1 Monitoring Locations

1. Wastewater (i.e., the untreated influent) samples required for an operator's NOI shall be taken at a point defined by geographic coordinates in the NOI (i.e., latitude and longitude),

²³ Discharges resulting from the hydrostatic testing of pipelines or tanks must follow the procedures detailed in the American Petroleum Institute 653 Standard and/or applicable State regulations.

immediately prior to any treatment system component. If the wastewater sampling location as defined has not been established prior to submittal of the NOI, the operator must provide a detailed description of the sample location(s) selected such that an inspector from EPA or the State could replicate the sample upon site inspection. The following requirements apply:

- 1) Wastewater samples must be collected from areas of contamination, when known;
- 2) The wastewater sample must ensure that the highest concentrations of pollutants that may be treated and/or discharged are represented;
- 3) If a monitoring well is used as the sampling location for the wastewater, the monitoring well must be located within the maximum extent of contamination and should be maintained until an operator receives authorization to discharge in the event additional sampling is requested by EPA;
- 4) If wastewater is generated from multiple areas of a site across which contamination types and/or concentrations vary, the operator must collect additional samples such that the data provided are representative of the expected wastewater characteristics, and each location must be defined;²⁴
- 5) If the wastewater concentrations are unknown or vary widely across a site, additional samples must be collected that are representative of the expected variability, and each location must be defined.²⁵

2. Discharge (i.e., the treated effluent) samples shall be taken at a consistent point defined by geographic coordinates in the NOI (i.e., latitude and longitude), following all treatment, immediately prior to discharge to the receiving water, private or municipal separate storm sewer system, or, if the treated discharge is commingled with another wastewater stream, prior to such commingling.

3. Receiving water samples, if required in an operator's NOI or authorization to discharge, shall be taken at a consistent point defined by geographic coordinates in the NOI (i.e., latitude and longitude), from a reasonably accessible location, upstream; or otherwise immediately outside of the zone of influence of the discharge or other site activities that could affect water quality; or in the vicinity of the point where the discharge enters the receiving water. The following requirements apply:

- 1) Receiving water samples must be representative of the conditions in the receiving water.
- 2) If the discharge is indirect, that is, is conveyed from the authorized outfall at the site, via infrastructure or groundwater to a receiving water off-site, the receiving water sample must be collected at the first water body the treated discharge will enter.

4. Pre-treatment samples (i.e., internal monitoring), if required in an operator's authorization to discharge, shall be taken at a consistent point. Pre-treatment monitoring is applicable for monitoring of unauthorized pollutants under the DRGP. The pre-treatment sampling point may be the same as one of the sampling locations defined above.

²⁴ Operators of such sites are encouraged to contact EPA in accordance with Part 3.3.4 for assistance in influent sample design.

²⁵ See footnote 18, above.

3.1.2 Monitoring Frequency

The monitoring frequency specified applies to all discharges covered under the DRGP unless activity-specific sampling is otherwise specified (e.g., certain short-term discharges, below). Changes to the specified monitoring frequency must be approved by EPA in writing through a Change Notice of Intent (CNOI). See Appendix H.

The routine monitoring frequency for discharges covered under the DRGP is 1/month (i.e., at least one sample per each calendar month) as follows:

1. Beginning the first full calendar month following the effective date of the authorization to discharge;
2. Continuing a minimum of eight months and 10 samples, prior to submission of any request for modification of this monitoring frequency in accordance with Part 4.1 below; and
3. Continuing for the term of the DRGP, or until Notice of Termination, whichever occurs first, unless modified by EPA in writing.

3.1.3 Treatment System Monitoring Requirements

All operators must perform treatment system monitoring when a treatment system is in use at a site. Treatment system monitoring requirements apply during initial startup, and following interruption as specified below.

1. Discharge Initiation

The operator must perform the following sampling and analysis for all parameters required for the applicable activity category and wastewater required in Part 2, above, when a discharge is either initiated for the first time, or upon the re-initiation of discharge following a treatment system interruption lasting 30 or more consecutive days, unless otherwise specified:

- 1) During the first week of discharge, operators must sample the **wastewater and discharge** two times: one sample of the wastewater and one sample of the discharge must be collected on the first day of the discharge; and one sample of the wastewater and one sample of the discharge must be collected on one additional non-consecutive day within the first week of discharge;
- 2) During the first week of discharge, samples must be analyzed in accordance with 40 CFR §136 unless otherwise specified in the DRGP with a rushed turnaround time and results must be reviewed no more than one business day from receipt of the results of each sampling event. After the first week, samples may be analyzed with a standard turnaround time and results must be reviewed no more than 72 hours from receipt of the results;
- 3) If the treatment system is operating as designed and achieving the limitations in the DRGP, sampling of the **wastewater** shall be discontinued; **and** sampling of the **discharge** shall be as follows, thereafter: 1) 1/Month for the remaining term of the

permit; and 2) Adjusted for any monitoring frequency reduction approved by EPA in writing through a Change NOI.

2. Corrective Action

If the treatment system is shut down during startup or interrupted as a result of a problem, including when discharge concentrations for any parameter exceeds the limitations, corrective actions must be taken in accordance with Part 2.2.2, above and as follows:

- 1) Upon re-initiation of discharge, the operator shall collect one sample with a rushed turnaround time and results must be reviewed no more than one business day from receipt of the results of the sampling event;
- 2) If the problem requiring corrective action has been corrected, the operator may resume with routine monitoring requirements;
- 3) If the problem persists, the operator must immediately halt discharges and notify EPA and the appropriate State via telephone, e-mail or other verbal or written means in accordance with Part 3.3.4 within 24 hours of the need to cease discharge; discharge may resume upon completion of corrective actions as directed by the EPA contact.

3. Interruption/Temporary Shutdown

The DRGP allows for interruption of discharge. In the event of a discharge interruption, the following requirements apply:

- 1) In addition to the requirements for certain upset and/or bypass conditions specified in Attachment 2, Standard Conditions, if the operator has any indication of an exceedance of discharge limitations, corrective actions must be taken in accordance with Part 2.2.2, above.
- 2) If a discharge interruption lasts for 30 or more consecutive days, the discharge initiation monitoring frequency applies.
- 3) If the discharge has been interrupted less than 30 consecutive days, the routine monitoring requirements apply, provided corrective action monitoring.

3.1.4 Short-Term Discharge Monitoring Requirements

For the purposes of the DRGP, discharges lasting one week or less (e.g., emergency discharges, immediate response actions, pump tests, temporarily containerized waters and dewatering of pipelines and tanks), which are then terminated and will not be re-started are considered “short-term discharges”. The monitoring requirements for short-term discharges are as follows:

1. Discharges from Dewatering of Pipelines and Tanks

- 1) For tanks, the operator shall take a minimum of one **in-process** sample representative of the tank water following maintenance or testing, but before draining. For bulk storage tanks, or if the tank contents are likely to undergo phase separation or stratification, a minimum of three samples must be collected and composited from the bottom 10% of the

tank volume, the approximate midpoint, and the upper 10% of the tank volume. The operator shall analyze and review the in-process sample prior to discharge. If the analysis demonstrates that the tank water does not meet the effluent limitations in the DRGP, the operator shall not discharge the tank water unless treatment is applied to reduce the pollutant levels below the effluent limitations established in the DRGP;

- 2) For pipelines, the operator shall take one **in-process** sample of the pipeline water following depressurization. The operator shall analyze and review the in-process sample prior to discharge. If the analysis demonstrates that the pipeline water does not meet the effluent limitations in the DRGP, the operator shall not discharge the pipeline water unless treatment is applied to reduce the pollutant levels below the effluent limitations established in the DRGP; and
- 3) For **discharges**, the operator must take one sample of the discharge during the first 10% of discharge. If at any time inspection (i.e., field measurement, visual observation) demonstrates that the discharge does not meet the limitations and requirements in the DRGP, corrective action must be taken in accordance with Part 2.2.e, above.

3.1.5 Test Methods

In accordance with 40 CFR § 122.44(i)(1)(iv), all samples shall be tested according to sufficiently sensitive test procedures (i.e., methods) using the analytical methods found in 40 CFR §136, or alternative test methods approved by EPA, in accordance with the procedures in 40 CFR §136, unless specifically prohibited or authorized for use by the permitting authority in the DRGP. See Appendix I for more information.

1. A method is “sufficiently sensitive” when:
 - 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or
 - 2) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.

3.1.6 Minimum Levels

1. For the purposes of the DRGP, the method detection limit (MDL) for analysis is the lowest level at which the test equipment produces a recognizable signal and acceptable calibration point for a pollutant or pollutant parameter, representative of the lowest concentration at which a pollutant or pollutant parameter can be measured with a known level of confidence.
2. For the purposes of the DRGP, the ML²⁶ is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical

²⁶ Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor. See Attachment A for additional definitions and Appendix I for additional requirements.

method during routine laboratory operating conditions (i.e., the level above which an actual value is reported for an analyte, and the level below which an analyte is reported as non-detect).

3. Operators must achieve the MLs for analysis as specified in Appendix I of the DRGP and meet the following requirements:

- 1) Analysis of wastewater source, pre-treatment, discharge and/or receiving water samples shall be no greater than the compliance level for a given parameter, if a compliance level applies;
- 2) When an analyte is not detected, the operator must report results using the data qualifier signifying less than the ML reported for that analyte (i.e., <0.1 µg/L, if the ML reported for an analyte is 0.1 µg/L); and
- 3) Where the sample concentration of an analyte is above the MDL, but below the ML (i.e., an “estimated value”), a not quantified No Data Indicator Code (NODI) must be reported.

3.1.7 Total Values

When a parameter is required to be reported as a total value, the total value must be calculated by adding the measured concentration of each individual compound required for analysis of that parameter.

3.1.8 Existing Data Substitution

Existing data substitution is allowed for the purposes of preparing a NOI and for the purposes of meeting the monitoring requirements included in the DRGP if the following requirements are met:

1. Sampling and analysis must have been conducted pursuant to a regulatory program, including, but not limited to: Massachusetts Regulations 310 CMR 40.0000, the Massachusetts Contingency Plan (Chapter 21E); New Hampshire’s Title 50 RSA 485-A: Water Pollution and Waste Disposal or Title 50 RSA 485-C: Groundwater Protection Act; or the 2017 Remediation General Permit.
2. Sampling and analysis must meet the QA/QC BMP in Part 2.2.2.
3. For data collected for the purposes of a NOI, for the parameters in Part 2.1.1, the date of analysis for the existing data may not be greater than six months from the date the NOI is certified, unless allowed by EPA on a case-by-case basis. There is no time limit for existing data from historic site characterization for the purposes of indicating presence or absence, so long as these data are representative of current site conditions.

3.1.9 Whole Effluent Toxicity (WET) Testing

1. An operator must conduct WET testing if requested by EPA and/or the appropriate State on a case-by-case basis.
2. If the result of any WET test indicates toxicity (i.e., a $LC_{50} < 100\%$), notification must be provided within 24 hours to EPA in accordance with Part 3.3.4 and to the appropriate State via telephone, e-mail or other verbal or written means in accordance with Part 3.3.3.
3. If EPA and/or the appropriate State determine that a discharge may cause or contribute to an excursion above applicable water quality standards, EPA and/or the appropriate State may require any of the following:
 - 1) Additional WET testing;
 - 2) Acute WET limitations of: $LC_{50} \geq 100\%$;
 - 3) Chronic WET limitations of: $C\text{-NOEC} \geq$ greater than or equal to the receiving water concentration (RWC);²⁷ and/or
 - 4) Case-by-case monitoring or limitations as authorized at 40 CFR §122.44(d)(1)(v).
4. If additional WET requirements apply, EPA will provide the reasons for the additional requirements to the operator in writing and will specify the monitoring and reporting requirements and/or limitations.

3.2 Record-Keeping Requirements

3.2.1 Records Content

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

1. Data used to complete the NOI an any subsequent Change NOI for the DRGP;
2. Sample collection information, including: the date, exact location, and time of sampling or measurement; the name of the individual(s) who performed the sampling or measurement; and the sample chain of custody for each sample;
3. Analytical laboratory reports for each sample analysis, which: identifies the sample(s), the target analyte(s), the test method(s), the dates collected and analyzed, the analytical result(s), the minimum level for each analyte, and the names of the laboratory and individual that conducted the analysis; includes a legible copy of the signed sample chain of custody; and indicates if all appropriate QA/QC procedures were met and were within acceptable limits;
4. Documentation for the development, implementation and maintenance of the BMPP, including certifications;

²⁷ RWC is chronic water concentration, in percent, as determined from diving one by the dilution factor all times
100

5. Discharge monitoring data in the suggested format included in Appendix J, or other format containing all of the information included in Appendix J;
6. Any records of monitoring instrumentation, field monitoring, and visual observations (e.g. portable organic vapor monitoring, turbidity meter, visible sheen observations);
7. Any records of system operation and maintenance; and
8. Any records of site inspections and employee training.

3.2.2 On-Site Records

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

1. A complete copy of the DRGP;
2. A copy of EPA's authorization to discharge and any subsequent modifications, if applicable;
3. Copies of any information submitted to EPA, the appropriate State, and the municipality in which the site is located;
4. Copies of any correspondence received from EPA, the appropriate State, and the municipality in which the site is located regarding permit coverage; and
5. A copy of the BMPP.

3.2.3 Retention of Records

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

3.3 Reporting Requirements

3.3.1 Discharge Monitoring Reports

For all discharges, the operator shall submit the following information to EPA:

1. Submittal of DMRs and the Use of NetDMR
- 1) **Beginning the effective date of the authorization to discharge** the operator shall begin reporting monitoring data in DMRs to EPA and the State, due no later than the 15th day

of the month following the completed reporting period; the reporting periods for the DRGP consist of each calendar month, inclusive;

- 2) All DMRs must be submitted electronically using NetDMR, unless, in accordance with Part 3.3.1.3, below, the operator is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs. NetDMR is a web-based tool that allows operators to electronically submit DMRs and other required reports via a secure internet connection;²⁸ the operator must continue to use NetDMR after beginning to do so.
- 3) The operator must utilize an appropriate No Data Indicator (NODI) Code(s) in instances where monitoring data have not been obtained or are otherwise not required.

2. Submittal of Reports as NetDMR Attachments

When the operator begins submitting DMR reports to EPA electronically using NetDMR, the operator shall electronically submit analytical laboratory reports, and other reports specified in the DRGP to EPA as NetDMR attachments rather than as hard copies, unless otherwise instructed. Because the due dates for other reports described in the DRGP may not coincide with the due date for submitting DMRs and analytical laboratory reports (which is no later than the 15th day of the month), other reports submitted electronically as NetDMR attachments shall be considered timely if electronically submitted to EPA using NetDMR with the next DMR due following the particular report due date.

3. Submittal of NetDMR Opt-Out Requests

NetDMR opt-out requests must be submitted in writing to EPA for written approval at least 60 days prior to the date a site would be required under the DRGP 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 operator 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: NetDMR Coordinator
U.S. Environmental Protection Agency, Water Technical Unit
5 Post Office Square, Suite 100 (04-4)
Boston, MA 02109-3912

4. All operators are subject to the reporting requirements in 3.3.2 through 3.3.4, below, the requirements found in Attachment 2, Standard Conditions, and the requirements of a NOI, Change NOI and NOT. Information that must be submitted with an operator's NOI, Change NOI and NOT is included in Appendix H, for reference.

²⁸ NetDMR is currently accessed from: <http://www.epa.gov/netdmr>.

3.3.2 Notification Requirements

1. As required in 40 CFR §122.44(f), all operators must notify EPA as soon as they have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant (see 40 CFR §401.15) which is not limited in the DRGP which exceeds:

- 1) The notification level of in 40 CFR §122.42; or
- 2) Any other notification level established in accordance with 40 CFR §122.44(f) and State regulations.

2. Written notifications required in the DRGP, unless otherwise specified, shall be made to both EPA and to the appropriate State. Written notifications shall be made in accordance with Part 3.3.3 and 3.3.4, as applicable, below, unless otherwise specified.

3. Verbal notifications required in the DRGP, unless otherwise specified, shall be made to both EPA and to the appropriate State. This includes verbal notifications which require reporting within 24 hours (e.g., see Attachment 2 Parts B.4.c.(2), B.5.c.(3), and D.1.e). Verbal notifications shall be made to:

- 1) The EPA and appropriate State contacts listed on EPA's website for the DRGP;
- 2) EPA's Enforcement and Compliance Assurance Division (ECAD) at: 617-918-1510 for Verbal Notifications required under Attachment 2; and
- 3) The following notifications and reports described in the DRGP shall be submitted to the EPA/WD DRGP Coordinator in the EPA Water Division (WD):
 - i. Written notifications required in the DRGP; and
 - ii. DMRs, analytical laboratory reports, and other reports in electronic format only if/when NetDMR is not required (i.e., EPA grants a waiver to NetDMR).

4. Submittal of Notifications and Reports to EPA

- 1) The following notifications and reports shall be signed and dated originals, submitted in hard copy, with a cover letter describing the submission, if Net DMR is required:
 - i. NetDMR Opt-Out Requests;
 - ii. DMRs and transmittal record of DMRs submitted, when a NetDMR Opt-Out Request has been approved; and
 - iii. Written notifications required under Attachment 2.

2) This information shall be submitted to EPA at the following address:

U.S. Environmental Protection Agency
Enforcement and Compliance Assurance Division
Water Compliance Section
5 Post Office Square, Suite 100 (04-SMR)

Boston, MA 02109-3912

3.3.3 State Reporting Requirements

1. Massachusetts sites must submit copies of all notifications and reports required in Part 3.3.2, above, to massdep.npdes@mass.gov, with the subject header “DRGP” and the site name, or, where an operator is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes submittal in electronic format, in hard copy form:

Massachusetts Department of Environmental Protection
Bureau of Water Resources
1 Winter St. 5th Floor
Boston, MA 02108

2. New Hampshire sites must submit copies of all notifications and reports to the State contacts listed on EPA’s DRGP website, or, where an operator is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes submittal in electronic format, in hard copy form:

New Hampshire Department of Environmental Services
Water Division, Wastewater Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

3.3.4 EPA Permit Contact Information

For assistance with technical questions regarding the DRGP, contact EPA/WD electronically at NPDES.Generalpermits@epa.gov, or by contacting the EPA staff listed on EPA’s DRGP website.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Change Notice of Intent (Change NOI)

Operators covered under the DRGP may request a change to certain conditions through submission of a Change NOI to EPA and the appropriate State, when required, prepared in accordance with the instructions provided for reference in Appendix H, and signed in accordance with 40 CFR §122.22.

4.1.1. How to Request Changes

1. For the purposes of the DRGP, a Change NOI may consist of either:

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

- 2) Other form of official correspondence containing all of the information included in the Change NOI suggested format in Appendix H of the DRGP if EPA has granted a waiver to electronic reporting.

4.1.2. Eligible Changes

Eligible changes, which are not otherwise major permit modifications as provided for under 40 CFR §122.62, may consist of:

1. Request for reduction in monitoring requirements: Routine discharge monitoring requirements may be reduced to 1/year upon demonstration of compliance if the eligibility requirements for this reduction are met. This change to be effective 30 days following notification, unless otherwise notified by EPA. This request requires supporting rationale and monitoring data as follows:

- 1) To be eligible for a reduction in discharge monitoring (Part 3.1.2), the operator must provide monitoring data for a minimum of eight consecutive months and 10 samples for each parameter for which reduction is being requested;
- 2) Existing discharges for which a reduction in the routine monitoring frequency has previously been granted may request further reduction to no less than 1/year.
- 3) Monitoring data must be submitted in support of requests for reduction of monitoring frequency above. Monitoring data submitted in support of this request must be in compliance with the monitoring and reporting requirements of the DRGP, including the QA/QC requirements specified in Part 2.2.2., above, and must be attached in accordance with the instructions in Appendix J;
- 4) The discharge must be in compliance with the limitation for any parameter for which a reduction is requested in Part 3.1.2.a.i, above; and
- 5) A proposed monitoring frequency must be included for each parameter for which a reduction is requested in Part 3.1.2.a.i, which shall be no less than 1/year for any parameter.

2. Request for a change in the site-specific effluent flow limitation: A CNOI must be submitted if effluent flow increases or decreases such that a different discharge limitation must be applied (e.g., the flow at which the dilution factor or limitation was originally calculated). Written approval by EPA is required for this change to be effective. Prior to receiving written approval, the operator must continue to limit effluent flow as required in the DRGP at the frequency specified in the DRGP. Written rationale provided in the CNOI for this request must indicate:

- 1) The effluent flow will not exceed 1.0 MGD;
- 2) The design flow of the treatment system will not be exceeded;
- 3) WQBEL calculations for any limited parameter that applies to the discharge that is based on effluent flow; and
- 4) Certification that any revised effluent limitation or monitoring requirement will be complied with.

3. Request for a correction to a written authorization to discharge.

4. Request to discharge chemical(s) and/or additive(s): A CNOI must be submitted when an operator intends to discharge a chemical or additive that was not disclosed in the NOI submitted for a site. Written approval by EPA is required for this change to be effective. Monitoring data submitted in support of this request must be in compliance with the monitoring and reporting requirements specified in the DRGP, including the QA/QC requirements specified in Part 2.2.2.f, and must be attached in accordance with the instructions in Appendix VIII. Written rationale provided in the CNOI for this request must include:

- 1) All information required in Part 2.2.2, above; and
- 2) An explanation as required in Part 2.2.3, above; or
- 3) Monitoring data that demonstrates that each of the 126 priority pollutants are non-detect in discharges with the addition of the requested chemicals and/or additives. All data submitted in support of this request must be in compliance with the monitoring and reporting requirements of the DRGP, including the QA/QC requirements specified in Part 2.2.2, above, and must be attached in accordance with the instructions in Appendix VIII.

5. Notification of change to administrative information: This includes, but is not limited to: expected date of initiation of discharge; a change in the address for an owner or operator; a change in contact information for an owner or operator; and a change in ownership, so long as the operator authorized to discharge under the DRGP remains unchanged. A requested change to administrative information is automatic unless EPA notifies the operator otherwise. Examples of when EPA is likely to provide such notification is when EPA intends to revoke and reissue coverage under the DRGP or intends to issue an individual permit. **For a change in operator, a new NOI is required.** For a change in ownership, the new owner must submit:

- 1) Written notification to EPA no more than 30 days following the date of ownership change; and
- 2) Written notification containing the new ownership information, the specific date for ownership change, and an acknowledgement of permit responsibility, coverage, and liability.

6. Notification of a change in discharge location: Notification may be provided in a CNOI for a change in discharge location so long as the receiving water identified in the NOI remains unchanged. Supporting documentation for this notification must indicate the new discharge location. A change in discharge location is automatic unless EPA notifies the operator otherwise. **For a change in receiving water, a new NOI is required.**

7. Notification of a change in activity area: Notification may be provided in a CNOI for a change in activity area so long as the receiving water identified in the NOI and the operator authorized to discharge under the DRGP remain unchanged, and any change in treatment or discharge location are either included in the CNOI, or are unchanged. Supporting documentation for this notification must indicate the new activity area. A change in activity

area is automatic unless EPA notifies the operator otherwise. **For a change in receiving water and/or operator, a new NOI is required.**

8. Notification of a change to a treatment system or process: Notification may be provided in a CNOI for a change to a treatment system or process that adds or removes any major component. Written rationale for this notification must indicate:

- 1) Why the addition or removal is necessary, including when necessary to meet an effluent limitation in the DRGP, or to meet a State permit condition; and
- 2) The discharge will meet the effluent limitations in the DRGP with the addition or removal.

4.1.3. Supporting Documentation

1. 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.
2. Attach monitoring data, if required, or if otherwise being provided, in accordance with the instructions in Appendix VIII.

4.2 Notice of Termination (NOT)

All operators covered under the DRGP must submit a written NOT to EPA, and provide a copy to the appropriate State, in accordance with Part 3.3, above, signed in accordance with 40 CFR §122.22 and in accordance with the instructions provided in Appendix H

4.2.1. How to Terminate Coverage

1. A NOT is required when one or more of the following conditions have been met:
 - 1) All discharges covered under the DRGP have been permanently terminated;
 - 2) Coverage under an individual or other general NPDES permit has been obtained;
 - 3) There is a change in operator; or
 - 4) Authorization to discharge has expired and coverage under a new general permit will not be requested.
2. For purposes of the DRGP, the NOT may consist of either:
 - 1) The electronic NOT; or
 - 2) Another form of correspondence containing all of the information included in the NOT suggested format in Appendix VIII of the DRGP, if a waiver for electronic reporting has been approved for the operator by EPA.
3. A NOT must be submitted **no later than 30 days** following the identification of the condition(s) requiring a NOT.

4. A NOT must include the following general site information:
 - 1) The NPDES permit number assigned by EPA;
 - 2) 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;
 - 3) The name, address, and telephone number of the owner of the site;
 - 4) The name, address, and telephone number of the operator of the site, if different from the owner;
 - 5) Discharge identification (i.e., the outfall number), the discharge location (i.e., longitude and latitude), and the receiving water(s).

5. A NOT must include the following discharge information:
 - 1) Indicate that all discharges have been permanently terminated.
 - 2) Indicate the reason for the termination (e.g., completion of construction project, remediation completion, termination of temporary discharge).
 - 3) Indicate the date of the initiation of discharge, the date of the termination of discharge, the daily maximum effluent flow, and frequency of discharge.
 - 4) Attach a summary of all monitoring results from the initiation of discharge through termination, including the results of monitoring requirements included in Part 3.1 of the DRGP, when required for treatment system start-up(s), interruption(s), and shutdown, in accordance with the instructions in Appendix H.

6. Failure to submit a NOT shall result in continuation of general permit coverage until expiration, including continuation of all monitoring, record-keeping and reporting requirements.

4.3 Expiration of the DRGP

4.3.1 If the DRGP is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and in effect. Please note, EPA cannot provide written authorization of coverage under the DRGP to any operator who submits a NOI to EPA after the permit's expiration date.

4.3.2 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:

1. Reissuance of the DRGP, at which time the operator must comply with the new general permit's NOI requirements and deadline to maintain authorization to discharge;
2. The operator's submittal of a NOT;
3. Issuance of an individual permit for the operator's discharges; or

4. A formal decision by EPA not to reissue the general permit, at which time the operator must seek coverage under an individual permit or other general NPDES permit.

PART 5 STANDARD CONDITIONS

The Standard Conditions, included as Attachment 2 of the Draft Permit, are based on applicable regulations found in the Code of Federal Regulations. *See generally* 40 CFR Part 122.

PART 6 ADDITIONAL PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES

This Permit is in the process of receiving state water quality certification issued by the State under § 401(a) of the CWA and 40 CFR § 124.53. EPA will incorporate by reference all State water quality certification requirements (if any) into the Final Permit. The following limitations apply to all discharges relative to the State in which the site is located.

6.1 Massachusetts State Conditions

In addition to the Effluent Limitations and Monitoring Requirements included in Part 3.1 and Part 3.2, above, each discharge to Waters of the United States within the Commonwealth of Massachusetts shall be limited and monitored as specified below.

6.1.1 pH Limitations

pH Limitations for Discharges in Massachusetts¹

Receiving Water Class ²	Effluent Limitations ³
Freshwater ⁴	6.5 to 8.3 SU
Saltwater ⁵	6.5 to 8.5 SU

Footnotes

¹ pH effluent limitations apply to all discharges.

² There shall be no change from natural background conditions that would impair any use assigned to the class of the receiving water.

³ The limitation type for pH is range. The sample type required for pH is grab. Grab samples shall be analyzed using EPA Method 4500-H⁺-B 2000 or other EPA-approved methods in 40 CFR §136.

⁴ The pH of the effluent shall be in the range of 6.5 to 8.3 standard units (SU) and not more than 0.5 SU outside of the naturally occurring range for freshwater classes.

⁵ The pH of the effluent shall be in the range of 6.5 to 8.5 SU and not more than 0.2 SU outside of the naturally occurring range for saltwater classes.

6.1.2 Temperature Limitations

Temperature Limitations for Discharges in Massachusetts¹

Receiving Water Class		Effluent Limitation ^{2,3}	ΔT Limitation ⁴
Class A	Warm Water Fishery	83°F	$\leq 1.5^\circ\text{F}$
	Cold Water Fishery	68°F	$\leq 1.5^\circ\text{F}$
Class B	Warm Water Fishery	83°F	$\leq 5^\circ\text{F}$
	Cold Water Fishery	68°F	$\leq 3^\circ\text{F}$
	Lakes and Ponds	83°F Warm Water Fishery 68°F Cold Water Fishery	$\leq 3^\circ\text{F}$ in epilimnion
Class SA	---	85°F 80°F (mean)	$\leq 1.5^\circ\text{F}$
Class SB	July to September	85°F 80°F (mean)	$\leq 1.5^\circ\text{F}$
	October to June	85°F 80°F (mean)	$\leq 4^\circ\text{F}$

Footnotes

¹ Temperature effluent limitations apply on a case-by-case basis if heat is indicated as a pollutant in the NOI submitted to EPA, or if EPA and/or the State determine a discharge is likely to contain residual heat.

² The limitation type for temperature is daily maximum. The sample type required for temperature is grab. Grab samples shall be analyzed using EPA Method 2550-B-2000 or other EPA-approved methods in 40 CFR §136.

³ The effluent shall not exceed the maximum temperature noted in Table 5, above for the class of the receiving water. There shall be no change from natural background that would impair any uses assigned to this class including those conditions necessary to protect normal species diversity, successful migration, reproductive functions or growth of aquatic organisms.

⁴ The rise due to a discharge shall not exceed the change in temperature (ΔT) noted for each class in Table 5, above. Change in temperature from background shall be determined by subtracting the temperature of the effluent from the temperature of the receiving water measured a point immediately upstream of a discharge(s) zone of influence at a reasonably accessible location.

6.1.3 Water Quality-Based Limitations

1. The discharge shall not cause a violation of the water quality standards of the receiving water. See Appendix E and G for additional numeric effluent limitations and monitoring requirements.
2. The discharge shall be free from pollutants in concentrations or combinations that, in the receiving water, settle to form objectionable deposits; float as debris, scum or other matter to form nuisances; produce objectionable odor, color, taste or turbidity; or produce undesirable or nuisance species of aquatic life.
3. The discharge shall be free from pollutants in concentrations or combinations that adversely affect the physical, chemical, or biological nature of the bottom.

4. The discharge shall not result in pollutants in concentrations or combinations in the receiving water that are toxic to humans, aquatic life or wildlife.
5. The discharge shall be free from floating, suspended and settleable solids in concentrations or combinations that would impair any use assigned to the receiving water.
6. For Class A waters, the discharge shall be free from oil and grease, petrochemicals and other volatile or synthetic organic pollutants. For Class SA water, the discharge shall be free from oil and grease and petrochemicals. For Class SB waters, the discharge shall be free from oil, grease and petrochemicals that produce a visible film on the surface of the water, impart an oily taste to the water or an oily or other undesirable taste to the edible portions of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.

6.1.4 401 Certification Conditions

1. Pursuant to 314 CMR 3.11(2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2022 DRGP to discharge to Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit to MassDEP for review a copy of the EPA NOI. Pursuant to 314 CMR 4.04(5), MassDEP may request additional information for the purpose of conducting an antidegradation review. For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit the EPA NOI to MassDEP can be found here: <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>. The applicant shall not begin discharging to an Outstanding Resource Water until MassDEP has issued an antidegradation determination and authorization and EPA has issued an authorization under the DRGP.
2. Applicants for sites and/or discharges with known or suspected per- and polyfluoroalkyl substances (PFAS) contamination shall test one sample of the influent as part of the application process, as outlined in the table below. For public water supplies proposing to discharge finished drinking water only, results of the most recent finished water sampling for PFAS can be provided in lieu of testing a new sample. If PFAS is detected, MassDEP will determine additional conditions to be included in the EPA DRGP authorization, which shall include testing of the influent and treated effluent, and may include installation of appropriate treatment for the removal of PFAS.
3. Applicants for sites that propose to discharge to Public Water Supplies (314 CMR 4.06(1)(d)1.) shall also test one sample of the proposed dewatering discharge water for PFAS, as outlined in the table below. If any PFAS compounds are detected, the applicant shall install appropriate treatment for the removal of PFAS and test the influent and treated effluent when the discharge commences. MassDEP may include additional sampling requirements in the EPA DRGP authorization.
4. All PFAS data shall be submitted to massdep.npdes@mass.gov with the

subject header “DRGP” and the site name.

Parameter	Units	Sample Type
Perfluorohexanesulfonic acid (PFHxS)	ng/L	Grab
Perfluoroheptanoic acid (PFHpA)	ng/L	Grab
Perfluorononanoic acid (PFNA)	ng/L	Grab
Perfluorooctanesulfonic acid (PFOS)	ng/L	Grab
Perfluorooctanoic acid (PFOA)	ng/L	Grab
Perfluorodecanoic acid (PFDA)	ng/L	Grab

6.2 New Hampshire State Conditions

In addition to the Effluent Limitations and Monitoring Requirements included in Part 3.1 and Part 3.2, above, each discharge to Waters of the United States within the State of New Hampshire shall be limited and monitored as specified below.

6.2.1 pH Limitations

pH Limitations for Discharges in New Hampshire¹

Receiving Water Class	Effluent Limitations ^{2,3}
Class B	6.5 to 8.0 SU

Footnotes

¹ pH effluent limitations apply to all discharges.

² The limitation type for pH is range. The sample type required for pH is grab. Grab samples shall be analyzed using an EPA-approved method in 40 CFR §136.

³ The pH of the effluent shall be in the range of 6.5 to 8.0 standard units unless a different range is approved by the State.

6.2.2 Temperature Limitations

Temperature Limitations in New Hampshire¹

Receiving Water Class	Effluent Limitation ^{2,3}	
Class B	Warm Water Fishery	83°F
	Cold Water Fishery	68°F

Footnotes

¹ Temperature effluent limitations apply on a case-by-case basis if heat is indicated as a pollutant in the NOI submitted to EPA, or if EPA and/or the State determine a discharge is likely to contain residual heat.

2 The limitation type for temperature is daily maximum. The sample type required for temperature is grab. Grab samples shall be analyzed using an any EPA-approved method in 40 CFR §136.

3 The effluent shall not exceed the maximum temperature noted in Table 2 above for the class of the receiving water. Any stream temperature increase associated with the discharge(s) shall not be such as to appreciably interfere with the uses assigned to the receiving water.

6.2.3 Water Quality-Based Limitations

1. The Permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality classification of, or interfere with the uses assigned to, said water by the New Hampshire Legislature (RSA 485-A:12).
2. The discharge shall not cause a violation of the water quality standards of the receiving water. See Appendix E and G for additional numeric effluent limitations and monitoring requirements.
3. The discharge shall be free from substances in kind or quantity that settle to form harmful benthic deposits; float as foam, debris, scum or other visible substances; produce odor, color, taste or turbidity that is not naturally occurring and would render the surface water unsuitable for its designated uses; result in the dominance of nuisance species; or interfere with recreational activities.
4. Tainting substances shall not be present in the discharge in concentrations that individually or in combination are detectable by taste and odor tests performed on the edible portions of aquatic organisms.
5. The discharge shall not result in toxic substances or chemical constituents in concentrations or combinations in the receiving water that injure or are inimical to plants, animals, humans or aquatic life; or persist in the environment or accumulate in aquatic organisms to levels that result in harmful concentrations in edible portions of fish, shellfish, other aquatic life, or wildlife that might consume aquatic life.
6. The discharge shall not result in benthic deposits that have a detrimental impact on the benthic community.
7. The discharge shall not result in oil and grease, color, slicks, odors, or surface floating solids that would impair any existing or designated uses in the receiving water.
8. The discharge shall not result in an exceedance of the naturally occurring turbidity in the receiving water by more than 10 NTUs.

9. There shall be no new or increased discharge containing phosphorus or nitrogen to tributaries of lakes or ponds that would contribute to cultural eutrophication or growth of weeds or algae in such lakes and ponds.

6.2.4 401 Certification Conditions

1. This Permit is in the process of receiving state water quality certification issued by the State under § 401(a) of the CWA and 40 CFR § 124.53. EPA will incorporate either directly, or by reference, all State water quality certification requirements (if any) into the Final Permit.
2. This NPDES permit is issued by EPA under Federal law. Upon final issuance by EPA, NHDES may adopt any authorization under this permit for a discharge with a duration of 6 months or more, or any other authorization determined necessary by NHDES, including all terms and conditions, as a State permit pursuant to RSA 485-A:13. 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 the 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 EPA.
3. An operator may request a change in the permitted pH range of 6.5-8.0 standard units (SU) if the operator can demonstrate to NHDES: 1) that the range should be widened due to naturally occurring conditions in the receiving water; or 2) that the naturally occurring receiving water pH is not significantly altered by the authorized discharge. The scope of any demonstration project must receive prior approval from NHDES. In no case, shall the above procedure result in pH limits less restrictive than 6.0–9.0 SU. Written approval from NHDES must be submitted to EPA for consideration of this change.
4. Pursuant to New Hampshire Statute RSA 485-A:13,I(c), any person responsible for a bypass or upset at a wastewater facility shall give immediate notice of a bypass or upset to all public or privately owned water systems drawing water from the same receiving water and located within 20 miles downstream of the point of discharge regardless of whether or not it is on the same receiving water or on another surface water to which the receiving water is tributary. Wastewater facility is defined at RSA 485-A:2, XIX as the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge. The Permittee shall maintain a list of persons, and their telephone numbers, who are to be notified immediately by telephone. In addition, written notification, which shall be postmarked within 3 days of the bypass or upset, shall be sent to such persons.
5. An authorization to discharge under this general permit, where the activity discharges to a municipal or private storm drain owned by another party, does not convey any rights or authorization to connect to that drain.

6. Any proposed discharge for authorization under this permit with a duration of one year or more will require an antidegradation review by NHDES in accordance with New Hampshire Code of Administrative Rules Env-Wq 1708. As part of the antidegradation review, persons filing a NOI for a new discharge with a duration of one year or more will be required to supply NHDES with additional water quality data for the discharge and the receiving water. The data must be collected in accordance with a Scope of Work and Sampling/Analysis Plan approved by NHDES. NHDES recommends that applicants meet with staff of the Wastewater Engineering Bureau at least one year prior to the submittal of the NOI.

7. All discharges in NH will not be allowed dilution for the purpose of calculating permit limits unless the applicant completes additional effluent and receiving water sampling as required by NHDES prior to submitting their NOI. If the required sampling is completed and there is available dilution in the receiving water for the proposed discharge flow rate, a dilution factor will be calculated by NHDES that the permittee may include in their NOI for the purpose of calculating permit limits.

8. If Per- and Polyfluoroalkyl Substances (PFAS) are present or have the potential to be present in the discharge, PFAS monitoring of the effluent, source water, and/or receiving water may be required.

9. At any time that NHDES determines that additional water quality certification requirements are necessary to protect water quality, an individual discharger may be required to meet additional conditions to obtain coverage or to continue coverage under this general permit. Any such conditions shall be supplied to the operator in writing.

6.3 Vermont State Conditions

6.3.1. pH Limitations

pH Limitations for Discharges in Vermont¹

Receiving Water Class	Effluent Limitations ^{2,3}
Class B	6.5 to 8.5 SU

Footnotes

¹ pH effluent limitations apply to all discharges.

² The limitation type for pH is range. The sample type required for pH is grab. Grab samples shall be analyzed using an EPA-approved method in 40 CFR §136.

³ The pH of the effluent shall be in the range of 6.5 to 8.5 standard units unless a different range is approved by the State.

6.3.2. Temperature Limitations

Temperature Limitations for Discharges in Vermont¹

Receiving Water		Seven-day mean of maximum daily water temperatures ²	Ambient Water Temperature	ΔT Limitation ^{3,4}	
Class B	Cold Water Fish Habitat	> 68°F		$\leq 1^\circ\text{F}$	
		< 68°F		none allowed	
	Warm Water Fish Habitat Lakes, Ponds, and Reservoirs not including Riverine Impoundments		> 60°F		$\leq 1^\circ\text{F}$
			Between 60°F and 50°F		$\leq 2^\circ\text{F}$
			< 50°F		$\leq 3^\circ\text{F}$
			> 66°F		$\leq 1^\circ\text{F}$
	Warm Water Fish Habitat Rivers, Streams, Brooks, Creeks, and River Impoundments		Between 63°F and 66°F		$\leq 2^\circ\text{F}$
			Between 59°F and 62°F		$\leq 3^\circ\text{F}$
		Between 55°F and 58°F		$\leq 4^\circ\text{F}$	
		< 55°F		$\leq 5^\circ\text{F}$	

Footnotes

¹ Temperature effluent limitations apply on a case-by-case basis if heat is indicated as a pollutant in the NOI submitted to EPA, or if EPA and/or the State determine a discharge is likely to contain residual heat.

² As a rolling seven-day mean of maximum daily water temperatures for the entire period from June 1 to September 30 of any year.

³ The limitation type for temperature is daily maximum. The sample type required for temperature is grab. Grab samples shall be analyzed using EPA Method 2550-B-2000 or other EPA-approved methods in 40 CFR §136.

⁴ Change in temperature from background shall be determined by subtracting the temperature of the effluent from the temperature of the receiving water measured a point immediately upstream of a discharge(s) zone of influence at a reasonably accessible location.

6.2.3 401 Certification Conditions

A. Discharges to Outstanding Resource Waters (ORWs) are prohibited unless the proposed discharge will improve water quality or is necessary for the maintenance of current environmental conditions; or the proposed discharge is temporary and it is expected that water quality in the receiving water will be equal to or better than that which existed prior to commencement of the discharge. In order to be considered temporary, the duration of the discharge must typically occur over a period of days or months, not years.

B. Except as provided for in 10 V.S.A. § 1259 (d) and (f), the discharge of wastes other than nonpolluting wastes and stormwater runoff is prohibited in Class A(1) and A(2) waters regardless of the degree of treatment provided.

C. Noncompliance Notification

1. In the event the Permittee is unable to comply with any of the conditions of this permit due, among other reasons, to:

- (a) Breakdown or maintenance of waste treatment equipment (biological and physical-chemical systems including all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units);
 - (b) Accidents caused by human error or negligence;
 - (c) Any unanticipated bypass or upset which exceeds any effluent limitation in the permit;
 - (d) Violation of a maximum day discharge limitation for any of the pollutants listed by the Secretary in this permit; or
 - (e) Other causes such as acts of nature,
- the Permittee shall provide notice as specified in subdivisions 2, 3, and 4 of this subsection.

2. Pursuant to 10 V.S.A. § 1295, notice for “untreated discharges,” defined as “(1) combined sewer overflows from a Wastewater Treatment Facility (WWTF); (2) overflows from sanitary sewers and combined sewer systems that are part of a WWTF during dry weather flows, which result in a discharge to waters of the State; (3) upsets or bypasses around or within a WWTF during dry or wet weather conditions that are due to factors unrelated to a wet weather storm event and that result in a discharge of sewage that has not been fully treated to waters of the State; and (4) discharges from a WWTF to separate storm sewer systems.”

(a) Public notice. For “untreated discharges” an operator of the WWTF or the operator’s delegate shall as soon as possible, but no longer than one hour from discovery of an untreated discharge from the WWTF, post on a publicly accessible electronic network, mobile application, or other electronic media designated by the Secretary an alert informing the public of the untreated discharge and its location, except that if the operator or his or her delegate does not have telephone or Internet service at the location where he or she is working to control or stop the untreated discharge, the operator or his or her delegate may delay posting the alert until the time that the untreated discharge is controlled or stopped, provided that the alert shall be posted no later than four hours from discovery of the untreated discharge.

(b) Secretary notification. For “untreated discharges” an operator of the WWTF shall within 12 hours from discovery of an untreated discharge from the WWTF notify the Secretary and the local health officer of the municipality where the facility is located of the untreated discharge. The operator shall notify the Secretary through use of the Department of Environmental Conservation’s online event reporting system. If, for any reason, the online event reporting system is not operable, the operator shall notify the Secretary via telephone or e-mail. The notification shall include:

- (i) The specific location of each untreated discharge, including the body of water affected.
- (ii) The date and approximate time the untreated discharge began.
- (iii) The date and approximate time the untreated discharge ended. If the untreated discharge is still ongoing at the time of reporting, the entity reporting the untreated discharge shall amend the report with the date and approximate time the untreated discharge ended within three business days of the untreated discharge ending.
- (iv) The approximate total volume of sewage and, if applicable, stormwater that was released. If the approximate total volume is unknown at the time of reporting, the entity reporting the untreated discharge shall amend the report with the approximate total volume within three business days.

(v) The cause of the untreated discharge and a brief description of the noncompliance, including the type of event and the type of sewer structure involved.

(vi) The person reporting the untreated discharge.

3. For any non-compliance not covered under this permit, an operator of the WWTF or the operator's delegate shall notify the Secretary within 24 hours of becoming aware of such condition and shall provide the Secretary with the following information, in writing, within five days of becoming aware of such condition:

(a) Cause of non-compliance;

(b) A description of the non-complying discharge including its impact upon the receiving water;

(c) Anticipated time the condition of non-compliance is expected to continue or, if such condition has been corrected, the duration of the period of non-compliance;

(d) Steps taken by the Permittee to reduce and eliminate the non-complying discharge; and

(e) Steps to be taken by the Permittee to prevent recurrence of the condition of non-compliance.

4. For noncompliance events related to bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.