

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §§1251 et seq.; the "CWA"), and the Massachusetts Clean Water Act, as amended, (M.G.L. Chap. 21, §§ 26-53)

<b>Modern Continental Construction Co</b> 6 Necco Court Boston, MA 02210	<b>Boston Redevelopment Authority</b> 10 Drydock Avenue South Boston, MA 02210
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Modern Continental Construction Company (MC) is solely responsible for compliance with all the conditions specified in this permit until such time as the Boston Redevelopment Authority (BRA) notifies EPA and MADEP that BRA has resumed full operational control of the permitted facility.

The permittees are authorized to discharge from the facility located at

Drydock Number 4 - Marine Industrial Park  
300 Northern Ave.  
South Boston, MA

to receiving water named

**Boston Harbor to Massachusetts Bay** (Boston Harbor Basin, MA70-02)

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

This permit shall become effective on the date of signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit consists of 8 pages in Part I including effluent limitations, monitoring requirements, and state permit conditions; Attachment B, Best Management Practices Plan; and 35 pages in Part II including General Conditions and Definitions.

Signed this 1<sup>st</sup> day of November , 2002

/Signature on file/

Linda M. Murphy, Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA

Glenn Haas, Director  
Bureau of Resource Protection  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS<sup>3</sup>**

1. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge through **outfall serial numbers 010, and 020**: Graving Dock Dewatering (Stripping Pumps). Such discharge shall be limited and monitored by the permittee as specified below:

**OUTFALLS 010 and 020**

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Average Monthly	Maximum Daily	Measurement Frequency	Sample Type <sup>4</sup>
<b>Total Flow</b>	*****	Report MG	Total Monthly	Estimate
<b>pH Range</b>	6.5 to 8.5 SU		1/Month	Grab

2. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge through **outfall serial numbers 030, and 040**: Graving Dock Dewatering (Stripping Pumps) and Gate Ballast Water. Such discharge shall be limited and monitored by the permittee as specified below:

**OUTFALLS 030 and 040**

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Average Monthly	Maximum Daily	Measurement Frequency	Sample Type <sup>4</sup>
<b>Total Flow</b>	*****	Report MG	Once per discharge	Estimate
<b>pH Range</b>	6.5 to 8.5 SU		Once per discharge	Grab

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3. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge through **outfall serial numbers 001<sup>1</sup> through 009**: Uncontaminated storm water. Such discharge shall be limited and monitored by the permittee as specified below:

**OUTFALLS 001<sup>1</sup> through 009**

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Average Monthly	Maximum Daily	Measurement Frequency	Sample Type <sup>4</sup>
<b>Total Flow<sup>2</sup></b>	*****	Report MG	Once per quarter	Estimate
<b>pH Range<sup>1,5</sup></b>	6.5 to 8.5 SU		Once per quarter	Grab

**The permittees are responsible for the implementation of all appropriate best management practices (BMPs) for ALL discharges and facility operations. The Best Management Practices Document, dated June 6, 2002 and the Storm Water/Dewatering Pollution Prevention - Spill Prevention Control and Countermeasure Plan (Permit Attachment B), are all fully enforceable elements of this permit. The similar plans required under Section C of this permit shall also be fully enforceable compliance measures.**

Footnotes:

- 1) Sample outfall 001 only as a representative sample.
- 2) Report the estimated total flow from outfall 001-009 collectively each quarter. The estimates shall be based on rain gage data and the surface area contributing to the nine catch basins. The requirements in the BMP Plan shall be followed to insure there is no contamination to the discharged storm water.
- 3) Modern Continental (MC) is responsible for meeting all the permit requirement contained herein from the period beginning with the effective date of the permit, until such time as the permit is administratively transferred to the Boston Redevelopment Authority (BRA).

A copy of an agreement signed by both MC and BRA detailing the time of transfer of full operational control back to BRA, shall be submitted to both EPA and MADEP at least 30 days in advance of the intended transfer date. Thereafter, BRA will be the sole permittee (See 40 CFR §122.61).

4) Sampling Locations:

Outfall(s)	Location
010 - 3 inch pump Pier 6	At point of discharge from sedimentation tank
020 - 3 inch pump Pier 5	At point of discharge from sedimentation tank
030 - 10 inch pump	Prior to discharge
040 - Caisson dewatering pump	Prior to discharge
001 - 009 - Storm water	Flow is total of all 9 outfalls. pH sample Outfall 001 only (Pier 5)

- 5) After BRA resumes full operational control of the facility (consistent with footnote 3) pH sample frequency shall be reduce to 1/year for periods when the drydock is not in use.

**Part I.A. (Continued)**

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. Pollutants which are not limited by this permit, but which have been specifically disclosed in the permit application, may be discharged up to the frequency and level disclosed in the application, provided that such discharge does not violate Section 307 or 311 of the Clean Water Act (CWA) or applicable state water quality standards.
- c. The effluent shall not contain materials in concentrations or in combinations which are hazardous or toxic to aquatic life or which would impair the uses designated by the classification of the receiving waters.

- d. Discharges to the Boston Harbor shall be adequately treated to insure that the surface water remains free from pollutants in concentrations or combinations that settle to form harmful deposits, float as foam, debris, scum or other visible pollutants. They shall be adequately treated to insure that the surface waters remain free from pollutants which produce odor, color, taste, or turbidity in the receiving water which is not naturally occurring and would render it unsuitable for its designated uses.
- e. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe (40 CFR §122.42):
  - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
    - (a) One hundred micrograms per liter (100 ug/l);
    - (b) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
    - (c) Any other notification level established by the Director in accordance with 40 CFR §122.44(f) and Massachusetts regulations.
  - (2) That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
    - (a) Five hundred micrograms per liter (500 ug/l);
    - (b) One milligram per liter (1 mg/l) for antimony;
    - (c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
    - (d) Any other notification level established by the Director in accordance with 40 CFR §122.44(f) and Massachusetts regulations.
  - (3) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

**B. EPA AND MADEP NOTIFICATION OF DRY DOCK FLOODING**

The permittee shall provide two weeks advanced notice to both EPA and MADEP prior to flooding the dry dock for tunnel integrity testing or tunnel undocking. EPA and MADEP shall be notified at the numbers below.

EPA - (617) 918-1715

MADEP - (978) 661-7600

**C. BEST MANAGEMENT PRACTICES PLAN (Boston Redevelopment Authority)**

With ninety (90) days of assuming full operational control of Drydock No. 4 from Modern Continental, BRA shall provide EPA and MADEP a draft Storm Water Pollution Prevention Plan/Best Management Practices Plan. The plan shall be developed to incorporate the requirements stated in permit Attachment B. Once approved, the plan shall be a fully enforceable component of this permit.

**D. FUEL TANK INSPECTION**

Within thirty days (30) days of the effective date of this permit, BRA shall submit a report to EPA and MADEP which specifies the contents of the above ground fuel tank located on Pier 5. The report shall describe measures taken to insure the current and future integrity of the tank.

**E. MONITORING AND REPORTING**

Monitoring results obtained during the previous calendar quarter shall be summarized for each quarter and reported on separate discharge monitoring report (DMR) forms postmarked no later than the 15th day of the month following the first quarter after the effective date of the permit.

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

U.S. Environmental Protection Agency  
Water Technical Unit (SEW)  
P.O. Box 8127  
Boston, Massachusetts 02114

The State Agency is:

Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention  
205A Lowell Street  
Wilmington, MA 01887

In addition, copies of all Discharge Monitoring Reports shall be submitted to the following address:

Massachusetts Department of Environmental Protection  
Division of Watershed Management  
Surface Water Discharge Permit Program  
627 Main Street  
Worcester, MA 01608

#### **F. STATE PERMIT CONDITIONS**

This discharge permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) under federal and state law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MA DEP pursuant to M.G.L. Chap. 21, §43.

Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of this permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared, invalid, illegal or otherwise issued in violation of state law such permit shall remain in full force and effect under federal law as an NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this permit is declared invalid, illegal or otherwise issued in violation of federal law, this permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts.