

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

**Pilot Travel Centers, LLC  
5508 Lonas Road  
Knoxville, TN 37909**

is authorized to discharge from the facility located at

**Pilot Travel Centers  
400 Route 15  
Sturbridge, MA 01566**

to receiving water named

**Hamant Pond and Hamant Brook**

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

This permit shall become effective upon signature.

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

This permit supersedes the permit issued on April 17, 1986.

This permit consists of 13 pages in Part I including effluent limitations and monitoring requirements, and 25 pages in Part II, Standard Conditions.

**Signed this 1<sup>st</sup> day of October, 2009**

**/S/ SIGNATURE ON FILE**

\_\_\_\_\_  
Lynne Hamjian, Acting Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Region I  
Boston, MA

\_\_\_\_\_  
Glenn Haas, Director  
Division of Watershed Management  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

**PART 1****A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge treated stormwater through **Outfall Serial Number 001** to Hamant Pond. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Surface Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow	GPD	Report	Report	1/Month	Estimate
Total Suspended Solids (TSS) <sup>7</sup>	mg/L	---	Report	1/Month	Composite <sup>6</sup>
Oil and Grease (O&G)	mg/L	---	15	1/Month	Grab
pH <sup>4,5</sup>	SU	6.5 – 8.0		1/Month	Grab

See page 7 for explanation of footnotes.

**PART 1****A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

2. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge treated stormwater through **Outfall Serial Number 002** to Hamant Pond. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Surface Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow	GPD	Report	Report	1/Month	Estimate
Total Suspended Solids (TSS) <sup>7</sup>	mg/L	---	Report	1/Month	Composite <sup>6</sup>
Oil and Grease (O&G)	mg/L	---	15	1/Month	Grab
pH <sup>4,5</sup>	SU	6.5 – 8.0		1/Month	Grab

See page 7 for explanation of footnotes.

**PART 1**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- 3. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge stormwater runoff through **Outfall Serial Number 003** to Hamant Pond. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Surface Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow	GPD	Report	Report	1/Month	Estimate
Total Suspended Solids (TSS) <sup>7</sup>	mg/L	---	Report	1/Month	Composite <sup>6</sup>
Oil and Grease (O&G)	mg/L	---	15	1/Month	Grab
pH <sup>4,5</sup>	SU	6.5 – 8.0		1/Month	Grab

See page 7 for explanation of footnotes.

**PART 1**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

4. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge stormwater runoff through **Outfall Serial Number 004** to Hamant Brook. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Surface Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow	GPD	Report	Report	1/Month	Estimate
Total Suspended Solids (TSS) <sup>7</sup>	mg/L	---	Report	1/Month	Composite <sup>6</sup>
Oil and Grease (O&G)	mg/L	---	15	1/Month	Grab
pH <sup>4,5</sup>	SU	6.5 – 8.0		1/Month	Grab

See page 7 for explanation of footnotes.

**PART 1**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- 5. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge stormwater runoff through **Outfall Serial Number 005** to Hamant Brook. Such discharge shall: 1) be limited and monitored by the permittee as specified below; and 2) not cause a violation of the State Surface Water Quality Standards of the receiving water.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow	GPD	Report	Report	1/Month	Estimate
Total Suspended Solids (TSS) <sup>7</sup>	mg/L	---	Report	1/Month	Composite <sup>6</sup>
Oil and Grease (O&G)	mg/L	---	15	1/Month	Grab
pH <sup>4,5</sup>	SU	6.5 – 8.0		1/Month	Grab

See page 7 for explanation of footnotes.

**Footnotes:**

1. Samples taken in compliance with the monitoring requirements specified above shall be taken at a point representative of the discharge through the outfall, prior to mixing with the receiving waters. All samples shall be tested in accordance with the procedures in 40 CFR 136, unless specified elsewhere in the permit.
2. Samples shall be taken during wet weather conditions. Wet weather conditions are defined as a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (i.e., greater than 0.1 inch rainfall) storm event. Grab sample(s) shall be taken during the first thirty minutes of the discharge. If collection of grab sample(s) during the first thirty minutes is impracticable, grab sample(s) can be taken as soon after that as possible, and the permittee shall submit with the monitoring report a description of why the collection of the grab sample(s) during the first thirty minutes was impracticable. When a permittee is unable to collect grab sample(s) due to adverse climatic conditions, the permittee must submit in lieu of sampling data a description of why the grab sample(s) could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of sample(s) include weather conditions that pose a danger to personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of sample(s) impracticable (drought, extended frozen conditions, specified storm event did not occur during sampling period, etc.) A “no discharge” report shall be submitted for those sampling periods in which there is no discharge.
3. Sampling frequency of 1/month is defined as the sampling of one (1) discharge event in each calendar month, when discharge occurs. The permittee shall submit the results to EPA of any additional testing done to that required herein, if it is conducted in accordance with EPA approved methods consistent with the provisions of 40 CFR §122.41(l)(4)(ii).
4. Flow shall be estimated on a daily basis at the discharge point located at the end of the pipe, prior to discharging into the receiving water.
5. See Part I.A.7. The pH of the effluent shall be no more than 0.2 units outside the naturally occurring range.
6. A composite sample is a sample consisting of grab samples (two minimum) collected at hourly intervals during a normal discharge, combined proportionally to flow.
7. In the event the TSS concentration exceeds 100 mg/L, see Part I.B.6.

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

6. The discharge shall not cause a violation of the water quality standards of the receiving waters.
7. The pH of the effluent shall not be less than 6.5 SU, nor greater than 8.0 SU at any time, unless these values are exceeded due to natural causes.
8. Discharges other than stormwater are prohibited under this permit. Any such discharge shall be reported to EPA and MassDEP immediately.
9. The discharge shall not cause objectionable color, odor, or turbidity to the receiving waters.
10. The discharge shall not contain a visible oil sheen, foam, or floating solids at any time.
11. 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.
12. If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the CWA.
13. All existing manufacturing, commercial, mining and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) One hundred micrograms per liter (100 µg/l);
    - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
    - (4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).
  - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) Five hundred micrograms per liter (500 µg/l);

- (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R.§122.21(g)(7).
  - (4) Any other notification level established by the Director in accordance with 40 C.F.R.§122.44(f).
- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

#### 14. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

### **B. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

1. The permittee shall develop, implement, and maintain a Stormwater Pollution Prevention Plan (SWPPP) designed to reduce, or prevent, the discharge of pollutants in stormwater to the receiving waters identified in this permit. The SWPPP shall be a written document that is consistent with the terms of this permit. Additionally, the SWPPP shall serve as a tool to document the permittee's compliance with the terms of this permit. Development guidance and a recommended format for the SWPPP are available on the EPA website for the Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities (<http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>).
2. The SWPPP shall be completed or updated and certified by the permittee within 90 days after the effective date of this permit. The permittee shall certify that its SWPPP has been completed or updated, that it meets the requirements of this permit, and that it reduces the pollutants discharged in stormwater to the extent practicable. The certification shall be signed in accordance with the requirements identified in 40 CFR §122.22. A copy of this initial certification shall be sent to EPA and MassDEP within one hundred and twenty (120) days of the effective date of this permit.
3. The SWPPP shall be prepared in accordance with good engineering practices and shall be consistent with the general provisions for SWPPPs included in the most current version of the MSGP. In the current MSGP (effective September 29, 2008), the general SWPPP provisions are included in Part 5. Specifically, the SWPPP shall document the selection, design, and installation of control measures and contain the elements listed below:

- a. A pollution prevention team with collective and individual responsibilities for developing, implementing, maintaining, revising and ensuring compliance with the SWPPP.
  - b. A site description which includes the activities at the facility; a general location map showing the facility, receiving waters, and outfall locations; and a site map showing the extent of significant structures and impervious surfaces, directions of stormwater flows, and locations of all existing structural control measures, stormwater conveyances, pollutant sources (identified in Part 3.c. below), stormwater monitoring points, stormwater inlets and outlets, and industrial activities exposed to precipitation such as, storage, disposal, material handling.
  - c. A summary of all pollutant sources which includes a list of activities exposed to stormwater, the pollutants associated with these activities, a description of where spills have occurred or could occur, a description of non-stormwater discharges, and a summary of any existing stormwater discharge sampling data.
  - d. A description of all stormwater controls, both structural and non-structural.
  - e. A schedule and procedure for implementation and maintenance of the control measures described above and for the quarterly inspections and best management practices (BMPs) described below.
  - f. Sector specific SWPPP provisions included in MSGP, Sector P – Land Transportation and Warehousing.
4. The SWPPP shall include best management practices (BMPs) appropriate for the facility that will minimize the discharge of pollutants in stormwater to waters of the United States. At a minimum, these BMPs shall be consistent at least with the control measures described in the most current version of the MSGP. In the current MSGP (effective September 29, 2008), these control measures, which are non-numeric technology-based effluent limitations, are described in Part 2. Specifically, BMPs must include the following elements:
- a. Minimizing exposure of manufacturing, processing, and material storage areas to stormwater discharges.
  - b. Good housekeeping measures designed to maintain areas that are potential sources of pollutants.
  - c. Preventative maintenance programs to avoid leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters.
  - d. Spill prevention and response procedures to ensure effective response to spills and leaks if or when they occur.
  - e. Erosion and sediment controls designed to stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants.
  - f. Runoff management practices to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff.
  - g. Proper handling procedures for salt or materials containing chlorides that are used for snow and ice control.
  - h. Sector specific BMPs included in MSGP, Sector P – Land Transportation and Warehousing.

5. All areas identified in the SWPPP shall be inspected, at least once per quarter, by qualified personnel with one or more members of the stormwater pollution prevention team. Inspections shall begin during the 1<sup>st</sup> full quarter after the effective date of this permit. EPA considers quarters as follows: January to March; April to June; July to September; and October to December. Each inspection must include a visual assessment of stormwater samples (from each outfall), which shall be collected within the first 30 minutes of discharge from a storm event, stored in a clean, clear glass or plastic container, and examined in a well-lit area for the following water quality characteristics: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of pollution. The permittee shall document the following information for each inspection and maintain the records along with the SWPPP:
  - a. The date and time of the inspection and at which any samples were collected;
  - b. The name(s) and signature(s) of the inspector(s)/sample collector(s);
  - c. If applicable, why it was not possible to take samples within the first 30 minutes;
  - d. Weather information and a description of any discharges occurring at the time of the inspection;
  - e. Results of observations of stormwater discharges, including any observed discharges of pollutants and the probable sources of those pollutants;
  - f. Any control measures needing maintenance, repairs or replacement; and,
  - g. Any additional control measures needed to comply with the permit requirements.
6. The SWPPP shall include BMPs to maintain the TSS concentration in the discharges from all outfalls below 100 mg/L. If the average of four (4) monitoring values for TSS exceeds in any calendar year exceeds this concentration, the permittee shall review the selection, design, installation, and implementation of all best management practices (BMPs) and control measures in its SWPPP, and make necessary modifications until the running 4 quarter average for TSS no longer exceeds this concentration. The permittee must make necessary modifications immediately, without waiting for a full 4 quarters of monitoring data, if an exceedance of the 4 quarter average in any year is mathematically certain.
7. The permittee shall amend and update the SWPPP within 14 days of any changes at the facility that result in a significant effect on the potential for the discharge of pollutants to the waters of the United States. Such changes may include, but are not limited to: a change in design, construction, operation, or maintenance, materials storage, or activities at the facility; a release of a reportable quantity of pollutants as described in 40 CFR §302; or a determination by the permittee or EPA that the SWPPP appears to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity.
8. Any amended, modified, or new versions of the SWPPP shall be re-certified and signed by the permittee in accordance with the requirements identified in 40 CFR §122.22. The permittee shall also certify, at least annually, that the previous year's inspections and maintenance activities were conducted, results recorded, records maintained, and that the facility is in compliance with this permit. If the facility is not in compliance with any aspect of this permit, the annual certification shall state the non-compliance and the remedies which are being

undertaken. Such annual certifications also shall be signed in accordance with the requirements identified in 40 CFR §122.22. The permittee shall maintain at the facility a copy of its current SWPPP and all SWPPP certifications (the initial certification, re-certifications, and annual certifications) signed during the effective period of this permit, and shall make these available for inspection by EPA and MassDEP. In addition, the permittee shall document in the SWPPP any violation of numerical or non-numerical stormwater effluent limits with a date and description of the corrective actions taken.

**C. REOPENER CLAUSES**

1. This permit shall be modified, or alternately, revoked and reissued, to comply with any applicable standard or limitation promulgated or approved under sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
  - a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
  - b. Controls any pollutants not limited in the permit.

**D. MONITORING AND REPORTING**

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

and

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

**E. STATE PERMIT CONDITIONS**

1. This discharge permit is issued jointly by the EPA and the MassDEP 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 MassDEP pursuant to M.G.L. Chap. 21, §43.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET- SUITE 1100 (CIP)  
BOSTON, MASSACHUSETTS 02114 - 2023

FACT SHEET

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO  
DISCHARGE TO WATERS OF THE UNITED STATES PURSUANT TO THE CLEAN  
WATER ACT (CWA)

NPDES PERMIT #: **MA0029858**

NAME AND ADDRESS OF APPLICANT:

**Pilot Travel Centers, LLC  
5508 Lonas Road  
Knoxville, TN 37909**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**Pilot Travel Centers  
400 Route 15  
Sturbridge, MA 01566**

RECEIVING WATERS: Hamant Pond and Hamant Brook

CLASSIFICATION: B (cold water)

SIC CODES: 5541 (Gasoline Service Station, including Truck Stops with convenience store attached), 5812 (Restaurant), and 7011 (Hotel).

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## I. PROPOSED ACTION

The above named applicant has applied to the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) for the re-issuance of a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater into the designated receiving water. The existing permit was issued to Sturbridge Isle on April 17, 1986 (the current permit), and became effective on the date of signature. EPA received a permit renewal application from Sturbridge Isle on March 25, 1991. Sturbridge Isle transferred ownership to Pilot Travel Centers, LLC on February 22, 2005. Pilot Travel Centers submitted a revised permit renewal application on January 22, 2009. Since the permit renewal application was deemed complete by EPA, the permit has been administratively continued.

## II. TYPE OF FACILITY

Pilot travel center is a travel service plaza for both autos and trucks, located in Sturbridge, MA. The center has two fuel islands, two retail stores, a restaurant, and a hotel.

### III. SUMMARY OF MONITORING DATA

Review of the permit file shows that no recent discharge monitoring reports (DMRs) have been submitted. The most recent DMR is dated March 19, 1993. However, recent monitoring data submitted with the permit re-application for Outfalls 001, 002, 003, 004, and 005 was reviewed and used in the development of the draft National Pollutant Discharge Elimination System (NPDES) permit (draft permit).<sup>1</sup>

### IV. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMIT DERIVATIONS

The effluent limitations, monitoring requirements, and any implementation schedule, if required, may be found in Part 1 (Effluent Limitations and Monitoring Requirements) of the Draft Permit. The permit re-application is part of the administrative file (Permit No. MA0029858).

#### A. General Requirements

The Clean Water Act (CWA) prohibits the discharge of pollutants to waters of the United States without a NPDES permit unless such a discharge is otherwise authorized by the CWA. The NPDES permit is the mechanism used to implement technology and water quality-based effluent limitations and other requirements including monitoring and reporting. The draft permit was developed in accordance with various statutory and regulatory requirements established pursuant to the CWA and applicable State regulations. During development, EPA considered the most recent technology-based treatment requirements, water quality-based requirements, and all limitations and requirements in the current/existing permit. The regulations governing the EPA NPDES permit program are generally found at 40 CFR Parts 122, 124, 125, and 136. The general conditions of the draft permit are based on 40 CFR §122.41 and consist primarily of management requirements common to all permits. The effluent monitoring requirements have been established to yield data representative of the discharge under authority of Section 308(a) of the CWA in accordance with 40 CFR §122.41(j), §122.44(i), and §122.48.

#### 1. Technology-Based Requirements

Subpart A of 40 CFR §125 establishes criteria and standards for the imposition of technology-based treatment requirements in permits under Section 301(b) of the CWA, including the application of EPA promulgated effluent limitations and case-by-case determinations of effluent limitations under Section 402(a)(1) of the CWA.

Technology-based treatment requirements represent the minimum level of control that must be imposed under Sections 301(b) and 402 of the CWA (see 40 CFR §125 Subpart A) to meet best practicable control technology currently available (BPT) for conventional pollutants and some metals, best conventional control technology (BCT) for conventional pollutants, and best available technology economically achievable (BAT) for toxic and non-conventional pollutants.

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<sup>1</sup> NPDES Form 2C, NPDES Permit No. MA0029858 Permit Renewal Application for Pilot Travel Centers, LLC, January 2009.

In general, technology-based effluent guidelines for non-POTW facilities must be complied with as expeditiously as practicable but in no case later than three years after the date such limitations are established and in no case later than March 31, 1989 [See 40 CFR §125.3(a)(2)]. Compliance schedules and deadlines not in accordance with the statutory provisions of the CWA cannot be authorized by a NPDES permit.

EPA has not promulgated technology-based National Effluent Guidelines for SIC codes 5541 (Gasoline Service Station, including Truck Stops with convenience store attached), 5812 (Restaurant), 7011 (Hotel), or 4952 (Sewerage systems, including the treatment plant). In the absence of technology-based effluent guidelines, the permit writer is authorized under Section 402(a)(1)(B) of the CWA to establish effluent limitations on a case-by-case basis using Best Professional Judgement (BPJ). Sector P of EPA's Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities, Land Transportation and Warehousing, contains Storm Water Pollution Prevention Plan (SWPPP) requirements for fuel storage.

## 2. Water Quality-Based Requirements

Water quality-based criteria are required in NPDES permits when EPA and the State determine that effluent limits more stringent than technology-based limits are necessary to maintain or achieve state or federal water-quality standards (See Section 301(b)(1)(C) of the CWA). Water quality-based criteria consist of three (3) parts: 1) beneficial designated uses for a water body or a segment of a water body; 2) numeric and/or narrative water quality criteria sufficient to protect the assigned designated use(s) of the water body; and 3) anti-degradation requirements to ensure that once a use is attained it will not be degraded. The Massachusetts State Water Quality Standards, found at 314 CMR 4.00, include these elements. The State Water Quality Regulations limit or prohibit discharges of pollutants to surface waters and thereby assure that the surface water quality standards of the receiving water are protected, maintained, and/or attained. These standards also include requirements for the regulation and control of toxic constituents and require that EPA criteria, established pursuant to Section 304(a) of the CWA, be used unless site-specific criteria are established. EPA regulations pertaining to permit limits based upon water quality standards and state requirements are contained in 40 CFR §122.44(d).

Section 101(a)(3) of the CWA specifically prohibits the discharge of toxic pollutants in toxic amounts. The Commonwealth of Massachusetts (State) has a similar narrative criterion in their water quality regulations that prohibits such discharges [See Massachusetts Title 314 CMR 4.05(5)(e)]. The effluent limits established in the Draft Permit assure that the surface water quality standards of the receiving water are protected, maintained, and/or attained.

Section 303(d) of the Federal Clean Water Act (CWA) requires states to identify those water bodies that are not expected to meet surface water quality standards after the implementation of technology-based controls and, as such require the development of total maximum daily loads (TMDL). Hamant Pond and Hamant Brook are not listed in the Massachusetts Year 2008 Integrated List of Waters (December 2008). The downstream receiving water body, Segment

MA41-02 of the Quinebaug River (Sturbridge WWTP to Cady Brook confluence), is listed under 303(d) List of Impaired Waters as a Category 2 water, as impaired for aquatic life.

### 3. Anti-Backsliding

EPA's anti-backsliding provision as identified in Section 402(o) of the Clean Water Act and at 40 CFR §122.44(l) prohibits the relaxation of permit limits, standards, and conditions unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued. Anti-backsliding provisions apply to effluent limits based on technology, water quality, BPJ and State Certification requirements. Relief from anti-backsliding provisions can only be granted under one of the defined exceptions [See 40 CFR §122.44(l)(i)]. Since none of these exceptions apply to this facility, the effluent limits in the Draft Permit must be as stringent as those in the Current Permit.

### 4. Anti-Degradation

The Massachusetts Anti-Degradation Policy is found at Title 314 CMR 4.04. All existing uses of Hamant Pond and Hamant Brook, along with the downstream Quinebaug River must be protected.

The Quinebaug River (Sturbridge WWTP to Cady Brook confluence) is listed as Class B, cold water, under the Massachusetts Surface Water Quality Standards. Title 314 Code of Massachusetts Regulations (CMR) 4.05(3)(b) states that Class B waters “are designated as a habitat for fish, other aquatic life, and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation...Class B waters shall be suitable for irrigation and other agricultural uses and for compatible industrial cooling and process uses. These waters shall have consistently good aesthetic value.”

The Massachusetts Surface Water Quality Standards do not specifically list Hamant Pond or Hamant Brook. Under Massachusetts Surface Water Quality Standards 314 CMR 4.06 (4) – Basin Classification and Maps – Other Waters, it states that “Unless otherwise designated in 314 CMR 4.06 or unless otherwise listed in the tables to 314 CMR 4.00, other waters are Class B, and presumed High Quality Waters for inland waters.” Therefore, Hamant Pond and Hamant Brook are classified as Class B water bodies and presumed High Quality.

## **B. Description of the Facility**

Pilot travel center is a travel service plaza for both autos and trucks, located in Sturbridge, MA. The center has two fuel islands (the Fuel Building Pump Island and the Country Store Pump Island), two retail stores, a restaurant, and a hotel.

Bulk fuel storage capacity at the site is currently provided by four (4) aboveground storage tanks (ASTs) and four (4) underground storage tanks (USTs). The storage at the Fuel Building Pump Island consists of four 12,000 gallon diesel ASTs. The storage at the Country Store Pump Island

consists of three 10,000 gallon gasoline USTs and one 8,000 gallon diesel UST.

Two 6,000 gallon oil/water (o/w) separators are located onsite to treat the runoff from the two fueling areas. Pilot indicated that the o/w separators are checked weekly by store personnel for grit and product. Pilot indicated that the o/w separators are checked on a monthly basis by regional maintenance personnel. The o/w separators are cleaned with pressure washers semi-annually, or as needed based on product thickness. Water containing product is removed from the site via truck for offsite treatment. No water used for cleaning is discharged through the outfalls. Historically, the maximum product removed from the oil/water separators was about 1250 gallons, or 20 inches in depth. The o/w separator has a capacity to hold up to 60 inches of product (or about 3750 gallons).

There is an onsite sewage treatment facility housed in a small building near the Fuel Building Pump Island, however it discharges to a leaching facility for subsurface disposal, and therefore does not result in surface water discharge. The wastewater treatment facility utilizes a rotating biological contactor (RBC) technology with ancillary treatment equipment to meet the Site's Massachusetts Groundwater Discharge Permit (249-3). The treatment system consists of a pretreatment tank followed by flow equalization prior to the wastewater treatment facility, which houses a rotating biological contactor, secondary clarifier, and a denitrification filter. The filtered wastewater is then disinfected utilizing ultraviolet radiation (UV disinfection) and directed to the leaching facility for subsurface disposal.

### **C. Description of Discharge**

Five outfalls discharge stormwater from the facility. Outfalls 001, 002, and 003 discharge to Hamant Pond and Outfalls 004 and 005 discharge to Hamant Brook. Stormwater runoff from the Fuel Building Pump Island discharges through Outfall 001 after treatment via a sedimentation chamber, an o/w separator, and an additional sedimentation chamber. Stormwater runoff from the Country Store Pump Island discharges through Outfall 002 after treatment via a sedimentation chamber and an o/w separator.

The outlet of Outfall 001 in Hamant Brook contains a floating absorbent boom and an additional boom which extends 6 inches below the surface.

Outfall 003 discharges from a stormwater collection basin at the bank of Hamant Pond, through a right angle downturned pipe, meant to preclude the discharge of any floating product. The collection basin is cleaned after the winter season, to remove any grit accumulated due to the use of salt and sand for snow and ice control on the paved areas.

### **D. Discharge Location**

Outfalls 001, 002, and 003 discharge to Hamant Pond and Outfalls 004 and 005 discharge directly to Hamant Brook. Hamant Pond flows to Hamant Brook, which flows to the Quinebaug River (Segment MA41-02).

## E. Proposed Permit Effluent Limitations and Conditions

### 1. Outfalls 001, 002, 003, 004, and 005

#### a. Flow

The current permit requires the permittee to estimate the flow on a quarterly basis. The permittee reported on the revised permit renewal application<sup>2</sup> that flow through Outfall 001 averages 0.133 cfs, flow through Outfall 002 averages 0.007 cfs, flow through Outfall 003 averages 0.01 cfs, flow through Outfall 004 averages 0.002 cfs, and flow through Outfall 005 averages 0.6 cfs (estimated).<sup>3</sup> The draft permit shall require reporting of estimated flow at each outfall on a monthly basis.

#### b. pH

The current permit requires a pH effluent limitation range of 6.5 – 8.0 SU, sampled quarterly, that shall be no more than 0.2 units outside the naturally occurring range. The permittee reported on the revised permit renewal application (January 22, 2009) a pH of 8.2 SU for Outfall 001, 8.3 SU for Outfall 002, 8.2 SU for Outfall 003, 8.0 SU for Outfall 004, and did not report the outfall pH for Outfall 005 since it was unable to be sampled.

The Massachusetts Surface Water Quality Standards, 314 Code of Massachusetts Regulations (“CMR”), Inland Water, Class B at 4.05 (3)(b)3 require that the pH of Class B waters be in the range of 6.5 to 8.3 standard units and no more than 0.5 units outside the background range. There shall no change from background conditions that would impair any use assigned to this Class.

The draft permit shall retain the 6.5 – 8.0 SU pH effluent limitation range, and require that the pH shall be no more than 0.2 units outside the naturally occurring range, based on anti-backsliding requirements found in 40 CFR §122.44(l).

#### c. Total Suspended Solids (TSS)

The current permit contains reporting requirement for daily maximum and monthly average TSS, monitored quarterly. The permittee reported on the revised permit renewal application (January 22, 2009) a TSS daily maximum of 6.0 mg/L for Outfall 001, 23 mg/L for Outfall 002, 22 mg/L for Outfall 003, 4.0 mg/L for Outfall 004, and did not report the outfall TSS for Outfall 005 since it was unable to be sampled.

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<sup>2</sup> NPDES Permit No. MA0029858 Permit Renewal Application for Pilot Travel Centers, LLC, January 22, 2009.

<sup>3</sup> Pilot indicated on the revised permit renewal application (January 22, 2009) that Outfall 005 was unable to be sampled due to a subsurface break in the outfall pipe. Therefore, the permittee did not report values for pH, TSS, or Oil and Grease for Outfall 005 on the revised permit renewal application, and the flow was estimated. However, on a site visit on June 22, 2009, Pilot indicated that sampling of the discharge through Outfall 005 is currently possible.

Massachusetts has a narrative water quality standard for solids that states, "[t]hese waters shall be free from floating, suspended and settleable solids in concentrations and combinations that would impair any use assigned to this Class, that would cause aesthetically objectionable conditions, or that would impair the benthic biota or degrade the chemical composition of the bottom."

The draft permit shall require quarterly monitoring of the concentration of TSS in the discharge from each outfall. The TSS concentration is as an indication of the effectiveness of the facility Storm Water Pollution Prevention Plan (SWPPP). If the average concentration of four (4) samples exceeds a TSS concentration of 100 mg/L, the permittee shall review the selection, design, installation, and implementation of all best management practices (BMPs) and control measures in the SWPPP.

#### d. Oil and Grease (O&G)

The maximum daily effluent limit for oil and grease in the current permit of 15 mg/L is based on Massachusetts Water Quality Standards for a Class B inland water body. According to 314 CMR 4.05(3)(b)(7), these waters 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 portion of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life. A concentration of oil and grease of 15 mg/L is recognized as the level at which many oils produce a visible sheen and/or cause an undesirable taste in fish (USEPA 1976).

The permittee reported on the revised permit renewal application (January 22, 2009) an O&G daily maximum of 1.4 mg/L for Outfall 001, 15 mg/L for Outfall 002, 2.4 mg/L for Outfall 003, 1.4 mg/L for Outfall 004, and did not report the outfall O&G for Outfall 005 since it was unable to be sampled.

The draft permit maintains a maximum daily O&G limit of 15 mg/L, monitored at a frequency of 1/month, based on Massachusetts Water Quality Standards and anti-backsliding requirements found in 40 CFR §122.44(i).

#### **F. Storm Water Pollution Prevention Plan (SWPPP)**

This facility engages in activities which could result in the discharge of pollutants to waters of the United States either directly or indirectly through storm water runoff. These operations include at least one of the following in an area potentially exposed to precipitation or storm water: material storage, in-facility transfer, material processing, material handling, or loading and unloading. To control the activities/operations, which could contribute pollutants to waters of the United States, potentially violating the State's Water Quality Standards, the Draft Permit requires the facility to develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) containing best management practices (BMPs) appropriate for this specific facility (See Sections 304(e) and 402(a)(1) of the CWA and 40 CFR §122.44(k)). Specifically, at this facility, fuel storage is an

example of material storage operations and fuel handing is an example of handling operations that shall continue to be included in the SWPPP.

The goal of the SWPPP is to reduce, or prevent, the discharge of pollutants through the storm water system. The SWPPP serves to document the selection, design and installation of control measures, including BMPs. Additionally, the SWPPP requirements in the Draft Permit are intended to provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. The SWPPP shall be prepared in accordance with good engineering practices and identify potential sources of pollutants, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. The SWPPP, upon implementation, becomes a non-numerical effluent limitation that also supports any numerical effluent limitations in the Draft Permit. Consequently, the SWPPP is as equally enforceable as the numerical limits.

This process involves the following four main steps:

1. Forming a team of qualified facility personnel who will be responsible for developing and updating the SWPPP and assisting the plant manager in its implementation;
2. Assessing the potential storm water pollution sources;
3. Selecting and implementing appropriate management practices and controls for these potential pollution sources; and
4. Reevaluating, periodically, the effectiveness of the SWPPP in preventing storm water contamination and in complying with the various terms and conditions of the Draft Permit.

Additionally, the permittee shall develop and implement site specific BMPs to maintain the TSS concentration in the discharges from all outfalls below 100 mg/L. If the average of four (4) monitoring values for TSS in any calendar year exceeds this concentration, the permittee shall review the selection, design, installation, and implementation of all BMPs and control measures in the SWPPP, and make necessary modifications until the running four (4) quarter average for TSS no longer exceeds this concentration. The permittee must make necessary modifications immediately, without waiting for results from a full 4 quarters of monitoring data, if an exceedance of the 4 quarter average in any year is mathematically certain.

## **V. ENDANGERED SPECIES ACT**

Section 7(a) of the Endangered Species Act of 1973, as amended (ESA) grants authority to and imposes requirements upon Federal agencies regarding endangered or threatened species of fish, wildlife, or plants (“listed species”) and habitat of such species that has been designated as critical (a “critical habitat”). The ESA requires every Federal agency, in consultation with and with the assistance of the Secretary of Interior, to insure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. The

United States Fish and Wildlife Service (USFWS) typically administer Section 7 consultations for bird, terrestrial, and freshwater aquatic species.

EPA has reviewed the federal endangered or threatened species of fish and wildlife to see if any such listed species might potentially be impacted by the re-issuance of this NPDES permit. The available ESA information indicates that there are no federally listed endangered species in the vicinity of the facility's discharge. Therefore, consultation under Section 7 of the ESA with NMFS and USFWS is not required. During the public comment period, EPA has provided a copy of the draft permit and fact sheet to NMFS and USFWS.

## **VI. ESSENTIAL FISH HABITAT**

Under the 1996 Amendments (PL 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq. (1998)), EPA is required to consult with NMFS if EPA's action or proposed actions that it funds, permits, or undertakes, "may adversely impact any essential fish habitat" (EFH). The Amendments define EFH as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity," (16 U.S.C. § 1802(10)). "Adverse impact" means any impact which reduces the quality and/or quantity of EFH (50 C.F.R. 600.910 (a)). Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. Id.

Essential fish habitat is only designated for species for which federal fisheries management plans exist (16 U.S.C. § 1855(b)(1)(A)). EFH designations for New England were approved by the U.S. Department of Commerce on March 3, 1999.

A review of available EFH information indicates that Hamant Pond and Hamant Brook are not designated EFH for any federally managed species. Therefore, consultation with NMFS is not required. If adverse effects are detected as a result of this permit action, NMFS will be notified and an EFH consultation will promptly be initiated. During the public comment period, EPA has provided a copy of the draft permit and fact sheet to NMFS.

## **VII. STATE CERTIFICATION REQUIREMENTS**

EPA may not issue a permit unless the MassDEP certifies that the effluent limitations contained in the permit are stringent enough to assure that the discharge will not cause the receiving water to violate State Surface Water Quality Standards or unless state certification is waived. The staff of the MassDEP has reviewed the draft permit and advised EPA that the limitations are adequate to protect water quality. EPA has requested permit certification by the State pursuant to 40 CFR §124.53 and expects that the draft permit will be certified.

## **VIII. ADMINISTRATIVE RECORD, PUBLIC COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISION**

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the U.S. EPA, Office of Ecosystem Protection Attn: Nicole Kowalski, 1 Congress Street, Suite 1100 (CIP), Boston, Massachusetts 02114-2023 or via email to [kowalski.nicole@epa.gov](mailto:kowalski.nicole@epa.gov). The comments should reference the name and permit number of the facility for which they are being provided.

Any person, prior to such date, may submit a request in writing to EPA and the States Agency for a public hearing to consider the draft permit. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit, the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston Office.

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within thirty (30) days following the notice of final permit decision, permits may be appealed to the Environmental Appeals Board in the manner described at 40 CFR § 124.19.

## **IX. EPA & MassDEP CONTACTS**

Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays, from the EPA and MassDEP contacts below:

Nicole Kowalski, EPA New England – Region 1  
1 Congress Street, Suite 1100 (CIP)  
Boston, Massachusetts 02114-2023  
Telephone: (617) 918-1746 FAX: (617) 918-0746  
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Paul Hogan, Massachusetts Department of Environmental Protection  
Division of Watershed Management, Surface Water Discharge Permit Program  
627 Main Street, 2<sup>nd</sup> Floor  
Worcester, Massachusetts 01608  
Telephone: (508) 767-2796 FAX: (508) 791-4131  
email: [paul.hogan@state.ma.us](mailto:paul.hogan@state.ma.us)

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Date

Stephen S. Perkins, Director  
Office of Ecosystem Protection  
U.S. Environmental Protection Agency

**X. ATTACHMENTS**

**A. Site Plan**