

**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)

**Allied Waste Services of Massachusetts, LLC  
18500 North Allied Way  
Phoenix, AZ 85054**

is authorized to discharge from the facility located at

**385 Dunstable Road  
Tyngsboro, MA 01879**

to receiving water named

**Bridge Meadows wetlands adjacent to the channel of Deep Brook (MA84A-21)**

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

If comments are received, this permit shall become effective on the first day of the calendar month following 60 days after signature. If no comments are received, this permit shall become effective upon signature.

This permit supersedes the permit issued on March 7, 2003.

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 consists of 15 pages in Part I including effluent limitations, monitoring requirements and 25 pages in Part II including General Conditions and Definitions.

Signed this     day of     , 2011

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Stephen S. Perkins, Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Region I  
Boston, MA

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David Ferris, Director  
Massachusetts Waste Water Program  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

**PART I**

**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 runoff from **Outfall No. 001 to wetlands (Bridge Meadow) adjacent to the channel of Deep Brook**. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1, 2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow <sup>4</sup>	gpm	Report	2000	1/month	Estimate
Oil & Grease <sup>5</sup>	mg/L	Report	15	1/month	Grab
Total Suspended Solids	mg/L	Report	60	1/month	Grab
pH <sup>6, 7</sup>	S.U.	6.5 to 8.3 SU		1/month	Grab
Copper (total as Cu) <sup>8, 9</sup>	mg/L	***	Report	1/month	Grab
Lead (total as Pb) <sup>8</sup>	mg/L	***	Report	1/quarter	Grab

See pages 6-7 for explanation of footnotes.

**PART I.A (continued)**

2. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge treated stormwater runoff from **Outfall No. 003 to wetlands (Bridge Meadow) adjacent to the channel of Deep Brook**. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow <sup>4</sup>	gpm	Report	1000	1/month	Estimate
Oil & Grease <sup>5</sup>	mg/L	Report	15	1/month	Grab
Total Suspended Solids	mg/L	Report	60	1/month	Grab
pH <sup>6,7</sup>	S.U.	6.5 to 8.3 SU		1/month	Grab
Copper (total as Cu) <sup>8,9</sup>	mg/L	***	Report	1/month	Grab
Lead (total as Pb) <sup>8</sup>	mg/L	***	Report	1/quarter	Grab

See pages 6-7 for explanation of footnotes.

**PART I.A (continued)**

3. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge treated stormwater runoff from **Outfall No. 004 to wetlands (Bridge Meadow) adjacent to the channel of Deep Brook**. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow <sup>4</sup>	gpm	Report	600	1/month	Estimate
Oil & Grease <sup>5</sup>	mg/L	Report	15	1/month	Grab
Total Suspended Solids	mg/L	Report	60	1/month	Grab
pH <sup>6,7</sup>	S.U.	6.5 to 8.3 SU		1/month	Grab
Copper (total as Cu) <sup>8,9</sup>	mg/L	***	Report	1/month	Grab
Lead (total as Pb) <sup>8</sup>	mg/L	***	Report	1/quarter	Grab

See pages 6-7 for explanation of footnotes.

**PART I.A (continued)**

4. During the period beginning on the effective date of the permit and lasting through expiration, the permittee is authorized to discharge treated stormwater runoff from **Outfall No. 007 to wetlands (Bridge Meadow) adjacent to the channel of Deep Brook**. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements <sup>1,2</sup>	
		Average Monthly	Maximum Daily	Measurement Frequency <sup>3</sup>	Sample Type
Flow <sup>4</sup>	gpm	Report	1000	1/month	Estimate
Oil & Grease <sup>5</sup>	mg/L	Report	15	1/month	Grab
Total Suspended Solids	mg/L	Report	60	1/month	Grab
pH <sup>6,7</sup>	S.U.	6.5 to 8.3 SU		1/month	Grab
Copper (total as Cu) <sup>8,9</sup>	mg/L	***	Report	1/month	Grab
Lead (total as Pb) <sup>8</sup>	mg/L	***	Report	1/quarter	Grab

See pages 6-7 for explanation of footnotes.

**Footnotes for Part I.A.1 through 4:**

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. Any change in sampling location must be reviewed and approved in writing by the Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP). The permittee shall submit the results to EPA of any additional testing, if it is conducted in accordance with EPA approved methods consistent with the provisions of 40 CFR § 122.41(l)(4)(ii).
2. Samples must be taken only during wet weather, defined as a storm event with greater than 0.10 inches of precipitation that is preceded by a 72 hour period of dry weather, defined as less than 0.10 inch of precipitation. Grab samples 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 Discharge Monitoring Report (DMR) a description of why the collection of the grab sample(s) during the first thirty minutes was impracticable. A “no discharge” report shall be submitted for those sampling periods in which there is no discharge. When adverse climatic conditions preclude the ability to sample, the permittee shall submit a report citing the conditions which prevented sampling with that quarter’s DMR. All records pertaining to sampling and all copies of DMRs shall be kept as part of the permittee’s Stormwater Pollution Prevention Plan (SWPPP) developed pursuant to Part I.C of this permit.
3. Sampling frequency of 1/month is defined as the sampling of one (1) discharge event in each calendar month, when discharge occurs. Sampling frequency of quarterly is defined as the sampling of one (1) discharge event in each quarter defined by EPA as: January to March; April to June; July to September; and October to December, when discharge occurs. **Quarterly sampling shall be performed concurrently with the monthly monitoring event.**
4. Flow shall be reported as an estimate of the volume of runoff discharging from each outfall in gallons per minute (gpm). The permittee shall record and report with that month’s DMR and record in its SWPPP the following: (1) the date and duration (in hours) of the storm event that generated the sample, (2) the antecedent dry period (time elapsed in hours since the last measurable storm greater than 0.10 inches), and (3) the total precipitation (in inches) accumulated prior to sampling during the wet weather event.
5. Use EPA Method 1664A as defined at 40 CFR § 136 for the determination of the conventional pollutant Oil and Grease. The quantitative methodology used for the analysis shall be capable of achieving a minimum level of less than or equal to 5 mg/L.

6. The pH of the effluent shall not be less than 6.5 SU, nor greater than 8.3 SU at any time, unless these values are exceeded due to natural causes. The pH shall be no more than 0.5 units outside the natural background range. To demonstrate whether or not pH values of the effluent are outside the permitted pH range due to natural causes, the permittee shall measure the pH of the precipitation. When the values are exceeded due to natural causes, documentation of such conditions must be submitted by the permittee with the monthly DMR and recorded in the SWPPP.
7. Required for State Certification.
8. For copper and lead, use test methods outlined in 40 CFR § 136 that achieve a minimum level of 2.5 ug/L.
9. The permittee may submit a written request to EPA requesting a reduction in the frequency (to not less than quarterly) of required testing for copper, after completion of a minimum of twelve (12) successive monitoring results of effluent, taken over a period of one (1) year, all of which must demonstrate levels of copper below the method detection limit. Until written notice is received by certified mail from EPA indicating that the copper testing requirement has been changed, the permittee is required to continue testing at the frequency specified in the permit.

**Part I.A (Continued)**

5. The discharge shall not cause a violation of the water quality standards of the receiving waters.
6. The discharge shall not cause objectionable discoloration to the receiving waters.
7. The discharge shall not contain a visible oil sheen, foam, or floating solids at any time.
8. 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.
9. The discharges shall not impart color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their use.
10. The permittee is required to perform one time E. coli, total phosphorus and ammonia nitrogen tests for outfalls 001, 003, 004 and 007 within six months of the implementation of the SWPPP (instead of "effective date of the permit"). The results should be reported to EPA and MassDEP by a letter within one month after the test. If the results are higher than the Massachusetts Surface Water Quality Standards, additional monitoring may be requested or the permit may be modified to provide limits.
11. If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the CWA.
12. The permittee shall notify the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection in writing of any changes in the operations at the facility, including the use of chemical additives and changes which have the potential to cause the maximum design flow rate through any of the oil/water (O/W) Separators to be exceeded, that may have an effect on the permitted discharge of wastewater from the facility.
13. 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):
  - 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. UNAUTHORIZED DISCHARGES**

1. The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfall listed in Part I A.1-4 of this permit. Discharges of wastewater from any other point sources, including vehicle/equipment/surface wash water, untreated contaminated groundwater, stormwater not authorized by this permit, vehicle maintenance water, discharges from snow/ice management, discharges from floating booms, and discharges of sanitary sewage, shall be reported in accordance with Section D.1.e.(1) of the Standard Conditions of this permit (Twenty-four hour reporting).

## **C. STORMWATER 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 and 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, modified May 27, 2009), the general SWPPP provisions are included in Part 5 and Part 8.P. 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 I.C.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; and
  - f. Sector specific SWPPP provisions included in Sector P- Land Transportation and Warehousing.
4. The SWPPP shall document the appropriate best management practices (BMPs) implemented or to be implemented at the facility to minimize the discharge of pollutants in stormwater to waters of the United States and to satisfy the non-numeric effluent limitations included in this permit. At a minimum, these BMPs shall be consistent with

the control measures described in the most current version of the MSGP. In the current MSGP (effective September 29, 2008, modified May 27, 2009), these control measures are described in Part 2.1.2. and Part 8.P. At a minimum, the BMPs shall reduce the concentrations of pathogens, nutrients, and copper in the stormwater runoff. The BMPs shall include measures to identify, isolate and remedy the source(s) of pathogens, nutrients, and copper. Specifically, BMPs must be selected and implemented to satisfy the following non-numeric effluent limitations:

- a. Minimizing exposure of manufacturing, processing, and material storage areas to stormwater discharges from roof and paved surfaces;
  - b. Good housekeeping measures designed to maintain areas that are potential sources of pollutants (including regular parking lot sweeping and seasonal snow/ice management);
  - c. Preventative maintenance programs to avoid leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters (including inspection and maintenance of silt socks in catch basins, oil/water separators, the sorbent booms around the outfalls, and the tarp (or "balloon") used for vehicle washing);
  - 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 Sector P - Land Transportation and Warehousing; and
  - i. Minimizing exposures from sources of copper.
5. All areas with industrial materials or activities exposed to stormwater and all structural control used to comply with effluent limits in this permit 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 such as visible sheen, 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 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 BMPs included in the SWPPP appear to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity.
7. 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.

#### **D. 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.

#### **E. MONITORING AND REPORTING**

1. **For a period of one year from the effective date of the permit**, the permittee may either submit monitoring data and other reports to EPA in hard copy form, or report electronically using NetDMR, a web-based tool that allows permittees to electronically

submit discharge monitoring reports (DMRs) and other required reports via a secure internet connection. **Beginning no later than one year after the effective date of the permit**, the permittee shall begin reporting using NetDMR, unless the facility is able to demonstrate a reasonable basis that precludes the use of NetDMR for submitting all DMRs and reports. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

a. Submittal of Reports Using NetDMR

NetDMR is accessed from: <http://www.epa.gov/netdmr>. **Within one year of the effective date of the Permit**, the permittee shall begin submitting DMRs and reports required under this permit electronically to EPA using NetDMR, unless the facility is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs and reports (“opt out request”).

DMRs shall be submitted electronically to EPA no later than the 15th day of the month following the completed reporting period. All reports required under the permit shall be submitted to EPA as an electronic attachment to the DMR. Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to EPA and will no longer be required to submit hard copies of DMRs to MassDEP. However, permittees shall continue to send hard copies of reports other than DMRs to MassDEP until further notice from MassDEP.

b. Submittal of NetDMR Opt Out Requests

Opt out requests must be submitted in writing to EPA for written approval at least sixty (60) days prior to the date a facility would be required under the Permit to begin using NetDMR. This demonstration shall be valid for twelve (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 permittee submits a renewed opt out request and such request is approved by EPA. All opt out requests should be sent to the following addresses:

Attn: NetDMR Coordinator  
U.S. Environmental Protection Agency, Water Technical Unit  
5 Post Office Square, Suite 100 (OES04-4)  
Boston, MA 02109-3912

And

Massachusetts Department of Environmental Protection  
Surface Water Discharge Permit Program  
627 Main Street, 2<sup>nd</sup> Floor  
Worcester, Massachusetts 01608

c. Submittal of Reports in Hard Copy Form

Hard copy DMR submittals shall be completed and postmarked no later than the 15<sup>th</sup> day of the month following the completed reporting period. Signed and dated originals of the DMRs, and all other reports required herein, shall be submitted to the appropriate State addresses and to the EPA address listed below:

U.S. Environmental Protection Agency  
Water Technical Unit  
5 Post Office Square, Suite 100 (OES04-4)  
Boston, MA 02109-3912

The State Agency addresses are:

MassDEP – Northeast Regional Office  
Bureau of Waste Prevention  
205B Lowell Street  
Wilmington, Massachusetts 01887  
And

Massachusetts Department of Environmental Protection  
Surface Water Discharge Permit Program  
627 Main Street, 2<sup>nd</sup> Floor  
Worcester, Massachusetts 01608

2. The permittee shall attach a copy of the laboratory case narrative to the respective DMR Form submitted to EPA and MassDEP for each sampling event reported. The laboratory case narrative shall include a copy of the laboratory data sheets for each analyses, providing the test method, the detection limits for each analyte, and a brief discussion of whether all appropriate Quality Assurance/Quality Control (QA/QC) procedures were met and were within acceptable limits.

**F. STATE PERMIT CONDITIONS**

1. This authorization to discharge includes two separate and independent permit authorizations. The two permit authorizations are (i) a federal National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Clean Water Act, 33 U.S.C. §§1251 et seq.; and (ii) an identical state surface water discharge permit issued by the Commissioner of MassDEP pursuant to the Massachusetts Clean Waters Act, MGL c. 21, §§ 26-53, and 314 CMR 3.00. All of the requirements contained in this authorization, as well as the standard conditions contained in 314 CMR 3.19, are hereby incorporated by reference into this state surface water discharge permit.
2. This authorization also incorporates the state water quality certification issued by MassDEP under § 401(a) of the Federal Clean Water Act, 40 CFR 124.53, MGL c. 21, §

27 and 314 CMR 3.07. All of the requirements (if any) contained in MassDEP's water quality certification for the permit are hereby incorporated by reference into this state surface water discharge permit as special conditions pursuant to 314 CMR 3.11.

3. 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.