

**DRAFT AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

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, sections 26-53,

Clean Harbors of Braintree, Inc.

is authorized to discharge from a facility located at

**1 Hill Avenue
Braintree, MA 02185**

to receiving water named **Weymouth Fore River** (Code MA74-14), a Class SB water

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

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

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

This Permit supersedes the Permit issued on March 13, 2002.

This Permit consists of 13 pages in Part I including Effluent Limitations and Monitoring Requirements, Reporting Requirements, and State Permit Conditions; Attachment A- Marine Acute Toxicity Test Procedure and Protocol, 1996 (7 pages) and Part II Standard Conditions.

Signed this day of , 2011

Stephen S. Perkins, Director
Office of Ecosystem Protection
Environmental Protection Agency (EPA)
Region 1 – New England
Boston, MA

David Ferris, Director
Massachusetts Wastewater Management Program
Department of Environmental Protection (MassDEP)
Commonwealth of Massachusetts
Boston, MA

PART I.A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through the expiration date, Clean Harbors (the Permittee) is authorized to discharge from outfall serial number **001**: treated effluent to the Weymouth Fore River comprised of stormwater runoff, ground water seepage collected in the stormwater system, and stormwater collected in secondary containment areas.¹ Such discharges shall be limited and monitored by the Permittee as specified below.

Effluent Characteristic	Discharge Limitations			Monitoring Requirements ²	
	Units	Average Monthly	Maximum Daily	Measurement Frequency ³	Sample Type
Flow Rate ⁴	gpm	Report Monthly Total ⁵	350	Continuous During Discharge	Meter/Recorder
Oil and Grease	mg/L	---	5	Monthly	Grab
Total Suspended Solids	mg/L	20	30	Monthly	Composite
Chemical Oxygen Demand	mg/L	---	Report	Annually	Composite
Total PAHs ⁶	µg/L	---	10	Semiannually	Composite
Total Benzene	µg/L	---	5	Semiannually	Grab
BTEX ⁷	µg/L	---	100	Semiannually	Grab
Total Lead	µg/L	---	8.1	Quarterly	Composite
Total PCBs ⁸	µg/L	---	0.03 ⁹	Semiannually	Composite
Total Cyanide	µg/L	---	Report	Annually	Grab
Total Arsenic	µg/L	---	Report	Annually	Composite
Total Magnesium	µg/L	---	Report	Annually	Composite
Total Mercury	µg/L	---	Report	Annually	Composite
Total Selenium	µg/L	---	Report	Annually	Composite
Total Silver	µg/L	---	Report	Annually	Composite
pH ¹⁰	s.u.	≥ 6.5 and ≤ 8.5		Monthly	Grab
pH of rainfall	s.u.	Report		Monthly	Grab
Whole Effluent Toxicity ¹¹					
LC50	%	---	≥ 100	Annually	Composite
NOAEL	%	---	Report	“	“
Salinity	ppt	---	Report	“	“
Ammonia	mg/L	---	Report	“	“
Total Residual Oxidants	mg/L	---	Report	“	Grab
Total Organic Carbon	mg/L	---	Report	“	Composite
Total Solids	mg/L	---	Report	“	“
Total Aluminum	µg/L	---	Report	“	“
Total Chromium	µg/L	---	Report	“	“
Total Cadmium	µg/L	---	Report	“	“
Total Copper	µg/L	---	Report	“	“
Total Lead	µg/L	---	Report	“	“
Total Nickel	µg/L	---	Report	“	“
Total Zinc	µg/L	---	Report	“	“

Part I.A.1 Footnotes:

- 1) Effluent samples shall be representative of the discharge and shall be taken from the discharge pipe of the stormwater treatment system without mixing with treated ground water effluent authorized by Remediation General Permit MAG910116 and prior to discharging into the Weymouth Fore River via the Hayward Creek Storm Culvert. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP.
- 2) Monitoring Requirements
 - a. All samples shall be collected and analyzed in accordance with methods found in 40 CFR Part 136 and EPA's Industrial Stormwater Monitoring and Sampling Guide, EPA 832-09-003, March 2009 unless otherwise specified within. The Permittee shall submit the results to EPA of any additional testing done in addition 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).
 - b. Samples shall be collected of the effluent resulting from a storm event that is greater than 0.1 inches in magnitude or comparable amount of groundwater seepage or snowmelt (i.e., "qualifying event"), which follows an antecedent dry period of at least 72 hours (3 days).
 - c. Grab samples shall be taken during the first thirty (30) minutes of the initiation of the discharge from a qualifying event where practicable, but in no case later than within the first hour of discharge. See the definition of what constitutes a "composite sample" in Part II.E.1 of this Permit. Composite samples shall be taken during a 24 hour period, unless the qualifying event results in a discharge of lesser period but not less than three (3) hours. Composite sampling shall begin during the first thirty (30) minutes of the initiation of the discharge from a qualifying event where practicable, but in no case later than within the first hour of discharge.
 - d. When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, the Permittee must take a substitute sample during the next qualifying event. Adverse weather conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought, extended frozen conditions or a specified storm event did not occur during sampling period. If the Permittee is unable to collect samples due to adverse climatic conditions, the Permittee must submit, in lieu of sampling data, a description of why the samples could not be collected, including available documentation of the event. A report stating that there was no discharge shall be submitted when there is no qualifying event, and subsequently no discharge, during the reporting period.

- e. With each monthly DMR report, the Permittee shall also submit a report that documents: (1) the duration in hours of each qualifying event sampled; (2) rainfall/groundwater seepage measurements or estimates in inches of each qualifying event sampled; and (3) the duration between the qualifying event sampled and the end of the previous measurable event in hours.
 - f. The Permittee shall attach a copy of the laboratory case narrative to the respective Discharge Monitoring Report (DMR) form submitted to EPA and MassDEP for each sampling event reported or concurrent with the submittal of reports using NetDMR as detailed in Part I.C of this Permit. The laboratory case narrative shall include a copy of the laboratory data sheets for each analysis (identifying the test method, the analytical results, and the detection limits for each analyte (e.g., each individual PAH compound)) and provide a brief discussion of whether all appropriate QA/QC procedures were met and were within acceptable limits.
- 3) Sampling frequency of monthly is defined as the sampling of one (1) qualifying event in each calendar month. Sampling frequency of quarterly and semiannually are defined as the sampling of one (1) qualifying event in each time period. Quarters are defined as the interval of time between the months of: January through March; April through June; July through September; and October through December. Semiannual periods consist of January through June and July through December. Annual sampling is required in **August** of each calendar year. If no qualifying event occurs in August, then the annual sample shall be collected during the next qualifying event. **Quarterly, semiannual, and annual sampling shall be performed concurrently with the monthly monitoring events.**
 - 4) The maximum instantaneous discharge rate shall not exceed 350 gallons per minute. The Permittee shall report the maximum daily instantaneous flow rate of water discharged by the facility during the reporting period. The maximum daily instantaneous flow rate, which is to be measured in the units of gallons per minute (gpm), shall be based upon an appropriately calibrated flow measuring device.
 - 5) Report total monthly discharge flow, not average flow. Total monthly flow shall be reported in the units of millions of gallons per month (Mgal/month). The Permittee shall also report the total number of days during the reporting period in which there was a discharge from the outfall(s) (to be noted on DMR form under “Event Total” parameter).
 - 6) The analytical methods used to measure Polycyclic Aromatic Hydrocarbons (PAHs) shall be capable of achieving detection limits of less than 5.0 µg/L for each individual PAH compound.
 - 7) BTEX shall be reported as the sum of the detectable concentrations of benzene, toluene, ethylbenzene and (m,o,p) xylenes. The analytical methods used to measure BTEX shall be capable of achieving detection limits of less than 0.5 µg/L for each individual BTEX compound.

- 8) The analytical methods used to measure Polychlorinated biphenyls (PCBs) shall be capable of achieving detection limits of less than 0.5 µg/L for each Aroclor compound.
- 9) Although the maximum daily limit for total PCB's is 0.03µg/L, the compliance limit is equal to 0.5 µg/L, which is the minimum level (ML) for EPA approved Test Method 608. The ML is the lowest level at which the analytical system gives a recognizable signal and acceptable calibration point for the analyte.
- 10) The pH of the effluent shall not be less than 6.5 standard units (s.u.), nor greater than 8.5 s.u. at any time, and no more than 0.2 s.u. outside the background range. If the pH results of the discharge are outside the range of 6.5 – 8.5 s.u. due to background conditions, the pH must be within 0.2 s.u. of the rainfall's pH level. There shall be no change from natural background conditions that would impair any use assigned to this Class.
- 11) The Permittee shall conduct 48-Hour Static Acute Whole Effluent Toxicity (WET) tests on effluent samples once each year in August using **Mysid Shrimp (Mysidopsis bahia)** and **Inland Silverside (Menidia beryllina)** following the protocol in Attachment A (Marine Acute Toxicity Test Procedure and Protocol, dated September 1996).
 - a. LC₅₀ (Lethal Concentration 50 Percent) is the concentration of effluent which causes mortality to 50% of the test organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.
 - b. No Observed Acute Effect Level (NOAEL) is defined as the highest concentration of toxicant or effluent to which organisms are exposed in a life-cycle or partial life-cycle test which causes no adverse effects (in this case, death) at a specific time of observation as determined from hypothesis testing where the test results (again, death) exhibit a linear dose-response relationship. However, where the test results do not exhibit a linear dose-response relationship, report the lowest concentration where there is no observable effect.
 - c. For each WET test the Permittee shall report on the appropriate Discharge Monitoring Report (DMR), the concentrations of the salinity, total residual oxidants, total solids, ammonia, total organic carbon, aluminum, cadmium, copper, chromium, lead, nickel and zinc found in the 100 percent stormwater effluent sample. These chemical parameters shall be determined to at least the minimum quantification level shown in Attachment A, page 6, or as amended. Also, the Permittee should note that all chemical parameter results must still be reported in the appropriate toxicity report.

Part I.A. continued:

2. Discharges shall not either cause a violation of the water quality standards or interfere with the attainment of any Class SB or existing use of the Weymouth Fore River.
3. The effluent shall not contain metals and/or 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.
4. Discharges to the Weymouth Fore River shall be free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to this class.
5. The Permittee shall comply with all existing federal, state, and local laws and regulations that apply to the reuse or disposal of solids, such as those which may be removed from stormwater treatment operations and equipment cleaning. At no time shall these solids be discharged to the Weymouth Fore River.
6. There shall be no discharge of (1) wastewater generated from cation exchange backwash and/or regeneration and (2) laboratory waste waters.
7. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Administrator 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 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":
 - (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 for 2-methyl-4,6-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 CFR §122.21(g)(7); or
 - (4) Any other notification level established by the Regional Administrator in accordance with 40 CFR §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 CFR §122.21(g)(7); or
 - (4) Any other notification level established by the Regional Administrator in accordance with 40 CFR §122.44(f).
8. This Permit shall be modified in accordance with 40 CFR Section 122.62(a)(3) if the standards or regulations on which the Permit is based have been changed by promulgation of amended standards or regulations or by judicial decision after the Permit is issued in accordance with 40 CFR Section 122.62(a)(3).

PART I.B. 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 Storm Water Discharges Associated with Industrial Activities (<http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>).
2. The SWPPP shall be updated and certified by the Permittee within 90 days after the effective date of this Permit. The Permittee shall certify that the SWPPP has been updated, that it meets the requirements of the 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 the SWPPP and the certification shall be sent to EPA and MassDEP within one hundred and twenty (120) days of the effective date of the 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 (as modified effective May 27, 2009), the general SWPPP provisions are included in Part 5 and Part 8K. 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 c.iii. 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; and
 - 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 Sector K - Hazardous Waste Treatment, Storage, or Disposal Facilities.

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 satisfy the non-numeric technology-based effluent limitations included in this Permit. 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 (as modified effective May 27, 2009), these control measures are described in Part 2.1.2. Specifically, BMPs must be selected and implemented to satisfy the following non-numeric technology-based effluent limitations:
 - a. Minimizing exposure of 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; and
 - h. Sector specific BMPs included in Sector K - Hazardous Waste Treatment, Storage, or Disposal Facilities.

5. All areas with industrial materials or activities exposed to stormwater and all structural control measures used to comply with the effluent limits in this Permit shall be inspected, at least once per quarter, by qualified personnel with one or more members of the storm water pollution prevention team. Inspections shall begin during the 1st 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, 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. If the monitoring values for a parameter exceeds its benchmark concentration (shown in the table below), the Permittee shall review the selection, design, installation, and implementation of all BMPs and control measures in its SWPPP, and make necessary modifications until the monitoring value for a parameter no longer exceeds the benchmark concentration. Repeat monitoring shall be conducted within 60 days of receiving results higher than benchmark values and results submitted on the next DMR.

Parameter	Benchmark Concentration
Ammonia	2.14 mg/L
Total Magnesium	0.064 mg/L
Chemical Oxygen Demand (COD)	120 mg/L
Total Arsenic	0.069 mg/L
Total Cadmium	0.040 mg/L
Total Cyanide	0.001 mg/L
Total Lead	0.210 mg/L
Total Mercury	0.0018 mg/L
Total Selenium	0.290 mg/L
Total Silver	0.0019 mg/L

7. The Permittee shall amend and update the SWPPP no less than 14 days prior to any changes at the facility that might 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, maintenance, materials storage, or other activities at the facility. The Permittee also shall amend and update the SWPPP within 14 days of 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.
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.

PART I.C. MONITORING AND REPORTING

1. **For a period of one year from the effective date of this 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 this 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 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 this 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 this Permit shall be submitted to EPA, as an electronic attachment to the DMR. Once the 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, the Permittee 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 this 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 (OES04-1)
Boston, MA 02109-3912

and

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

c. Submittal of Reports in Hard Copy Form

Monitoring results shall be summarized for each calendar month and reported on separate hard copy Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month following the completed reporting period. All reports required under this Permit shall be submitted as an attachment to the DMRs. Signed and dated originals of the DMRs, and all other reports or notifications required herein or in Part II shall be submitted to the Director at the following address:

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

Duplicate signed copies of all reports or notifications required above shall be submitted to the State at the following addresses:

**MassDEP – Southeast Region
Bureau of Waste Prevention (Industrial)
20 Riverside Drive
Lakeville, MA 02347**

and

**Massachusetts Department of Environmental Protection
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608**

Any verbal reports, if required in **Parts I** and/or **II** of this Permit, shall be made to both EPA-New England and to MassDEP.

2. For additional monitoring requirements, see Section C of Part II Standard Conditions. Section C includes, but is not limited to, the requirements to record: the date, exact place, and time of sampling, measurements, and analyses; the individual(s) who performed the sampling, measurements, and analyses; the analytical techniques or methods used; and the results of such analyses.

PART I.D. 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 the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53, and 314 C.M.R. 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 C.F.R. 124.53, M.G.L. 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.