

The Upcoming RDA Permit in the Charles, Mystic and Neponset River Watersheds

A Discussion With NAIOP and the 495 Partnership

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Questions We Will Address

Note: The numbers, graphics, and technical conclusions throughout this presentation are pre-decisional, subject to change, and may be different than the final calculations relied upon in the draft and final permits. EPA will publish its draft RDA permit and RDA determination in the Federal Register for public comment and will consider all significant public comments.

1. Why is EPA Pursuing RDA permitting at this Time? What are its benefits and to whom?
2. Questions relevant to those receiving permits
3. Current RDA petition, permitting process and stakeholder outreach
4. Technical basis for this permit
5. Types of stormwater management controls
6. Permit implementation issues is EPA seeking additional feedback on

A photograph of a city waterfront. In the foreground, a wooden dock with a metal railing is visible on the right. The water is dark and reflects the sky and buildings. There are many green leaves floating on the water's surface, along with a small piece of trash and a dark object. In the background, a city skyline is visible, including a prominent blue skyscraper and a large white dome. The sky is clear and blue.

Why is EPA Pursuing an RDA Permit At this Time?

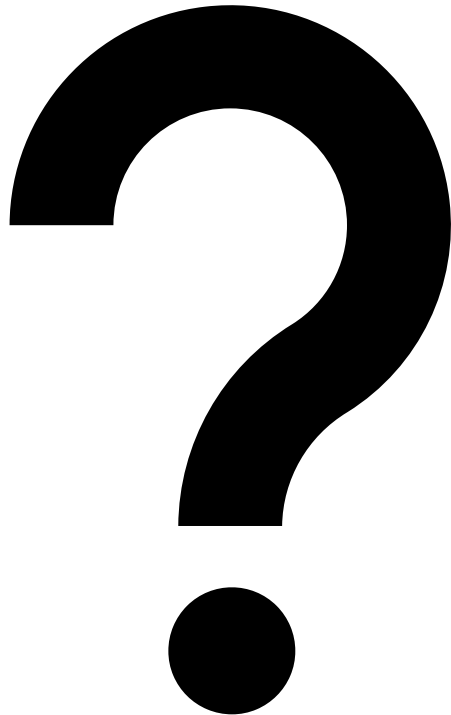
Photo from CRWA



(Co) Benefits of RDA Permitting

Businesses on County Street in Attleboro, Mass. closed due to flooding from heavy rain Tuesday, Sept. 12, 2023.

(Mark Stockwell/The Sun Chronicle via AP)



We Know You Have Questions



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January 18, 2023

Mr. Ken Moraff, Water Division Director
EPA Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

Dear Mr. Moraff,

On behalf of the 495/MetroWest Partnership, please accept our thanks for your presentation to our Water Resources Committee on November 1, 2022, regarding EPA's decision to exercise its residual designation authority under the Clean Water Act in the Charles, Mystic, and Neponset river watersheds. Our stakeholders found the presentation informative, and we appreciate your willingness to engage directly regarding this process.

Questions We
Hope to Discuss
With You Later
Today and
Beyond

1. Permit Administration

2. Stormwater Controls

3. Funding Mechanisms

4. Role of EPA

Clean Water Act 402(p)

Defines specific sources that must be authorized by an "NPDES" permit, but also recognizes that other sources may need to be regulated.

Allows for regulation of "other sources"

Referred to as "Residual Designation Authority," or simply, "RDA."

RDA Authority Can Be Used to Require NPDES permits when:

- * the discharges contribute to a violation of water quality standards,
- * are a significant contributor of pollutant to federally protected surface waters, or
- * controls are needed for the discharge based on wasteload allocations that are part of "total maximum daily loads" (TMDLs) that address the pollutant(s) of concern.

What is RDA?

Petitions Request that EPA Exercise its Residual Designation Authority

(2019 Charles, 2020 Mystic, Neponset)

Petitioners: The Conservation Law Foundation and Charles River Watershed Association

Request: That all commercial, industrial, and institutional (collectively “CII”) properties 1 acre or greater and large Multi-Family (M) parcels (five or more housing units) in the Charles, Mystic, Neponset receive NPDES permits (an “RDA permit”).

Preliminary Determination

(September 2022)

EPA designates all CII parcels (but not multi-family units) with 1 acre or more of Impervious Cover* (“IC”) in the Charles, Mystic and Neponset Watersheds.

Develop Permitting Framework & Issue Draft Permit

(Goal: September 2024)

EPA is moving forward with the development of a permitting framework and outreach strategy.

*Impervious Cover - any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using nonporous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil

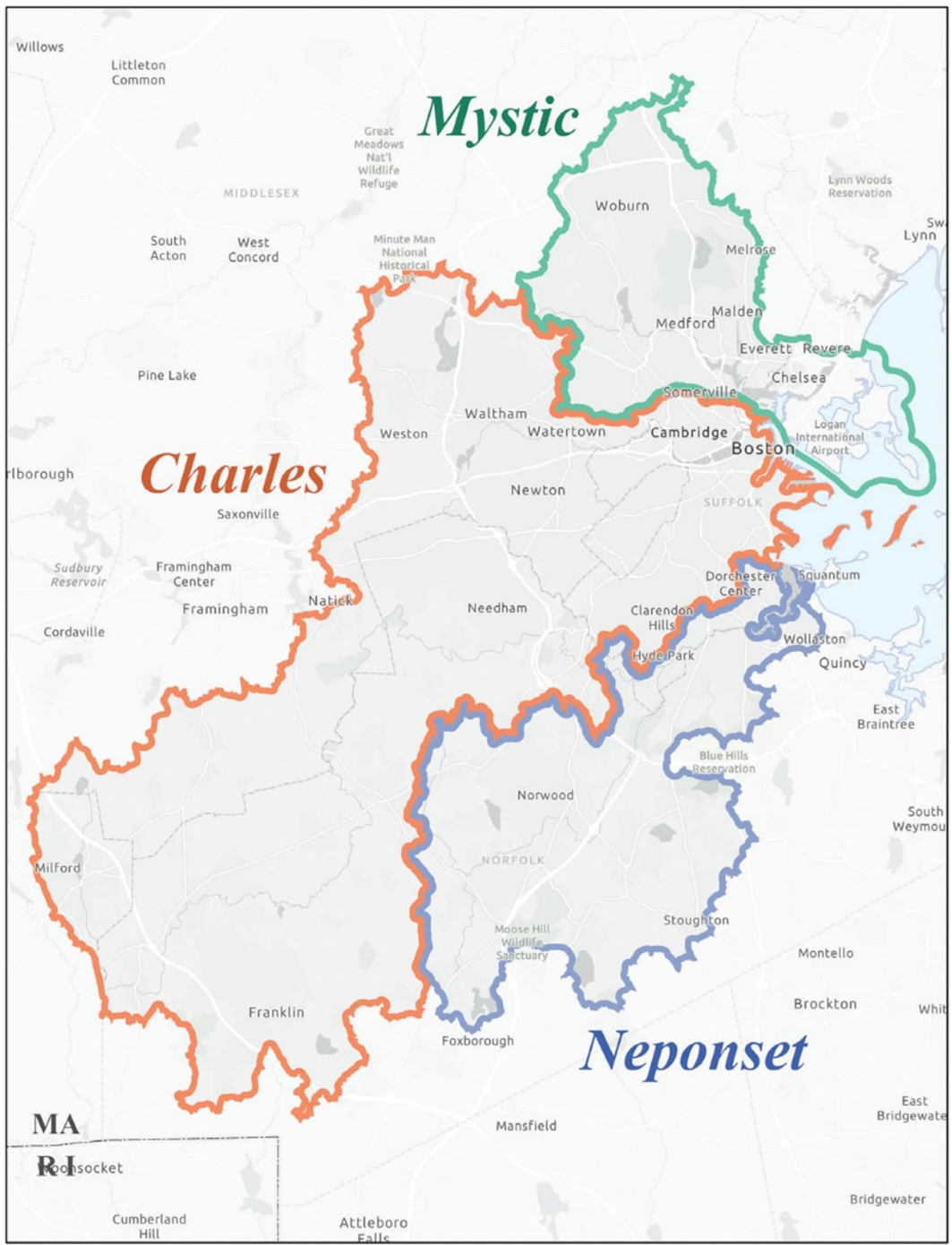
RDA Process

RDA Permitting Timeline

Draft RDA Permit Target – Fall 2024

Public Comment Period (at least 30 days
40 CFR § 124.10(b))

Final Permit Issued with a Response
to the Public Comments



Stakeholder Outreach Timeline

WINTER

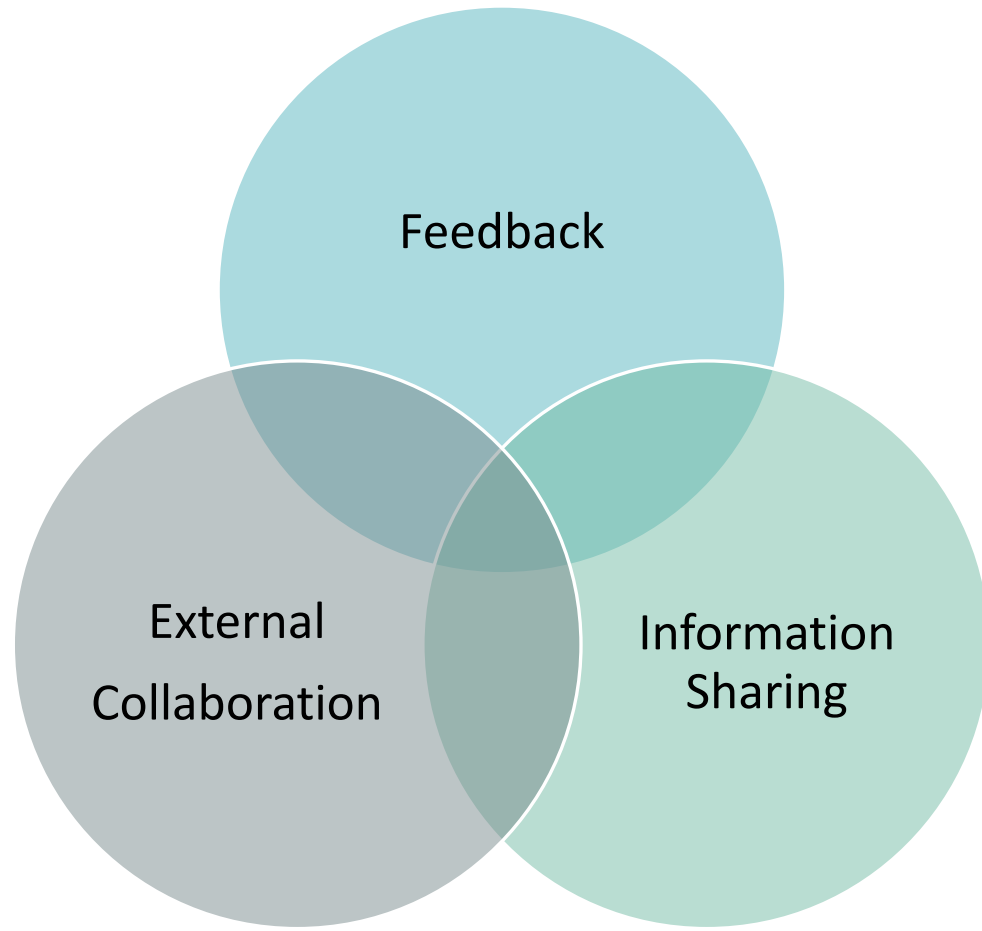
- ✓ Re-engage stakeholders across all three watersheds

SPRING

- Seek feedback on permit implementation
- Information sharing with stakeholders

SUMMER

- Refine options for permit framework



Seek Feedback on Permit
Implementation Challenges and
Strategies

Facilitate Information-Sharing
between stakeholders and EPA

Foster External Collaborations
With Municipalities/Watershed
Groups/Others

Goals of Stakeholder Outreach

Resources

Feedback

Questions

More Information:

<https://www.epa.gov/npdes-permits/watershed-based-residual-designation-actions-new-england>

RDA Petitions for Charles, Mystic and Neponset River Watersheds

EPA's Initial RDA Designation

Monthly RDA Updates

Parcel-level analyses for all three watersheds

Tools and Informational Fact Sheets

Stakeholder Events/Upcoming Focus Groups

Check the website for more information on upcoming events.

Feedback and Questions:

Do you have any feedback on permit implementation challenges or ideas for solutions to those permit challenges?

Email us: R1.RDA@epa.gov

Improvements in Pollution Control

1970s to now

99% of CSO and illicit discharges reduced

2000s to now

90% Phosphorus from WWTPs reduced

2016 MS4

Municipal Stormwater Programs manage stormwater from the entire municipality and are responsible for all required load reductions

RDA

Private CII land uses cover 14-18% of the area in the three watersheds. An RDA program will distribute stormwater management responsibilities among municipalities and designated private sources

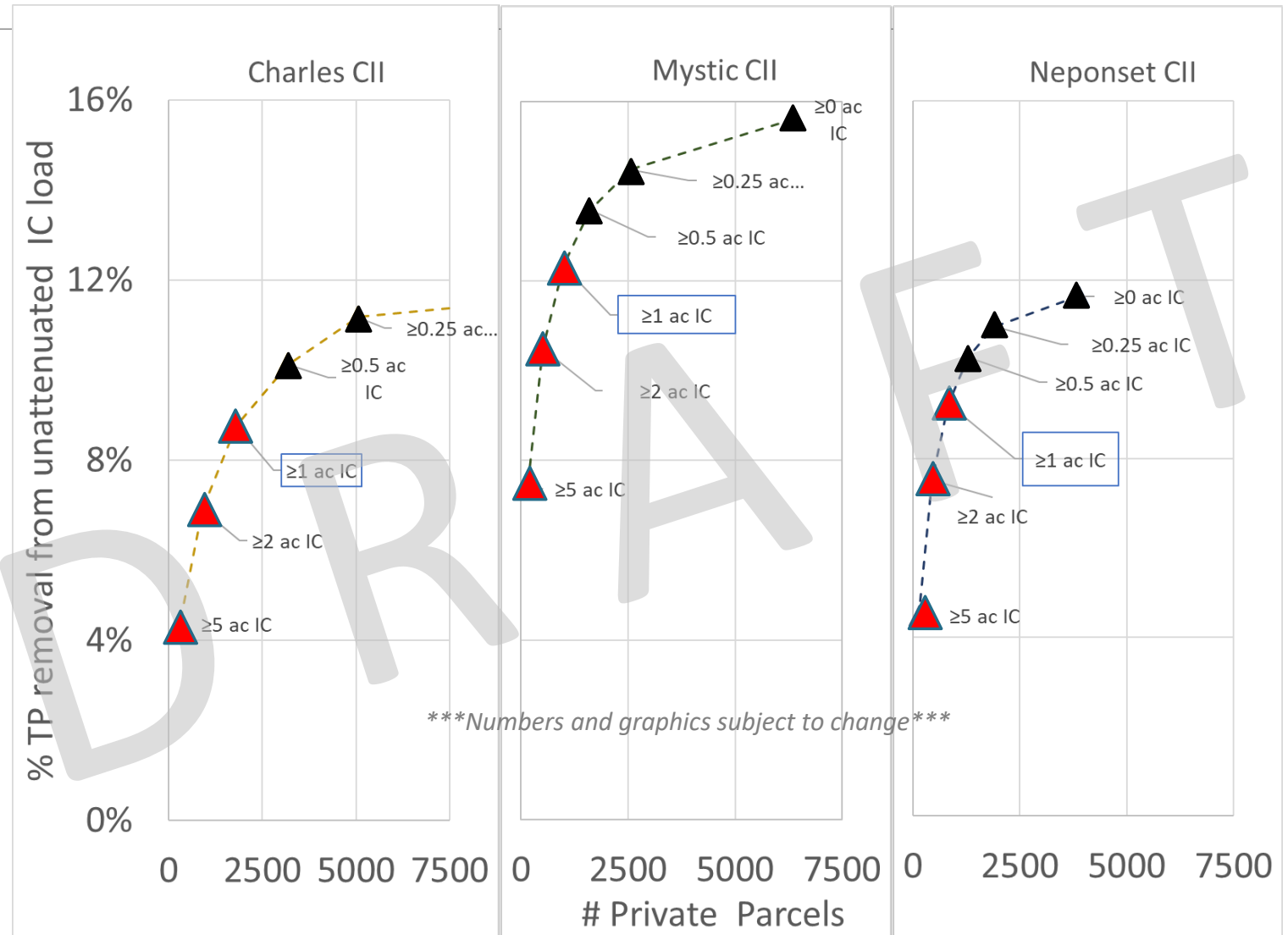
How did EPA designate CII properties?

- Identified use codes from tax assessor's database that indicate commercial, industrial, institutional land uses
- Geospatial analysis to determine impervious cover* acreage per parcel
- Maximize environmental benefit by permitting the fewest number of CII sources led to 1 acre impervious cover permitting threshold

Parcel level analysis reports: <https://www.epa.gov/npdes-permits/january-2024-update-residual-designation-authority-rda-activities-underway-charles>

Finding a balance for the RDA program

- “Knee of the curve”
 - Balance highest pollution reduction potential with permitting fewest number of CII properties
- Same acreage threshold for all CII properties
- Differences in estimated pollution reductions reflect variations in non-CII land use and overall impervious cover of the watershed.



What does stormwater management under an RDA Program look like?

STRUCTURAL CONTROLS

Infiltration Practices

- Infiltration trenches
- Infiltration basins/ Rain gardens
- Biofiltration/ Tree filters
- Gravel Wetlands
- Enhanced Biofiltration with internal storage
- Sand Filters
- Porous Pavements

Disconnection

- Impervious Cover Disconnection with and without storage

Storage/Detention

- Dry Ponds Water Quality Swale with Detention
- Enhanced Biofiltration with internal storage
- Wet Ponds

Stormwater Reuse

Manufactured Treatment Devices *

NON-STRUCTURAL CONTROLS

Street and parking lot sweeping

Catch basin cleaning

Leaf litter collection program

Questions We
Hope to Discuss
With You

1. Permit Administration

2. Stormwater Controls

3. Funding Mechanisms

4. Role of EPA

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1. Permit Administration

What is the role of municipalities?

How should the permit obligations and permittees be phased?

How would accounting and tracking work?

What compliance timeframes may be feasible?

Questions We
Hope to Discuss
With You

2. Stormwater Controls

Should all permittees be put on the same permit timeframe?

What kind of stormwater controls are feasible for this permit?

Should EPA provide flexibility for “offsite” mitigation and if so, how?

What kinds of existing stormwater controls do permittees already have in place?

Questions We
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With You

3. Funding Mechanisms

Could a regionalized entity oversee permit implementation?

How does the issuance of this RDA permit impact stormwater utilities and other stormwater funding mechanisms?

Questions We
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With You

4. Role of EPA

What data tools and technical assistance can EPA develop?

What role can EPA play in providing ongoing support for the administration of this permit?

What information should EPA collect to support accounting and tracking of permit obligations?