NPDES Authorization in Massachusetts

495 MetroWest Partnership
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What is NPDES?

- National Pollutant Discharge Elimination System
- Established by the Clean Water Act
- Regulates point sources that discharge pollutants to waters of the U.S. and requires permits for those sources
- EPA can administer the program in a state or authorize states to administer their own programs
- Vast majority of states have received authorization
What types of discharges does NPDES cover?

- Municipal wastewater treatment plants
- Industrial discharges
- Stormwater
  - Municipal
  - Industrial
State Authorization

- 46 states with authorized NPDES programs
- 4 states without authorization
  - Idaho in process of preparing application for authorization
  - Massachusetts in early stages of pursuing authorization
  - New Hampshire and New Mexico not currently pursuing authorization
Why pursue NPDES authorization in Massachusetts?

- MassDEP has strong track record in administering other federally delegated programs
- Increased flexibility for use of Integrated Water Management
- Improved understanding of water quality through enhanced water quality monitoring and assessment program
- Opportunity to more closely engage with communities and other permittees
H.2777 An Act to Enable the Commonwealth’s Administration of the Mass. Pollutant Discharge Elimination System

- Amends the Mass. Clean Waters Act to be consistent with federal law
- Authorizes MassDEP to apply to EPA for NPDES authorization
- Must pass to allow MassDEP to proceed with NPDES authorization
- Part of multi-step, multi-year process to receive program authorization from EPA
Example NPDES Issues in Massachusetts
MS4 Stormwater Permit

- New permit issued April 2016 with effective date of 7/1/17
- Much more detailed than previous (2003) permit
  - Over 200 separate reporting requirements and actions for cities and towns
- Estimates of annual implementation costs range from $10,000 to $750,000
- Multiple parties appealed permit; appeals ongoing
- EPA postponed effective date until 7/1/18
- MassDEP aligned state compliance dates with new federal schedule
Assabet River Watershed

- WWTPs in Hudson, Marlborough, Maynard, Westborough
  - Also treat wastewater from Hopkinton, Northborough, Shrewsbury
- Excess phosphorus in river led to development of waterbody restoration plan ("TMDL")
- All permits include stringent phosphorus limits during summer months
- EPA beginning renewal of permits in 2017
  - Potential adjustments to phosphorus limits in winter months
  - Potential requirements for nitrogen monitoring
Charles River Watershed

- Charles River Pollution Control District: Bellingham, Franklin, Medway, Millis, Norfolk
- Medfield and Milford WWTPs
- Excess phosphorus in river led to development of waterbody restoration plan ("TMDL")
- All permits have stringent phosphorus limits year round
- All permits also have metals limits
  - Aluminum, cadmium, copper, lead (depending on facility)
MWRA Deer Island Treatment Plant

- Ashland, Framingham, Natick
- NPDES permit for DITP last issued in 2000; administratively continued since 2005
- EPA plans to complete draft permit renewal late 2017/early 2018
- New permit may contain more specific requirements for MWRA communities (“co-permittees”)
- New co-permittee language recently developed by MassDEP and EPA that clarifies responsibilities of permittees/co-permittees
What will a Massachusetts NPDES program look like?
Massachusetts Permit Universe

- 230 individual permittees
  - 58% municipal, 42% industrial
  - >50% of permits continued past expiration date
- 2000+ general permittees
  - ~250 are MS4 communities
  - GPs for construction, dewatering, hydroelectric, industrial stormwater, non-contact cooling water, pesticides, remediation, potable water treatment, small POTW
Program Funding & Staffing

- $4.7 million state general fund appropriation
- Maintain current fees for non-municipal dischargers
- Maintain existing federal funding
- 40 new staff
  - Permit writing
  - Compliance & enforcement
  - WQS, monitoring, assessment, TMDLs
  - QA/QC and data management
  - Legal support
- Adds to 27 existing staff in these programs
Contractual support

- Watershed organizations, academic institutions, technical consultants
- Technical assistance
- Water quality monitoring
- Laboratory support
- TMDLs
Key Program Components

- **Water Quality Science**
  - Water quality monitoring and assessment, water quality standards, TMDLs

- **Permitting**
  - Base on sound science, develop in coordination with permittees, maintain on timely basis

- **Technical Assistance**
  - Regular engagement with permittees on key topics

- **Compliance & Enforcement**
  - Regular compliance inspections, timely enforcement as needed
Where do we go from here?

- Additional outreach on the approach
- Continue to build monitoring/standards program
- Jointly issue permits in the meantime
- Develop application to EPA
  - Consultations with EPA and Stakeholders
  - Public process
- Phased transition of program to MassDEP
Questions?

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