

**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., and the Massachusetts Clean Waters Act, as amended, Massachusetts General Laws ch. 21, §§26-53, the

**Boston Water and Sewer Commission
980 Harrison Ave
Boston, MA 02119**

is authorized to discharge from:

26 Combined Sewer Overflows (CSOs) listed in Attachment A

to receiving waters named: **Boston Inner Harbor, the Chelsea River, Little Mystic Channel, Mystic River, Fort Point Channel and Reserved Channel, Charles River, and Muddy River (HUC 01090001)**

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

This permit shall become effective 60 days from the date of signature

This permit and the authorization to discharge expire at midnight, five years from the effective date.

This permit supersedes the permit issued on September 29, 1987.

This permit consists of 8 pages and Attachments A and B (CSO Listings) and Attachment C (Final Variance Conditions) in Part I and 35 pages in Part II including General Conditions and Definitions. ***NOTE: Electronic copies of attachments not provided.***

Signed this 28th day of March, 2003

/SIGNATURE ON FILE

Director
Office of Ecosystem Protection
Environmental Protection Agency
Region I
Boston, MA

Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

Part I. COMBINED SEWER OVERFLOWS**A. EFFLUENT LIMITATIONS**

1. During wet weather, the permittee is authorized to discharge combined storm water and wastewater from combined sewer outfalls listed in Attachment A, subject to the following effluent limitations.

- a. The discharges shall receive treatment at a level providing Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT) to control and abate conventional pollutants and Best Available Technology Economically Achievable (BAT) to control and abate non-conventional and toxic pollutants. The EPA has made a Best Professional Judgement (BPJ) determination that BPT, BCT, and BAT for combined sewer overflow (CSO) control include the implementation of Nine Minimum Controls (NMC) specified below and detailed further in Part I.B. NMCs and Part I.C. Minimum Implementation Levels, of this permit. Implementation of these controls is required by the effective date of the permit.
 - i. Proper operation and regular maintenance programs for the sewer system and the combined sewer overflows.
 - ii. Maximum use of the collection system for storage.
 - iii. Review and modification of the pretreatment program to assure CSO impacts are minimized.
 - iv. Maximization of flow to the POTW for treatment.
 - v. Prohibition of dry weather overflows from CSOs.
 - vi. Control of solid and floatable materials in CSO.
 - vii. Pollution prevention programs that focus on contaminant reduction activities.
 - viii. Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.
 - ix. Monitoring to effectively characterize CSO and the efficacy of CSO controls.
- b. The discharges shall not cause violations of Federal or State Water Quality Standards.

- c. Discharge frequency and volume are limited in accordance with the Massachusetts Water Resource Authority (MWRA) Final CSO Facilities Plan (July 1997), DEP 12/31/97 Administrative Determination and Use Attainability Analysis, and federal court order (U.S. v. M.D.C., et al., No. 85-0489 (D. Mass)) as may be amended. The permitted volume and discharge frequency for each CSO can be found on Attachment A, under the heading RECOMMENDED PLAN - TYPICAL YEAR DISCHARGES.

B. NINE MINIMUM CONTROLS, MINIMUM IMPLEMENTATION LEVELS

The permittee must implement the nine minimum controls in accordance with documentation submitted December 31, 1996 with a response to EPA dated May 1, 1997. The permittee must evaluate, in its annual report (see Part I.D. below) any modifications to the approved program which enhance its effectiveness and can be reasonably implemented during the upcoming year. The proposed level of control must always meet or exceed the Minimum Implementation Levels described in Part I.C.

C. MINIMUM IMPLEMENTATION LEVELS

1. Each CSO structure/regulator, pumping station and/or tidegate shall be routinely inspected, at a minimum of once per month, to insure that they are in good working condition and adjusted to minimize combined sewer discharges and tidal surcharging. (NMC # 1, 2 and 4). The following inspection results shall be recorded: the date and time of the inspection, the general condition of the facility, and whether the facility is operating satisfactorily. If maintenance is necessary, the permittee shall record: the description of the necessary maintenance, the date the necessary maintenance was performed, and whether the observed problem was corrected. The permittee shall maintain all records of inspections for at least three years.

Annually, no later than January 15th, the permittee shall submit a certification to the State and EPA which states that the previous calendar year's monthly inspections were conducted, results recorded, and records maintained.

2. Discharges to the combined system of septage, holding tank wastes or other material which may cause a visible oil sheen or containing floatable materials are prohibited during wet weather when CSO discharges may be active. (NMC# 3,6, and 7).
3. Dry weather overflows (DWOs) are prohibited (NMC# 5). All dry weather sanitary and/or industrial discharges from CSOs must be reported to EPA and the State within 24 hours in accordance with the reporting requirements for plant bypass (See Part I.F. Unauthorized Discharges and Part II.D.1.e. of this permit).
4. The permittee shall quantify and record all discharges from combined sewer outfalls (NMC# 9). Quantification may be through direct measurement or estimation. When estimating, the permittee shall make reasonable efforts, i.e. gaging, measurements, to verify the validity of the estimation technique. The following information must be

recorded for each combined sewer outfall for each discharge event:

- ! Estimated duration (hours) of discharge;
- ! Estimated volume (gallons) of discharge; and
- ! National Weather Service precipitation data from the nearest gage where precipitation is available at daily (24-hour) intervals and the nearest gage where precipitation data at minimum of one-hour intervals is available to the permittee. Cumulative precipitation per discharge event shall be provided;
- ! A description of whether the discharge activation and volume are in accordance with the MWRA Final CSO Facilities Plan

The permittee shall maintain all records of discharges for at least eight (8) years.

Within 3 months of the effective date of this permit, the permittee will submit a CSO monitoring plan to EPA and MADEP for approval, which describes the methods BWSC will use to quantify CSO activations and volumes. The CSO monitoring plan will be implemented upon EPA and MADEP approval. Activation frequencies and discharge volumes required to be submitted in the annual report (see Section I.D.1) shall thereafter be reported in accordance with methods identified in the monitoring plan

5. The permittee shall maintain identification signs for all combined sewer outfall structures (NMC# 8) The signs must be located at or near the combined sewer outfall structures and easily readable by the public from the land and water. These signs shall be a minimum of 12 x 18 inches in size, with white lettering against a green background, and shall contain the following information:

WARNING:*
BOSTON WATER AND SEWER COMMISSION
WET WEATHER
SEWAGE DISCHARGE
OUTFALL (discharge serial number)

* For existing signs which otherwise meet the requirements of this section, the word "Warning" need not be added.

Where easements over property not owned by the permittee must be obtained to meet this requirement, the permittee will use its best efforts to identify the appropriate landowners and to obtain the necessary easements.

The permittee, to the extent feasible, will add a universal symbol to their warning signs reflecting a CSO discharge, or will place additional signs in languages other than English based on notification from the EPA and the State or on the permittee's own good faith determinations that the primary language of a substantial percentage of the residents in

the vicinity of a given outfall structure is not English.

D. ANNUAL REPORT

By April 30 of each year the permittee shall submit a report which includes the following information:

1. Activation frequency and discharge volume for each CSO during the previous calendar year. The report shall include this information for each of the authorized CSO discharges listed on Attachment A and for those CSOs listed on Attachment B.
2. Precipitation during the previous year for each day, including total rainfall, peak intensity, and average intensity.
3. Status of the implementation of CSO abatement work for which the permittee is directly responsible in accordance with the MWRA Final CSO Facilities Plan and the federal court order (as may be amended).
4. For outfalls listed in Attachment A provide the following information in the Annual Report for years 3 and 5 using the updated MWRA model (or equivalent) for comparison:
 - a. A comparison between the precipitation for the previous year and the precipitation in the typical year under future planned conditions used in the MWRA Final CSO Facilities Plan. The comparison shall include the number of events and size of events (including recurrence interval).
 - b. A comparison, for each CSO, between the activation volume and frequency for the previous year and the volume and frequency expected during a typical year under future planned conditions.
 - c. An evaluation of whether the CSO activation volume and frequency for the previous year is in accordance with the estimates in the MWRA Final CSO Facilities Plan, given the precipitation which occurred during the year, and the CSO abatement activities which have been implemented. Where CSO discharges are determined to be greater than the activation frequency or volume in the MWRA Final CSO Facilities Plan, the permittee shall include a discussion of remaining CSO abatement activities and an assessment of the impact of those projects on attaining the level of CSO control identified in the MWRA Final CSO Facilities Plan.
5. A summary of modifications to the approved NMC program which have been evaluated, and a description of those which will be implemented during the upcoming year. In the first annual report submitted in accordance with this permit, the permittee shall submit a public notification plan to describe the measures actively being taken to meet NMC #8, and an evaluation of further measures to enhance the public notification program,

including use of web postings with CSO information. (see NMC #8 in Part I A.1.a.viii)

E. CSOs SUBJECT TO WATER QUALITY VARIANCES/REOPENER

1. CSOs discharging to the Lower Charles River have been granted a 24 month variance under the Massachusetts Water Quality Standards. The variance conditions for the Charles River were originally issued on October 1, 1998. The MADEP subsequently extended the time frame of the Variance so that it remained in effect until October 1, 2002. The MADEP has extended the time frame of the Variance so that it remains in effect until October 1, 2003. A copy of the Final Variance Conditions is attached as Attachment C and hereby incorporated as conditions of this permit.
2. The effluent limitations for the Charles River CSOs found in this permit are based on the recommendations in the MWRA Final CSO Facilities Plan. When a final Administrative Determination on water quality standards is made by DEP and approved by EPA, this permit may be modified to reflect the standard and appropriate level of CSO control.

F. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit from those outfalls listed in Attachment A of this permit. Discharges of wastewater from any other point sources, including those on Attachment B are not authorized under this permit. Discharges from outfalls listed in Attachment B are under the authority of the federal court order as amended. The permittee must provide twenty four hour reporting of unauthorized discharges (see section D.1.e. of Part II of the permit) for all dry weather overflows from the combined system. The twenty four hour reporting requirement does not apply to wet weather discharges from outfalls listed in Attachment B.

G. NOTICE OF ELIMINATION

The permittee shall give notice of elimination or change in status of any outfall listed in Attachment A and Attachment B as soon as possible in writing to the Director at EPA and to the Director of the Division of Watershed Management at the MA DEP.

H. REPORTING REQUIREMENTS

All of the required reports and notifications outlined in this part should be submitted to the addresses in Part J (below) of this permit.

I. CERTIFICATION AND SIGNATURE OF REPORTS

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with section D.2. of Part II of this permit.

J. REPORT SUBMISSION

1. Original signed copies of all notifications and reports required herein, shall be submitted to the Director at the following address:

U.S. Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, MA 02114

2. Signed copies of all notifications and reports shall be submitted to the State at:

Massachusetts Department of Environmental Protection
1 Winter Street
Boston, MA 02108
Attn: Mr. Steve Lipman

And

Massachusetts Department of Environmental Protection
Northeast Regional Office
205 A Lowell Street
Wilmington, MA 01887
Attn: Mr. Kevin Brander

K. RETENTION OF RECORDS

The permittee shall retain all records of all monitoring information, copies of all reports required by this permit and records of all other data required by or used to demonstrate compliance with this permit, for at least eight years. This period may be modified by alternative provisions of this permit or extended by request of the Director at any time.

L. STATE PERMIT CONDITIONS

1. This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection 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 Massachusetts DEP 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 an 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.