

PUBLIC NOTICE

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP), under authority granted by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 – 53, and the implementing regulations at 314 CMR 3.00 and 4.00, is proposing to issue a federal Clean Water Act Section 401 Water Quality Certification (WQC) for the U.S. Environmental Protection Agency's (EPA) proposed 2024 Draft NPDES Permit (Federal Permit No. MAG860000) General Permit for Private Commercial, Industrial and Institutional Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds in Massachusetts. The proposed WQC and proposed Federal Permit are all available at <https://www.mass.gov/info-details/massdep-permits-approvals-for-comment>. Alternatively, a copy of the documents can be obtained by contacting David Boyer, MassDEP Surface Water Discharge Program, at 774-239-7060 or at david.boyer@mass.gov.

Written comments on the proposed WQC will be accepted until 5:00 p.m. on June 1, 2025. MassDEP strongly encourages written comments to be submitted by email to massdep.publiccommentnpdes@mass.gov; subject line: Residual Designation Authority. If that is not possible, please send them by mail to David Boyer, 100 Cambridge Street, Suite 900, Boston, MA 02114.

Following the close of the comment period, MassDEP will issue a final WQC and forward copies to each person who has submitted written comments or requested notice. The final determination will contain information regarding the opportunity to file an adjudicatory appeal pursuant to 310 CMR 1.01. Information regarding intervention and participation can be found at 310 CMR 1.01(7).

For special accommodations, please call the MassDEP Diversity Office at 617-292-5751. TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request.

By Order of the Department

Bonnie Heiple, Commissioner



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Clean Water Act Section 401 Water Quality Certification For the 2024 Draft NPDES

General Permit for Private Commercial, Industrial and Institutional Stormwater Discharges in
the Charles, Mystic, and Neponset River Watersheds in Massachusetts
EPA Permit No. MAG860000 ("CII GP")

The Massachusetts Department of Environmental Protection (MassDEP), having reviewed the United States Environmental Protection Agency (EPA) – Region 1's 2024 Draft National Pollutant Discharge Elimination System (NPDES) permit for Private Commercial, Industrial and Institutional Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds in Massachusetts (Permit No. MAG860000), issued October 31, 2024 (2024 Draft NPDES Permit), hereby certifies, pursuant to Federal Clean Water Act Section 401, that there is a reasonable assurance that the discharges proposed to be permitted will not violate applicable Massachusetts water quality requirements, if made in accordance with the provisions of the 2024 Draft NPDES Permit, and provided that the permittees obtain all approvals required under state law for their activities affecting their discharges, including without limitation the Wetlands Protection Act, M.G.L. c. 131, § 40, and Wetlands Protection Regulations, 310 CMR 10.00.

The conditions of the 2024 Draft NPDES Permit are sufficient to comply with the antidegradation provisions of the Massachusetts Surface Water Quality Standards (314 CMR 4.04) and MassDEP's October 21, 2009, policy implementing those provisions. As EPA states in its Fact Sheet for the 2024 Draft NPDES Permit (at p. 23), "The proposed CII GP applies to already-existing discharges and, over time, aims to reduce those discharges as well as restricting discharges from new impervious cover to match predevelopment discharge conditions, see Section 5.1.2(A)(c and d). EPA predicts that the CII GP will improve water quality over time and thus anti-degradation issues will not be implicated."

To meet the requirements of Massachusetts laws, each of the conditions in the 2024 Draft NPDES Permit shall not be made less stringent unless MassDEP determines this certification remains appropriate or can be modified in an appropriate manner, in consideration of the relevant water quality requirements.

Signed this ____ day of _____, 20____

Lealdon Langley, Director
Massachusetts Department of Environmental Protection
Bureau of Water Resources
Division of Watershed Management