



Department of Environmental Protection

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Emily Halter
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. 4101M
Washington, DC 20460

June 1, 2020

RE: National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Stormwater from Industrial Activities
Docket ID: EPA-HQ-OW-2019-0372

Dear Ms. Halter:

The Massachusetts Department of Environmental Protection, Division of Watershed Management NPDES Section (MassDEP) has reviewed the proposed 2020 Multi-Sector General Permit (MSGP) posted for public comment under Docket ID EPA-HQ-OW-2019-0372. In Massachusetts there are currently 788 facilities covered under the MSGP, which makes up the largest number of facilities within a state covered under this permit. In the review of the proposed permit, MassDEP has identified some sections on which it would like to comment, as well as additional points that are related to multiple sections of the proposed permit.

MassDEP Comments on specific sections of the proposed 2020 MSGP. EPA's proposed language is paraphrased with responses or comments by MassDEP in *italics*:

- 1) EPA proposes to limit eligibility of coverage to facilities that do not have stormwater discharges from paved surfaces that have been sealed or re-sealed with coal-tar sealcoat due to the potential of high loads of polycyclic aromatic hydrocarbons.
MassDEP agrees that polycyclic aromatic hydrocarbons pose a threat to the environment, however, denying coverage to facilities that have stormwater discharges generated from surfaces sealed with coal-tar is unrealistic as it is not feasible to have each facility covered under an individual permit. Instead MassDEP recommends that EPA should create a provision that surfaces that are proposed for resealing shall not be re-sealed with coal-tar sealant, but instead asphalt sealant. This results in phasing out coal-tar based sealants and ensures coverage of facilities under the MSGP.

- 2) EPA requests comment on whether MSGP permittees should post a sign of permit coverage at a safe, publicly accessible location in close proximity to the facility as is required of other NPDES permittees. This signage may contain information such as the permit number, contact name and phone number for obtaining additional information, and URL for the SWPPP.

MassDEP agrees that this is a worthwhile and reasonable amendment to the MSGP.

- 3) Under section 2.1.2.3.a.iv Maintenance Activities the MSGP stipulates that permittees have to clean catch basins when the depth of debris reaches two-thirds of the sump depth.
In the 2016 Massachusetts Small MS4 General Permit, a catch basin must be cleaned when the depth of debris reaches 50% of the sump depth. Even though MSGP permittees have more stringent monitoring requirements than MS4 permittees, we recommend that the requirement of cleaning catch basins should be when the debris reaches a maximum of 50% of the sump.

Comments related to multiple sections of the proposed permit:

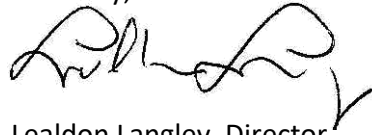
- 1) MassDEP has comments on sector specific monitoring benchmarks. There appear to be typos or inaccuracies in the benchmarks for aluminum, silver, ammonia, chromium III, and chromium VI. It is our understanding that benchmarks are based on EPA's national recommended water quality criteria, but there are inconsistencies between the criteria and the benchmarks for these parameters:
 - a) Aluminum – It appears that the fact sheet is incorrect. Aluminum criteria were updated in December 2018, and the listed criteria for aluminum are now out of date and need to be updated in the final MSGP. Information on Aluminum criteria can be found here: <https://www.epa.gov/wqc/aquatic-life-criteria-aluminum#2018>.
 - b) It appears the current recommended national criteria for Silver (<https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table>) are not hardness dependent. We ask EPA to clarify why a hardness dependent number is being used, or correct this if it is an error.
 - c) Given that the ammonia criteria are equation based, can EPA clarify how they arrived at the benchmark concentration for ammonia?
 - d) For Chromium III, it appears the benchmark for freshwater should be hardness dependent, as shown here: <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table>. Please clarify why the number used is not hardness dependent, or correct this if it is an error.
 - e) Chromium VI has different concentrations listed for saltwater. In the permit it says 110 ug/L and the fact sheet says 1100 ug/L. Please correct this and ensure consistency between the documents.
- 2) Given that many of the sectors covered under the MSGP have the potential to use products containing per- and poly-fluorinated substances (PFAS) and that there are growing concerns about the impacts of PFAS on human health and the environment, MassDEP requests that EPA add a requirement for annual PFAS monitoring of effluent for the sectors listed below. MassDEP

recommends that this requirement include monitoring for PFOA and PFOS at a minimum, given these are the two compounds EPA is addressing in its drinking water advisory.

- a) Sector B – Paper and Allied Products
 - b) Sector C – Chemical and Allied Products Manufacturing
 - c) Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing
 - d) Sector K – Hazardous Waste Treatment Storage, or Disposal Facilities
 - e) Sector L – Landfills, Land Application Sites and Open Dumps
 - f) Sector N – Scrap Recycling and Waste Recycling Facilities
 - g) Sector S – Air Transportation
 - h) Sector V – Textile Mills, Apparel, and Other Fabric Products
 - i) Sector W – Furniture and Fixtures
 - j) Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
 - k) Sector Z – Leather Tanning and Finishing
 - l) Sector AA – Fabricated Metal Products
 - m) Sector AC – Electronic and Electrical Equipment and Components, Photographic and Optical Goods
- 3) Finally, MassDEP wants to ensure that EPA is referencing the most recent 303d list in the MSGP: <https://www.epa.gov/sites/production/files/2020-01/documents/2016-ma-303d-list-report.pdf>

Thank you for your consideration of our comments.

Sincerely,



Lealdon Langley, Director
Division of Watershed Management

DF/ftc

cc: Laura Schifman, MassDEP Stormwater Coordinator, MassDEP
Susannah King, NPDES Section Chief, MassDEP
Ellen Weitzler, EPA Region 1
David Gray, EPA Region 1