

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.; the "CWA", and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

Browning-Ferris Industries, Inc.

is authorized to discharge from a facility located at

385 Dunstable Road  
Tyngsborough, MA 01879

to receiving water named Deep Brook and Bridge Meadows both leading to the Merrimack River (Basin No. 84)

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

This permit shall become effective 60 days after signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on September 26, 1997.

This permit consists of 7 pages in Part I, including effluent limitations, monitoring requirements, etc.; Attachment A, Freshwater Acute Toxicity Test Protocol & Procedures; Attachment B, SWPPP Guidance; and 35 pages in Part II including General Conditions and Definitions.

Signed this 10<sup>th</sup> day of March, 2003

/Signature on File/

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Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA

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

Footnotes:

1. Flow shall be estimated for each monitoring event. Maximum discharge flow shall be reported for that day.
2. A minimum of one grab sample shall be taken. Such sample shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. The permittee shall provide the date and duration (in hours) of the storm event sample; duration since last measurable storm event; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; and an estimate of the total volume (in gallons) of the discharge sample. Submit a negative report for the month there is no storm event.
3. Use EPA Method 220.2 for copper with a minimum detection limit of 5 ug/l.
4. Use EPA Method 235.2 for lead with a minimum detection limit of 5 ug/l.
5. Use EPA Method 1664 for oil and grease testing.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS(cont.)

- 2.a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. The effluent shall not cause a visible oil sheen nor an objectionable discoloration of the receiving water.
- c. All discharges shall not cause violations of water quality standards of the receiving water which have been or may be promulgated.
- d. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to human health, aquatic life of the receiving water or which would impair the uses designated by its classification.
- e. If compliance has been demonstrated for 12 months, this permit may be modified to reduce or eliminate effluent monitoring. Alternatively, EPA may modify this permit to incorporate numerical effluent limitations for pollutants.

- f. Samples taken in compliance with the monitoring requirements specified above shall be taken after treatment prior to discharge.
  - g. Discharge of waste water from truck washing operations is prohibited.
  - h. Due to high concentration of TSS and Oil/Grease in the stormwater effluent, the permittee is required to reduce their concentrations. It should modify its SWPPP by identifying sources of TSS and Oil/Grease and taking preventive measures and corrective actions to minimize their discharge by Best Management Practices (BMPs) and if necessary, by modifying sedimentation basins for all outfalls within six months of the effective date of the permit. This document should remain a part of Storm Water Pollution Prevention Plan (SWPPP).
  - i. The permittee is required to perform one time fecal coliform, total phosphorus and ammonia nitrogen tests for outfalls 001 and 004 within six months of the effective of the permit. The results should be reported to EPA and MADEP by a letter within one month after the test. If the results are higher than the Massachusetts surface water quality standards, additional monitoring may be requested or the permit may be modified to provide limits.
  - j. The permittee is required to perform one time acute toxicity test,  $LC_{50}$ , within six months of the effective of the permit. The results should be reported to EPA and MADEP by a letter within one month after the test. EPA and MADEP will evaluate the results of the toxicity test and if necessary, the permit may be modified to include a WET test. See Attachment B for the procedure of the toxicity test protocol. The  $LC_{50}$  is the concentration of effluent which causes mortality to 50% of the test organisms.
  - k. The permittee is required to perform a concurrent pH test of the rainfall along with the pH monitoring of the outfalls. The results should be submitted in the DMRs. EPA and MADEP will evaluate the results and if necessary, the permit may be modified to include a pH limit.
3. This permit shall be modified, or revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act, if the effluent standard or limitation so issued or approved:
- (1) contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
  - (2) controls any pollutant not limited by this permit.

If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the Act.

4. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or

(4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).

b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

(1) Five hundred micrograms per liter (500 ug/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R.

§122.21(g)(7); or

(4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).

c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

**B. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

The permittee shall review the Storm Water Pollution Prevention Plan (SWPPP) that was developed and implemented with the previous NPDES permit and update it if necessary **no later than 180 days after the permit's effective date**. Within 180 days of the permit's effective date, the permittee shall submit to EPA and MADEP a statement which certifies that the SWPPP has been updated and shall be implemented in accordance with its schedule and requirements. This certification shall be signed in accordance with Part II.D.2.(Signatory Requirements).The permittee shall maintain a copy of the SWPPP at the terminal and shall make the plan available to the Regional Administrator and Director and/or their designee, upon request.

The SWPPP plan requirements are intended to facilitate a process whereby the permittee thoroughly evaluates potential pollution sources at the site and selects and implements appropriate measures to prevent or control the discharge of pollutants in storm water runoff. The process involves the following four steps: (1) formation of a team of qualified facility personnel who will be responsible for preparing the SWPPP and assisting the manager in its implementation; (2) assessment of potential storm water pollution sources; (3) selection and implementation of appropriate management practices and controls; and (4) periodic evaluation of the effectiveness of the plan to prevent storm water contamination and comply with the terms and conditions of the permit.

The SWPPP, when implemented, becomes a supporting element to any numerical effluent limitation by minimizing the discharge of pollutants through the proper operation of the facility. Consequently, the SWPPP is as equally enforceable as the numerical limits on the storm water discharge. All elements outlined in the Attachment A shall be addressed and incorporated into the facility's SWPPP.

**C. MONITORING AND REPORTING**

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the month following the effective date of the permit.

Original signed Discharge Monitoring Reports and all other reports required herein, shall be submitted to the EPA at the following address:

U.S. Environmental Protection Agency  
Planning and Administration (SPA)  
P.O. Box 8127  
Boston, Massachusetts 02114

One signed copy of all monitoring reports and all other reports shall be submitted to the State at:

Massachusetts Department of Environmental Protection  
Central Regional Office  
627 Main Street  
Worcester, MA 01608

Signed copies of all other notifications and reports required by this permit shall be submitted to MADEP at the following address:

Massachusetts Department of Environmental Protection  
Division of Watershed Management  
Watershed Planning and Permitting Section  
627 Main Street  
Worcester, Massachusetts 01608

#### D. 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 Department of Environmental Protection 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.

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through expiration the permittee is authorized to discharge from outfall serial numbers 001, 003, 004 and 007: treated stormwater runoff from refuse hauling truck refueling, cleaning and storage area.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirement	
	Avg. Monthly	Max. Daily	Measurement Frequency	Sample Type
Flow (mgd) <sup>1</sup>	--	Monitor	1/Month	Estimate
Oil & Grease <sup>2,5</sup>	--	15 mg/l	1/Month	Grab
TSS <sup>2</sup>	--	60 mg/l	1/Month	Grab
Total copper <sup>2,3</sup>	--	Monitor	1/Quarter	Grab
Total lead <sup>2,4</sup>	--	Monitor	1/Quarter	Grab
pH (s.u.)	--	Monitor	1/Month	Grab