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statutory and regulatory authorities established pursuant to the Act. The regulations governing the EPA NPDES Permit program are generally found at 40 CFR parts 122, 124, 125 and 136.

EPA is required to consider technology and water quality requirements when developing permit limits. 40 CFR part 125 Subpart A sets the criteria and standards that EPA must use to determine which technology based requirements, requirements under Section 301(b) of the Act and/or requirements established on a case-bycase basis under section 402(a)(1) of the Act, should be included in the permit.

The Clean Water Act requires that all discharges, at a minimum, must meet effluent limitations based on the technological capability of dischargers to control pollutants in their discharge. Section 301(b)(1)(A) of the Act requires the application of Best Practicable Control Technology Currently Available (BPT) with the statutory deadline for compliance being July 1, 1977, unless otherwise authorized by the Act. Section 301(b)(2) of the Act requires the application of Best Conventional Control Technology (BCT) for conventional pollutants, and Best Available Technology Economically Achievable (BAT) for non-conventional and toxic pollutants. The compliance deadline for BCT and BAT being March 31, 1980.

2. Technology-Based Effluent Limitations

EPA has not promulgated National Effluent Guidelines for construction dewatering facilities. For a category where Guidelines have been promulgated, the issuance of an individual permit for the discharges would be more appropriate (See 40 CFR 122.28(b)(3)(i)(C)). Therefore, as provided in Section 402(a)(1) of the Act, EPA has determined to issue this general permit utilizing Best Professional Judgement (BPT) to meet the above stated criteria for BAT/BCT described in Section 304(b) of the Act. Accordingly monthly average and maximum daily Total Suspended Solids (TSS) limitation are established based upon best professional judgement pursuant to Section 402(a)(1) of the CWA.

3. Water Quality Based Effluent Limitations

Under Section 301(b)(1)(C) of the Act, discharges are subject to effluent limitations based on water quality standards and to the conditions of State certification under Section 401 of the Act. Receiving stream requirements are established according to numerical and narrative standards adopted under state and/or federal law for each stream use classification. The CWA requires that EPA obtain State certification which states that all water quality standards will be satisfied. Regulations governing State certification are set forth in 40 CFR 124.53 and 124.55.

Section 101(a)(3) of the Act specifically prohibits the discharge of toxic pollutants in toxic amounts. The States of Maine, Massachusetts, and New Hampshire have similar narrative criteria in their water quality regulations (See Maine Title 38, Article 4–A, section 420 and section 464.4.A.(4); Massachusetts 314 CMR 4.05(5)(e); and New Hampshire Part Env-Ws 432.02(c)(4) that prohibits such discharges). The permit does not allow for the addition of materials or chemicals in amounts which would produce a toxic effect to any aquatic life.

The effluent from the construction dewatering facilities may contain toxic pollutants and oil and grease in the underground water and stormwater runoff. Water Quality Standards and State certification requirements applicable to these discharges have been reviewed by EPA.

D. Antidegradation Provisions

The conditions of the permit reflect the goal of the CWA and EPA to achieve and maintain water quality standards. The environmental regulations pertaining to the State Antidegradation Policies which protect the State's surface waters from falling below State standards for water quality are found in the following provisions: Maine Title 38, Article 4–A, Section 464.4.F.; Massachusetts Water Quality Standards 314 CMR 4.04 Antidegradation Provisions; and New Hampshire policy RSA 485–A;8, VI Part Env-Ws 437.01 and Env-Ws 437.02.

Compliance with the antidegradation provisions of this general permit for class B,C, SB, and SC for the State of Maine, Class B and SB for Massachusetts and all waters of New Hampshire unless otherwise restricted by the State Water Quality Standards, are expected to result in insignificant effect to the receiving water. No further antidegradation review will be required. For the State of Massachusetts discharges in the Class A water needs antidegration review.

E. Monitoring and Reporting Requirements

Effluent limitations and monitoring requirements are included in the general permit describing requirements to be imposed on facilities to be covered. Facilities covered by the final general permits will be required to prepare a Discharge Monitoring Report containing effluent data and shall be kept on site in a secured place.

The monitoring requirements have been established to yield data representative of the discharge under authority of Section 308(a) of the Act and 40 CFR 122.41(j), 122.44(i) and 122.48, and as certified by the State.

F. Endangered Species

Discharges that may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat are not authorized under this general permit without the written approval of the Fish and Wildlife Service and/or the National Marine Fisheries Service.

The Fish and Wildlife Service has indicated that the dwarf wedge mussel (Alsmidonta heterodon), a Federally listed endangered species, occurs in a stretch of the Connecticut River from Lebanon, New Hampshire to Weathersfield Bow, Vermont, in the Ashuelot River in Keene, New Hampshire and historically from a number of rivers in Massachusetts, Any facility whose discharge may adversely effect the mussel or any other threatened or endangered species or its habitat is required to contact the Fish and Wildlife Service at the following address in order to make a formal determination: United States Department of the Interior, Fish and Wildlife Service, 400 Ralph Pill Marketplace, 22 Bridge Street, Concord, New Hampshire 03301-4901.

The National Marine Fisheries Service has indicated that the endangered shortnose sturgeon (Acipenser breviirostrum) inhabits certain sections of the Penobscot, Kennebec and Androscoggin Rivers in Maine, and the Merrimack and Connecticut Rivers in Massachusetts. Any facility whose discharge may adversely effect the sturgeon, or any other threatened or endangered species or its habitat, is required to contact the national Marine Fisheries Service at the following address: United States Department of Commerce. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Habitat and Protected Resources Division, One Blackburn Drive, Gloucester, Massachusetts 01903-2298.

G. Other Requirements

The remaining conditions of the permit are based on the NPDES regulations 40 CFR Parts 122 through 125 and consist primarily of