

# The Upcoming RDA Permit in the Charles, Mystic and Neponset River Watersheds

## A Discussion With The Association of Independent Colleges & Universities and Healthcare Without Harm

April 1, 2024

Facilitation by Melanie Gárate, Consensus Building Institute

THELMA MURPHY, DEPUTY DIVISION DIRECTOR, WATER DIVISION, US EPA, REGION 1

ANNE LEIBY, SENIOR ADVISOR, WATER DIVISION, US EPA, REGION 1

LAURA SCHIFMAN, PH. D., PERMIT WRITER, WATER DIVISION, US EPA, REGION 1

# Questions We Will Address

Note: The numbers, graphics, and technical conclusions throughout this presentation are pre-decisional, subject to change, and may be different than the final calculations relied upon in the draft and final permits. EPA will publish the availability of the draft RDA permit and RDA determination in the Federal Register for public comment and will consider all significant public comments.

1. Why is EPA Pursuing RDA permitting at this Time? What are its benefits and to whom?
2. Questions relevant to those receiving permits
3. Current RDA petition, permitting process and stakeholder outreach
4. Technical basis for this permit
5. Types of stormwater management controls
6. Permit implementation issues is EPA seeking additional feedback on

A photograph of a city waterfront. In the foreground, a wooden dock with a metal railing is visible on the right. The water is dark and reflects the sky and buildings. There are many green leaves floating on the water's surface, along with a small piece of trash and a dark object. In the background, a city skyline is visible, including a prominent blue skyscraper and a large white dome. The sky is clear and blue.

# Why is EPA Pursuing an RDA Permit At this Time?

Photo from CRWA





# (Co) Benefits of RDA Permitting

Businesses on County Street in Attleboro, Mass. closed due to flooding from heavy rain Tuesday, Sept. 12, 2023.

(Mark Stockwell/The Sun Chronicle via AP)



We Know  
You Have  
Questions

---

Questions We  
Hope to Discuss  
With You Later  
Today and  
Beyond

---

1. Permit Administration

---

2. Stormwater Controls

---

3. Funding Mechanisms

---

4. Available Resources

---

## Clean Water Act 402(p)

Defines specific sources that must be authorized by an "NPDES" permit, but also recognizes that other sources may need to be regulated.

---

### **Allows for regulation of "other sources"**

Referred to as "Residual Designation Authority," or simply, "RDA."

---

### **RDA Authority Can Be Used to Require NPDES permits when:**

- \* the discharges contribute to a violation of water quality standards,
- \* are a significant contributor of pollutant to federally protected surface waters, or
- \* controls are needed for the discharge based on wasteload allocations that are part of "total maximum daily loads" (TMDLs) that address the pollutant(s) of concern.

What is RDA?

## Petitions Request that EPA Exercise its Residual Designation Authority

(2019 Charles, 2020 Mystic, Neponset)

**Petitioners:** The Conservation Law Foundation and Charles River Watershed Association.

**Request:** That all commercial, industrial, and institutional (collectively “CII”) properties 1 acre or greater and large Multi-Family (M) parcels (five or more housing units) in the Charles, Mystic, Neponset receive NPDES permits (an “RDA permit”).

## Preliminary Determination

(September 2022)

EPA designates all CII parcels (but not multi-family units) with 1 acre or more of Impervious Cover\* (“IC”) in the Charles, Mystic and Neponset Watersheds.

## Develop Permitting Framework & Issue Draft Permit

(Goal: September 2024)

EPA is moving forward with the development of a permitting framework and outreach strategy.

\*Impervious Cover - any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using nonporous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil

# RDA Process

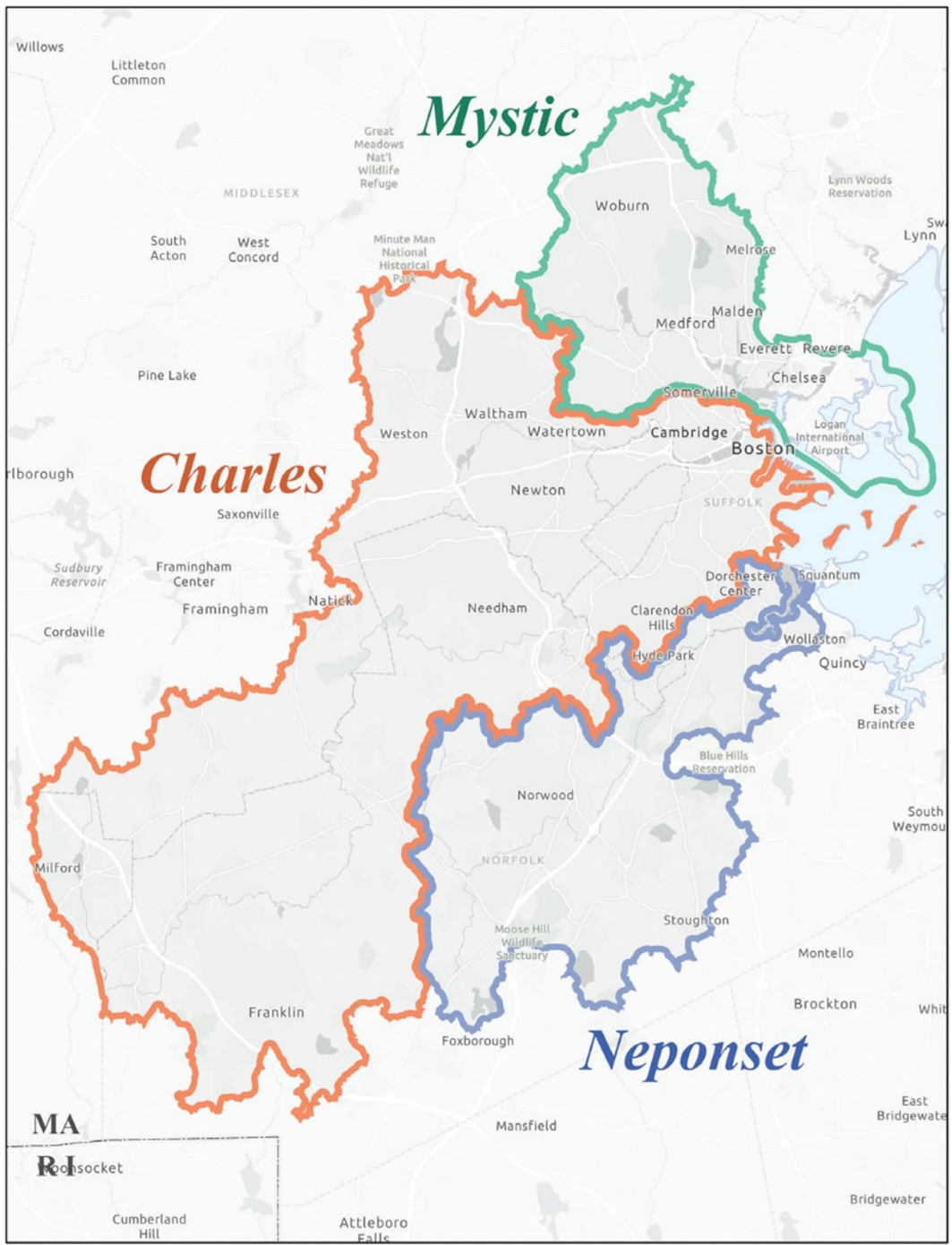


# RDA Permitting Timeline

Draft RDA Permit Target – Fall 2024

Public Comment Period (at least 30 days  
40 CFR § 124.10(b))

Final Permit Issued with a Response  
to the Public Comments



# Stakeholder Outreach Timeline

## WINTER

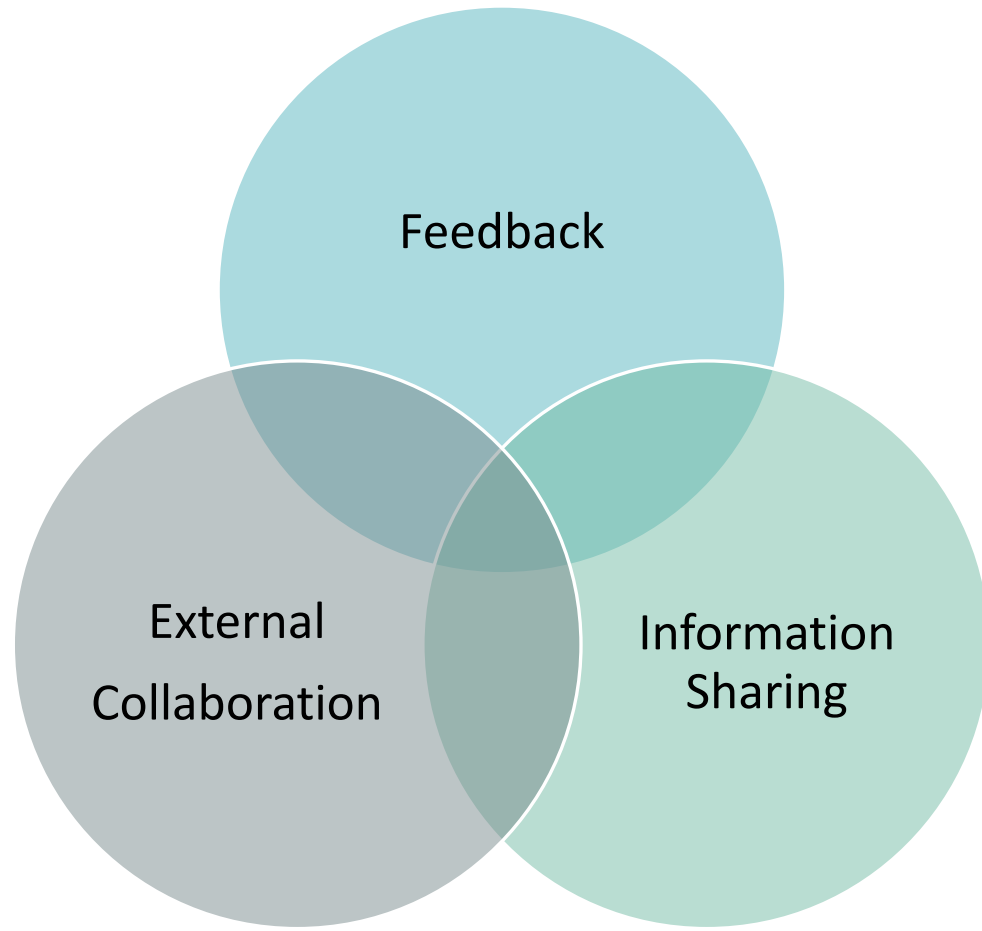
- ✓ Re-engage stakeholders across all three watersheds

## SPRING

- Seek feedback on permit implementation
- Information sharing with stakeholders

## SUMMER

- Refine options for permit framework



Seek Feedback on Permit  
Implementation Challenges and  
Strategies

Facilitate Information-Sharing  
between stakeholders and EPA

Foster External Collaborations  
With Municipalities/Watershed  
Groups/Others

# Goals of Stakeholder Outreach

# Stakeholder Input

---

## Seeking Feedback On:



### Permit administration?

- Role of municipalities
- Tracking and accounting
- Compliance/enforcement

### BMP implementation?

- Siting challenges
- Timing for BMP implementation

### Who to target?

- Large landowners/Permit phasing

### Multiple regulations?

- MS4/RDA overlaps
- Inconsistency of local, state, and federal requirements

### Funding?

- Impact to Stormwater Utilities
- Public private partnerships

### Communities with Environmental Justice Concerns

### Climate/Resilience Planning



## Not Seeking Feedback on:

- \* Whether EPA should go forward with exercise of residual designation
- \* Legally/technically-required permitting provisions
- \* Parcel thresholds or pollution reduction targets
- \* Any consensus position by any group or group of individuals



# Resources

# Feedback

# Questions

## More Information:

<https://www.epa.gov/npdes-permits/watershed-based-residual-designation-actions-new-england>

RDA Petitions for Charles, Mystic and Neponset River Watersheds

EPA's Initial RDA Designation

Monthly RDA Updates

Parcel-level analyses for all three watersheds

Tools and Informational Fact Sheets

Stakeholder Events/Upcoming Focus Groups

Check the website for more information on upcoming events.

## Feedback and Questions:

Do you have any feedback on permit implementation challenges or ideas for solutions to those permit challenges?

Email us: [R1.RDA@epa.gov](mailto:R1.RDA@epa.gov)

# Improvements in Pollution Control

1970s to now

99% of CSO and illicit discharges reduced

2000s to now

90% Phosphorus from WWTPs reduced

2016 MS4

Municipal Stormwater Programs manage stormwater from the entire municipality and are responsible for all required load reductions

RDA

Private CII land uses cover 14-18% of the area in the three watersheds. An RDA program will distribute stormwater management responsibilities among municipalities and designated private sources

# How did EPA designate CII properties?

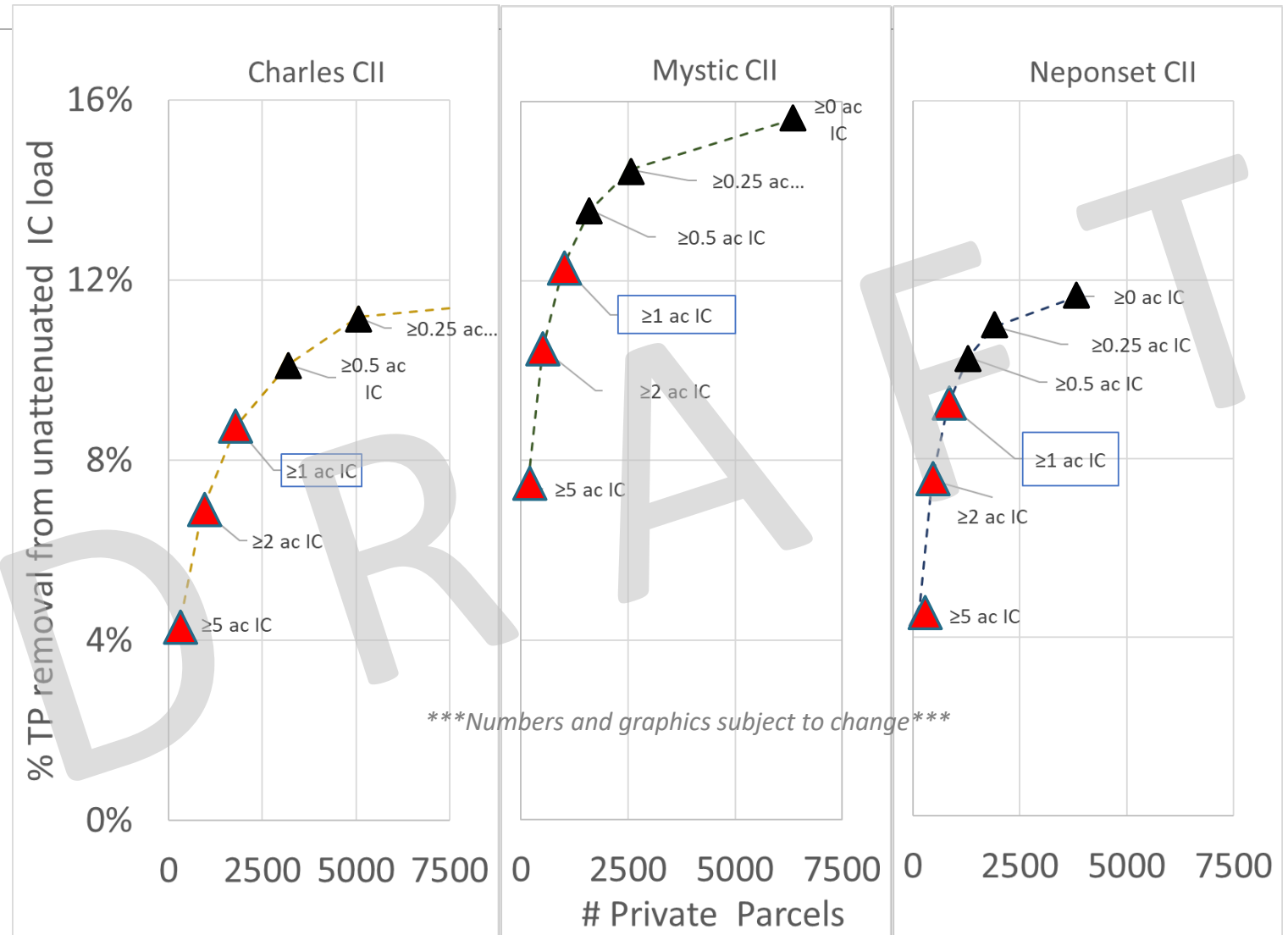
---

- Identified use codes from tax assessor's database that indicate commercial, industrial, institutional land uses
- Geospatial analysis to determine impervious cover\* acreage per parcel
- Maximize environmental benefit by permitting the fewest number of CII sources led to 1 acre impervious cover permitting threshold

Parcel level analysis reports: <https://www.epa.gov/npdes-permits/january-2024-update-residual-designation-authority-rda-activities-underway-charles>

# Finding a balance for the RDA program

- “Knee of the curve”
  - Balance highest pollution reduction potential with permitting fewest number of CII properties
- Same acreage threshold for all CII properties
- Differences in estimated pollution reductions reflect variations in non-CII land use and overall impervious cover of the watershed.





# What does stormwater management under an RDA Program look like?

## STRUCTURAL CONTROLS

### Infiltration Practices

- Infiltration trenches
- Infiltration basins/ Rain gardens
- Biofiltration/ Tree filters
- Gravel Wetlands
- Enhanced Biofiltration with internal storage
- Sand Filters
- Porous Pavements

### Disconnection

- Impervious Cover Disconnection with and without storage

### Storage/Detention

- Dry Ponds Water Quality Swale with Detention
- Enhanced Biofiltration with internal storage
- Wet Ponds

### Stormwater Reuse

### Manufactured Treatment Devices \*

## NON-STRUCTURAL CONTROLS

### Street and parking lot sweeping

### Catch basin cleaning

### Leaf litter collection program

# Types of Questions EPA Seeks Feedback On:

---

## 1. Permit Administration

- Phasing of permit
- Compliance timeframes
- Accounting & tracking of obligations

## 2. Stormwater Controls

- Stormwater Control options
- Credits for existing stormwater controls

## 3. Funding Mechanisms

- Regionalized stormwater management
- Impact on stormwater utilities

## 4. Needed Resources

- Data tools & technical assistance
- EPA support
- Assistance w/ Reporting