

**Response to Comments**  
**RIPDES General Permit for Stormwater Discharges in the Mashapaug Watershed**  
**RIPDES Permit Number: RIR060000**

From October 10, 2025, to December 22, 2025, the Rhode Island Department of Environmental Management (“RIDEM”, “DEM”, or “Department”) solicited public comments on the draft Rhode Island Pollutant Discharge Elimination System (RIPDES) General Permit for Stormwater Discharges in the Mashapaug Watershed (RIPDES Permit Number RIR060000). The original public comment period was scheduled from October 10, 2025, to November 21, 2025. Based on numerous requests from the public, the Department extended the public comment period to Monday, December 22, 2025, at 4:00 PM.

Additionally, the deadline to submit requests for a public hearing was 4:00 PM on Thursday, November 13, 2025. Prior to this deadline, the RIDEM received numerous requests for a public hearing indicating significant public interest. Therefore, a public hearing was held on Thursday, November 20, 2025, at 5:00 PM in Room 300, at the RIDEM Headquarters located at 235 Promenade Street in Providence, Rhode Island.

In response to the comments received either at the hearing or during the public comment period, the RIDEM has prepared the following “Response to Comments.”

**Individual Submitting Verbal Comments During the Public Hearing:**

- Greg Gerritt
- Suzannah Rutherford, Representative of the Reservoir Triangle Neighborhood Association
- Jucimar Nascimento
- Jed Thorp, Representative of Save the Bay
- Dan Corley
- Yvonne Kettels

**Written Comments Submitted During the Public Comment Period:**

- VHB / Kevin Nagle (December 15, 2025)
- Save the Bay / Topher Hamblett (December 22, 2025)
- ENACTS – Equitable NATURE-based Climate Solutions / Na Chioh (December 22, 2025)
- State of Rhode Island Office of the Attorney General / Peter F. Neronha (December 22, 2025)
- Reservoir Triangle Neighborhood Association (RTNA) / Dave Talan and Suzannah Rutherford (December 22, 2025)

**Comment 1: Greg Gerritt.** Comment was made on the overall adequacy of the draft Mashapaug General Permit in achieving the Clean Water Act goal of fishable and swimmable waters. Drawing on the commentors experience working on polluted waterbodies in Rhode Island, including the Moshassuck River, it was stated that “in all of my 29 years of looking at DEM stuff [I have not seen] anything that actually is going to clean this body of water up.” He expressed concern that the proposed permit’s measures are insufficient, noting that “the proposals are inadequate to do the job that we really need to do, which is fishable and swimmable,” and that he was not convinced the draft permit demonstrates how those goals will be met. Mr. Gerritt further emphasized the State’s responsibility given past environmental degradation, stating that “we have an obligation to do an even better job, to really stand up for this.” It was requested that RIDEM more clearly articulate the expected outcomes of the permit, specifically asking to see “just how far [DEM] expect[s] to get along the fishable, swimmable continuum and any explanation in there of why you’re not.”

**Response 1:** *The Department acknowledges the commenter’s concerns regarding the urgency of restoring Mashapaug Pond and the desire for clear and decisive action. As described in the Mashapaug General Permit and Fact Sheet, the permit is structured to address stormwater discharges in a complex and impaired watershed by implementation of an adaptive management strategy which uses incremental improvements over time.*

*Consistent with this framework, the Mashapaug General Permit establishes initial requirements to reduce pollutant loadings from previously unregulated stormwater discharges, requires pollution prevention measures for all covered properties, and requires more comprehensive stormwater controls for properties with greater impervious cover during the first permit term. By implementing these measures and adjusting requirements over successive permit terms, the adaptive management approach provides a structured pathway to incrementally improve water quality and advance progress toward restoring designated uses, including the long-term goal of achieving fishable and swimmable waters. See Response 8 for additional details on the adaptive management’s approach in future permit terms.*

*No change to the permit has been made.*

**Comment 2: Suzannah Rutherford.** Comment was made that the draft permit needs to be strengthened through additional research and coordinated watershed-scale action. It was stated that the commentor has been “monitoring oxygen and algae growth on the pond since we lived there at watershed watch, and I’ve been waiting for someone to do something,” noting that “pond closures and toxic algae are becoming more common.” While it was acknowledged that “the Mashapaug General Permit is a good, if belated, start,” the commentor cautioned that “to be more than meaningless and annoying red tape and reporting requirements placed at the feet of property owners who really are quite innocent in all of this, it needs to be strengthened and revised,” and warned that “the current version of the permit will result in a patchwork of efforts on different properties by different individuals that will not be a coherent strategy that’s needed to actually solve the problem.” Ms. Rutherford emphasized that the permit “can be more effective if the DEM

completes the much-needed research on Tongue and Spectacle Pond so we know where and what kinds of remediation are needed,” adding that “I did a back-of-the-envelope calculation, the Narragansett Brewery was on Tongue Pond for 91 years...based on the number of bottles...and the amount of detergents it was putting in the water, that amount dwarfed the amount needed to cause algae blooms on the pond.” The commentor stated that the permit “can be more effective if the various permitted properties and different property owners work together with experts, treat the watershed as a whole system that it is, share costs and credits, and go after the big controllable targets first...” and also encouraged the RIDEM to pursue broader stormwater and green infrastructure collaboration, stating that the permit “can be more effective if the DEM works with the Department of Transportation to start to undo the devastating effects of urban renewal on our neighborhood,” urging the RIDEM to “work with RTNA to look at the feasibility of a bike path that connects the Washington secondary rail trail... around Mashapaug Pond, with bioswales and raised berms to Roger Williams Park.”

***Response 2:*** *The Department acknowledges the commenter’s concerns regarding the need for additional research and coordinated watershed-scale action. With respect to Tongue and Spectacle Ponds, the Department recognizes the importance of understanding pollutant sources and remediation needs in these waterbodies.*

*TMDLs are only developed for waters listed on the State’s Impaired Waters (303(d)) List. Tongue Pond is not currently listed as impaired and is considered unassessed due to the absence of recent water column data. To the Department’s knowledge, the most recent such data collection occurred in 1974, prior to implementation of Clean Water Act impaired waters listing requirements. However, the Department notes that EPA-approved nutrient TMDLs have been completed for Mashapaug and Spectacle Ponds, and that Tongue Pond is included within the Mashapaug watershed, which is the land area where pollutant load reductions are required to meet the applicable TMDLs. Therefore, for these reasons, RIDEM is not planning to develop new Total Maximum Daily Loads (TMDLs) for Tongue Pond.*

*The Department notes that water quality monitoring in Rhode Island relies heavily on volunteer monitoring programs due to limited state staffing. Historically, volunteer monitoring data collected for Mashapaug and Spectacle Ponds supported their placement on the Impaired Waters List and subsequent TMDL development. The Department continues to evaluate available volunteer monitoring data as part of its biennial Impaired Waters assessments and supports efforts to sustain and expand water quality monitoring where feasible.*

*The Mashapaug General Permit was developed pursuant to residual designation authority to regulate previously unpermitted stormwater discharges contributing to water quality impairments in the Mashapaug Watershed. The Department notes that the Mashapaug General Permit is issued under the RIPDES program and is limited to the regulation of point source stormwater discharges. Projects such as bike paths or transportation infrastructure improvements fall outside the scope of the RIPDES program and cannot be required through this permit.*

*The Mashapaug General Permit allows permittees to coordinate compliance efforts, including forming cooperative arrangements or stormwater utilities, consistent with Part V.D.11 (Credit for*

*Offsite Stormwater Treatment) of the permit. As provided in Part V.D.11.a, permittees may participate in regionalized stormwater management approaches to meet phosphorus load reduction requirements. Parts V.D.11.b and V.D.11.c allow permittees to satisfy requirements through shared or offsite stormwater control projects, including permittee-to-permittee credit trading or co-funding of stormwater controls. Pursuant to Part V.D.11.d, participation in any cooperative or regionalized approach does not transfer permit responsibility, and each permittee remains individually responsible for complying with all applicable permit requirements. Participation in any cooperative entity or group arrangement is voluntary, and the Department cannot require or compel permittees to join or form such organizations. The permit further prioritizes implementation of more comprehensive stormwater controls on properties with larger impervious areas during the initial permit term.*

*No change to the permit is required.*

**Comment 3: Jucimar Nascimento.** Comment was made on the importance of recognizing the cultural, spiritual, and personal significance of Mashapaug Pond as part of restoration efforts. It was explained that “one of the main reasons [the commentor] moved there was because the lake,” stating, “I am a water person, I am very attracted to water,” and emphasized that restoration should go beyond physical cleanup, noting that “now we’re talking about cleaning up the lake, it’s much more than that.” Mr. Nascimento described restoration as an opportunity to heal deeper impacts and asked decision-makers to consider “the spiritual side of restoring that lake.” The commentor expressed hope that cleanup efforts could also “restore the dignity of the people who lived there before,” and shared the commentor’s personal connection to the site, explaining, “I go there every day for meditation and walk and see the sunset on the lake.”

**Response 3:** *The Department recognizes that Mashapaug, Spectacle, and Tongue Ponds provide important environmental and community value and appreciates the perspective shared.*

*The Mashapaug General Permit is issued under the RIPDES program and regulates point source stormwater discharges. As described in the Permit and Fact Sheet, the goal of the permit is to improve water quality in the Mashapaug Watershed by reducing pollutant loadings, including phosphorus, through enforceable stormwater management and pollution prevention requirements. By addressing stormwater discharges that contribute to water quality impairments, the permit is intended to support long-term restoration of these waterbodies and progress toward attainment of designated uses.*

*No change to the permit is required.*

**Comment 4: Jed Thorp.** The commentor explained that “by not including the 1-acre to 6.9-acre parcels in the requirement to have the stormwater management plan [and] the stormwater control plans, [RIDEM is] leaving potential improvements on the table.” The commentor suggested a longer-term approach to permit planning, noting that “what the Department could do is write a permit with a longer term, instead of 5 years, looking at 10 years,” adding “if we wrote the permit

with that longer term in mind, it would give those smaller parcels the regulatory certainty to know what's coming, and it would enable groups like Save the Bay, like the Stormwater Innovation Center, to start working now with those smaller property owners to start working on some of these improvements,” and concluding that “rather than have to come back and update the permit in 5 years or 10 years, let's just write the thing now with those smaller parcels included.”

**Response 4:** *The Department refers the commenter to Response 1 for additional discussion regarding the permit's structure and adaptive management approach to water quality restoration.*

*With respect to permit duration, permits issued under the RIPDES program are limited by regulation to a maximum term of five (5) years. Title 250 RICR-150-10-1 §1.20 provides that RIPDES permits may not exceed the duration specified in 40 C.F.R. § 122.46, which establishes a maximum permit term of five years. Accordingly, the Mashapaug General Permit cannot be issued for a 10-year term. The permit prioritizes implementation of more comprehensive stormwater management and control requirements on properties with larger areas of impervious cover during the initial permit term.*

*Properties with between 1 acre and 6.9 acres of impervious cover will be required to develop a Stormwater Management Plan and Stormwater Control Plan in future permit cycles. The Department has revised the Fact Sheet to outline the anticipated timeframes and due dates for all properties to address their phosphorus load reductions in future permit cycles consistent with the adaptive management approach. See Response to Comment 8 for additional discussion on this point.*

*The Department further notes that the phased approach established in the Mashapaug General Permit provides benefits to smaller properties that are not yet subject to Stormwater Management Plan and Stormwater Control Plan requirements during the initial permit term by allowing smaller property owners additional time to pursue voluntary stormwater improvements and access available grant funding opportunities and guidance from environmental groups. This structure also recognizes and rewards property owners who proactively implement stormwater controls in advance of future regulatory requirements.*

*No change to the permit is required.*

**Comment 5: Dan Corley.** The commenter expressed interest in improving public access and recreational use around the waterbody and indicated that “I got excited when I looked at the map that Suzannah drew because it showed a path, a walking path of some kind, kind of around the pond.” The commenter highlighted support for enhanced pedestrian access and community-oriented improvements as part of broader efforts to reconnect residents with Mashapaug Pond.

**Response 5:** *The Department acknowledges and notes the commenter's interest in improved public access and recreational opportunities around the waterbody. The Department appreciates the perspective shared and recognizes that Mashapaug Pond is an important community resource. However, the Mashapaug General Permit is issued under the RIPDES program and is limited in scope to the regulation of point source stormwater discharges. As described in the Permit and*

*Fact Sheet, the goal of the permit is to improve water quality in the Mashapaug Watershed by reducing pollutant loadings, including phosphorus, through enforceable stormwater management and pollution prevention requirements. By addressing stormwater discharges that contribute to water quality impairments, the permit is intended to support long-term restoration of these waterbodies and progress toward attainment of designated uses.*

*No change to the permit is required.*

**Comment 6: Yvonne Kettels.** Comment was made on the urgency of restoring Mashapaug Pond and the commentor questioned the level of commitment reflected in the draft Mashapaug General Permit. It was stated that “it is absolutely beyond me that we cannot use the body of water that is right next to my house”. The commentor questioned “what is the real commitment here” and asked, “what is the problem here?” Ms. Kettels urged the Department to move forward “in a fashion that is actually sort of predictable and not just lip service,” emphasizing the need for clearer and more decisive action to restore the pond.

**Response 6:** *The Department refers the commentor to Responses 1 and 4 for discussion of the permit’s structure and overall approach towards establishing enforceable stormwater management and pollution prevention requirements to address stormwater discharges contributing to water quality impairments.*

*No change to the permit is required.*

**Comment 7: VHB.** VHB commented on the draft permit condition III.C. Minimize Impacts from Major Storm Events and Appendix B – Method for Estimating Base Flood Elevation, stating “better clarity and objectivity is needed in the implementation of this permit condition.” Furthermore, VHB stated that Appendix B does not provide useful information for estimating the Base Flood Elevation (BFE) and should be “distilled to ‘consult FEMA mapping,’ which ... is of no use in estimating the BFE.”

**Response 7:** *Part III.C (Minimize Impacts from Major Storm Events) and Appendix B of the permit have been modified to clarify how to comply with this condition. The following highlighted language has been revised in Part III.C in the permit:*

*III.C. Minimize Impacts from Major Storm Events. The permittee must identify any areas of the property that are subject to flooding and implement appropriate pollution minimization controls for these areas, such as moving products stored in these areas prior to significant storm events. The permittee must also implement structural improvements, enhanced/resilient pollution prevention measures, and/or other mitigation measures that can help to minimize impacts from stormwater discharges from major storm events, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events. Control measures that may be considered include, but are not limited to:*

- *When a delivery of exposed materials, e.g., mulch, salt, or sand, is expected, and a storm is anticipated within 48 hours, delay delivery, if possible, until after the storm or store materials as appropriate;*
- *Temporarily store materials and waste outside the Flood Zone;*
- *Temporarily reduce or eliminate outdoor storage;*
- *Temporarily relocate any mobile vehicles and equipment to higher ground;*
- *Plan for future site improvements, construction, and/or remodeling projects in a manner that takes into consideration the Flood Zone and appropriate corresponding control measures.*

*To determine whether your facility is within a Flood Zone for planning and design purposes, see Appendix B “Guidance for Determining Flood Risk for Planning and Design Purposes”.*

*Appendix B has also been modified to clarify how to use RIDEM’s GIS maps to determine Flood Zones.*

**Comment 8: Save the Bay.** Save the Bay commented on the lack of a clear long-term timeline for requiring Stormwater Management Plans (SWMPs) and Stormwater Control Plans (SCPs) and questioned how and when smaller parcels will be brought into compliance. They noted that “under the current draft permit only seven properties in the Mashapaug Watershed are required to submit and implement Stormwater Management Plans (SWMPs),” and emphasized that “neither the Draft Permit nor the Fact Sheet includes a long-term timeline and goals for full compliance with phosphorus reduction targets.” Save The Bay stated that “this uncertain and extended timeline is unacceptable in the face of ongoing, well-documented water quality impairments in Mashapaug, Spectacle, and Tongue Ponds,” and requested that RIDEM “revise the Fact Sheet to include a timeline that lets all property owners know what their long-term obligations for managing stormwater will likely be.” They further noted that “a long-term timeline that phases in SWMP and SCP requirements for medium and smaller lots over time, with clearly defined phosphorus reduction goals, will give property owners regulatory certainty needed to guide their long-term investments in their property,” and warned that “in the absence of prospective regulatory requirements, these smaller property owners are not incentivized to make any changes.”

**Response 8:** *The Department acknowledges the commenter’s request for greater clarity regarding the long-term implementation of Stormwater Management Plan (SWMP) and Stormwater Control Plan (SCP) requirements and how additional properties may be phased into compliance over time. Accordingly, the Department has revised the Fact Sheet to include additional discussion of future permit requirements following the initial five-year permit cycle, including how the Department anticipates it will require subsequent tiers of permittees to make additional pollutant load reductions in subsequent permit cycles. See a copy of Table 2 from the Fact Sheet on the next page.*

<b>Table 2. Projected Phased Approach for Mashapaug General Permit Reduction Requirements</b>			
<b>Permit Term (5-yr cycle)</b>	<b>7+ Acres Impervious Cover</b>	<b>3–7 Acres Impervious Cover</b>	<b>1–3 Acres Impervious Cover</b>
Permit Term 1	<ul style="list-style-type: none"> <li>• SWMP Development → Sweeping and catch basin cleaning</li> <li>→ Pollution Prevention &amp; Good Housekeeping</li> <li>→ O&amp;M and reporting</li> <li>• SCP Development</li> <li>• SCM Installation to achieve 30% phosphorus reduction</li> </ul>	<ul style="list-style-type: none"> <li>• Green Infrastructure and Impervious Cover Reduction Evaluation</li> <li>• Sweeping and catch basin cleaning</li> <li>• Pollution Prevention &amp; Good Housekeeping</li> <li>• O&amp;M and reporting</li> <li>• No numeric load reduction</li> </ul>	<ul style="list-style-type: none"> <li>• Green Infrastructure and Impervious Cover Reduction Evaluation</li> <li>• Sweeping and catch basin cleaning</li> <li>• Pollution Prevention &amp; Good Housekeeping</li> <li>• O&amp;M and reporting</li> <li>• No numeric load reduction</li> </ul>
Permit Term 2	<ul style="list-style-type: none"> <li>• SCM Installation to achieve 65% phosphorus reduction</li> <li>• Continued SWMP/SCP implementation</li> </ul>	<ul style="list-style-type: none"> <li>• SWMP Development → Sweeping and catch basin cleaning</li> <li>→ Pollution Prevention &amp; Good Housekeeping</li> <li>→ O&amp;M and reporting</li> <li>• SCP Development</li> <li>• SCM Installation to achieve 30% phosphorus reduction</li> </ul>	<ul style="list-style-type: none"> <li>• Green Infrastructure and Impervious Cover Reduction Evaluation</li> <li>• Sweeping and catch basin cleaning</li> <li>• Pollution Prevention &amp; Good Housekeeping</li> <li>• O&amp;M and reporting</li> <li>• No numeric load reduction</li> </ul>
Permit Term 3	<ul style="list-style-type: none"> <li>• SCM Installation to achieve 100% phosphorus reduction</li> <li>• Continued SWMP/SCP implementation</li> </ul>	<ul style="list-style-type: none"> <li>• SCM Installation to achieve 65% phosphorus reduction</li> <li>• Continued SWMP/SCP implementation</li> </ul>	<ul style="list-style-type: none"> <li>• SWMP Development → Sweeping and catch basin cleaning</li> <li>→ Pollution Prevention &amp; Good Housekeeping</li> <li>→ O&amp;M and reporting</li> <li>• SCP Development</li> <li>• SCM Installation to achieve 30% phosphorus reduction</li> </ul>
Permit Term 4	<ul style="list-style-type: none"> <li>• Continued SWMP/SCP implementation</li> </ul>	<ul style="list-style-type: none"> <li>• SCM Installation to achieve 100% phosphorus reduction</li> <li>• Continued SWMP/SCP implementation</li> </ul>	<ul style="list-style-type: none"> <li>• SCM Installation to achieve 65% phosphorus reduction</li> <li>• Continued SWMP/SCP implementation</li> </ul>
Permit Term 5	<ul style="list-style-type: none"> <li>• Continued SWMP/SCP implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Continued SWMP/SCP implementation</li> </ul>	<ul style="list-style-type: none"> <li>• SCM Installation to achieve 100% phosphorus reduction</li> <li>• Continued SWMP/SCP implementation</li> </ul>

*Note that the percent reductions noted in the table above refer to each parcel’s pollutant load reduction responsibility.*

*With respect to permit duration, the Department refers the commenter to Response 4.*

**Comment 9: Save the Bay.** Save the Bay also commented on the need to require stormwater planning when redevelopment occurs and recommended a tiered review framework to address stormwater impacts while minimizing unnecessary burden. They stated that “when a property owner wants to make redevelopment investments in their property and a RIDEM Wetlands Permit or RIPDES review is triggered, those properties should also be required to develop SWMPs and

SCPs under this General Permit,” explaining that “this requirement is intended to require properties that are less than 7 acres that have the resources for redevelopment to more efficiently address stormwater pollution as part of their project.” Save The Bay suggested flexibility in implementation, noting that “applying a tiered approach for review of these plans could ease the regulatory burden on properties under an acre, requiring just an administrative review vs requiring a permit.” They further recommended that the permit require a “Green Infrastructure and Impervious Cover Reduction Evaluation required for projects disturbing between 5,000 square feet and 10,000 square feet of land,” and that “a Stormwater Management Plan (SWMP) and Stormwater Control Plan (SCP) [be] required for disturbance of 10,000 square feet or more of land,” concluding with the recommendation to “add this redevelopment language to section III of the draft permit as a special section that speaks specifically to redevelopment.”

***Response 9:*** *The Department notes that projects that meet the definition of “redevelopment” per the RI Stormwater Design and Installation Standards Manual are already subject to stormwater management regulations and requirements imposed under other RIDEM permits, such as the Freshwater Wetlands Permit, RIPDES Construction General Permit, etc. Redevelopment projects must also comply with the [RI Stormwater Management, Design, and Installation Rules \(250-RICR-150-10-8\)](#). Other divisions within the RIDEM’s Office of Water Resources are responsible for reviewing and issuing these permits under a separate process. Therefore, adding a special section to the Mashapaug General Permit for redevelopment projects would create a duplicative review and approval process.*

*No change to the permit is required.*

**Comment 10: ENACTS.** ENACTS commented on the importance of partnership, outreach, and public education as part of the iterative permitting process for the Mashapaug General Permit. They stated that “as this permitting process is iterative, ENACTS calls for RIDEM to partner with organizations such as the Woonasquatucket River Watershed Council, Farm Fresh, Rhode Island, Save the Bay, and the Stormwater Innovation Center,” emphasizing the role of community-based organizations in supporting equitable and effective stormwater solutions. ENACTS further recommended expanded outreach, stating that “ENACTS recommends a public information campaign to properly inform all residents living within the Mashapaug Watershed of the Stormwater Solutions presented on the official RIDEM webpage.” They noted that broader public understanding could support stronger regulatory outcomes, explaining that “with the education of residents as to their potential impact on not just the pond, but the bodies of water in Roger Williams Park, in addition to the Narragansett Bay, it may be possible to enforce the regulation of parcels less than one acre for a fishable and swimmable pond.”

***Response 10:*** *The Department acknowledges the commenter’s recommendations regarding public outreach, education, and partnerships related to stormwater management in the Mashapaug Watershed. The Department notes that information on stormwater impacts and management practices is currently available through RIDEM’s [Mashapaug Pond Stormwater Management](#)*

*webpage and the [RI Stormwater Solutions](#) webpage, which inform property owners, municipalities, and the public about actions that can be taken to reduce stormwater pollution.*

*In addition, public education and outreach regarding stormwater impacts are addressed through existing municipal stormwater requirements under RIDEM's Municipal Separate Storm Sewer System (MS4) program. Regulated MS4 communities are required to implement public education and outreach programs pursuant to the [RIPDES MS4 General Permit](#), including the Public Education and Outreach minimum control measure (Part IV.B.1.), which requires MS4s/municipalities to educate residents and businesses about stormwater impacts and actions to reduce pollution. It is highly recommended that MS4 communities engage with watershed groups and environmental advocacy organizations for help in implementing the public education and outreach program.*

*No change to the permit is required.*

**Comment 11: The Rhode Island Office of the Attorney General.** The Rhode Island Office of the Attorney General commented on the need for the Mashapaug General Permit to clearly establish a long-term framework for regulating smaller parcels through future permit terms. While acknowledging that smaller parcels may not be subject to quantified discharge reduction requirements in the initial permit term, the Attorney General emphasized the importance of signaling future expectations, stating that “one way this could be done would be through the structure of the permit-term schedule in Section V.D.7.b of the Draft Permit to set out RIDEM’s expectations for regulating smaller parcels.” The Attorney General further suggested a phased approach to implementation, noting that “although smaller parcels will not be subject to quantifiable requirements for reducing discharge during this first permit term, RIDEM could create requirements for permit terms 2, 3, and a newly created term 4,” in order to ensure that smaller properties are not permanently exempt and that long-term cleanup goals for the Mashapaug Watershed are achieved.

**Response 11:** *The Department refers the commenter to Response 4 and Response 8 for discussion of the permit’s structure, the regulatory limitation on permit duration, and the Department’s intent to phase in additional requirements for smaller parcels in future permit cycles.*

*Clarification has been added to the permit Fact Sheet as noted in Response 8. However, no change to the permit has been made.*

**Comment 12: RTNA.** The RTNA commented that the draft Mashapaug Watershed General Permit does not meet existing Clean Water Act requirements and fails to comply with established phosphorus reduction targets. They stated that “specifically, the draft permit doesn’t comply with the EPA-approved 2007 Mashapaug Pond TMDLs for phosphorus reduction and dissolved oxygen,” and emphasized that “the Mashapaug Pond TMDL requires roughly 274 pounds/year of phosphorus reduction from controllable sources.” RTNA further noted that, based on prior

analysis, “as your own 2007 study shows, even perfect compliance of all properties  $\geq 1$  acre would still remove less than half of the EPA-mandated reduction needed to stop toxic algae blooms,” raising concerns that the permit’s current structure cannot achieve required water quality outcomes.

***Response 12:*** *The Department refers the commenter to Response 1 for discussion of the permit’s overall structure and adaptive management approach to water quality restoration and Response 8 for how the adaptive management approach will be used to meet the TMDL reduction goals through future permit cycles.*

*As described in the Mashapaug General Permit and Fact Sheet, the permit establishes initial enforceable requirements to reduce pollutant loadings from previously unregulated stormwater discharges, including pollution prevention measures applicable to all covered properties and more comprehensive stormwater management and control requirements for properties with seven (7) acres or more of impervious cover during the first permit term. The permit further establishes a framework through which requirements may be expanded or modified through future permit reissuance to advance progress toward restoring designated uses.*

*No change to the permit is required.*

**Comment 13:** **RTNA.** The RTNA requested the Department to “Make the permit easier for property owners and the public to read and understand. A cover letter or introduction highlighting the choice between going it alone and benefit of a cooperative management structure for meeting permit requirements in a clear introduction. Recognize the Mashapaug Watershed Coalition, Hispanic Chamber of Commerce or similar cooperative management structure for cost- and credit-sharing in the Mashapaug Watershed.”

***Response 13:*** *As described in Part V.D.11 (Credit for Offsite Stormwater Treatment) of the Mashapaug General Permit, the permit explicitly allows permittees to satisfy certain requirements through shared or cooperative stormwater management approaches, including watershed-based strategies, where appropriate.*

*Specifically, Part V.D.11.a provides that permittees may meet applicable requirements through off-site or shared stormwater controls implemented as part of a cooperative effort, provided that such controls achieve equivalent or greater pollutant load reductions. Part V.D.11.a further states that these approaches may include “stormwater control practices implemented at locations other than the permittee’s property” and allows the use of “a watershed-based or cooperative stormwater management approach,” so long as the required reductions are documented and maintained in accordance with the permit. These provisions provide flexibility for property owners to coordinate efforts, share costs and credits, and implement stormwater controls at locations with the greatest potential benefit to water quality. Participation in any cooperative or watershed-based organization is voluntary, and the permit does not require property owners to join or be recognized as part of any specific entity.*

*No change to the permit is required.*

**Comment 14: RTNA.** The RTNA suggested that RIDEM “Revise the permit to enable all properties with  $\geq$  1-acre impervious cover to participate in cost and credit sharing. This is critical to encourage cooperation agreements among property owners by allowing even the smaller properties to share credits and reporting requirements for phosphorous reductions at off-site sources with the highest impact on phosphorous inputs to the pond (e.g. the industrial park storm drains).”

**Response 14:** *Part V.D.11 of the permit includes provisions that allow cooperative and watershed-based approaches to achieving required pollutant load reductions. Specifically, Part V.D.11.b (Permittee-to-Permittee Credit Trading) provides that “a permittee may enter into a legally binding agreement to fund a new stormwater management control project or purchase pollution reduction credits from an existing stormwater management control project within the subwatershed.” This provision allows permittees to voluntarily participate in cost- and credit-sharing arrangements and to implement stormwater controls at locations with the greatest potential water quality benefit. Participation in permittee-to-permittee credit trading is optional, and the permit does not require properties to enter into cooperative agreements.*

*No change to the permit is required.*

**Comment 15: RTNA.** The RTNA commented that RIDEM needs to “Commit to needed research and a public timeline to develop a comprehensive, science-based management plan for the entire watershed—determine the major sources of phosphorous in Spectacle and Tongue Ponds and best methods for remediation.”

**Response 15:** *The EPA-approved TMDL for the Mashapaug Pond watershed identified stormwater runoff as a significant contributor of phosphorus loading to these waterbodies. The Department refers the commenter to Response 2, which addresses the Department’s recognition of the importance of understanding pollutant sources in Tongue and Spectacle Ponds and includes discussion of existing TMDLs and the status of any additional studies or assessments.*

*As noted in Response 2, the Mashapaug General Permit was developed pursuant to residual designation authority and is issued under the RIPDES program, which limits the permit’s scope to regulation of point source stormwater discharges. The permit establishes enforceable requirements to address stormwater as a controllable source of phosphorus loading and prioritizes implementation of more comprehensive stormwater controls on properties with larger impervious areas during the initial permit term.*

*No change to the permit is required.*

**Comment 16: RTNA.** The RTNA commented that RIDEM should “Condition NOI/coverage on participation in an approved watershed management entity via a binding agreement (membership contract) that can collect fees, coordinate projects, conduct inspections/maintenance, and submit a

single consolidated Annual Report—modeled on the Long Creek Watershed Management District approach.”

***Response 16:*** *The Department refers the commenter to Response 2, Response 13, and Response 14 for discussion of the permit’s approach to cooperative and watershed-based stormwater management. As explained in those responses and provided in Part V.D.11 of the Mashapaug General Permit, the permit allows permittees to voluntarily coordinate compliance efforts, including through cooperative arrangements, shared stormwater control projects, and permittee-to-permittee credit trading. However, participation in any watershed management entity or cooperative organization is voluntary, and the permit does not require or condition coverage on membership in any such entity. Each permittee remains individually responsible for complying with all applicable permit requirements.*

*No change to the permit is required.*

***Comment 17: RTNA.*** *The RTNA commented that RIDEM should “Recognize a monitoring and assessment plan for Mashapaug, Spectacle, and Tongue (e.g., continuous DO/temperature logging, seasonal total phosphorus/chlorophyll-a sampling, and targeted inflow monitoring) with public annual reporting. The factsheet’s position that no ambient monitoring is necessary should be softened to recognize monitoring as a critical part of adaptive management strategies on the 5-year permit cycle.”*

***Response 17:*** *As described in the Mashapaug General Permit and Fact Sheet, the permit does not require ambient water quality monitoring as part of permit compliance, because compliance with applicable water quality standards and consistency with TMDLs are evaluated using pollutant load reductions based on EPA-developed performance curves for stormwater control measures. Specifically, the Fact Sheet states that “RIDEM has determined that no effluent and ambient monitoring is necessary to evaluate whether the limitations on the indicator parameter meet applicable water quality standards, because EPA has carried out extensive modeling on the cumulative performance of Stormwater Control Measures (SCMs).” Accordingly, the permit relies on established modeling tools and crediting methodologies to assess progress toward water quality goals within the scope of the RIPDES program.*

*Additional information regarding other ongoing Mashapaug water quality monitoring efforts is available at <https://www.stormwaterinnovation.org/mashapaug-water-quality-monitoring>, and <https://psic.maps.arcgis.com/apps/dashboards/88e907a92f5e411bbe7b4b1d0aa38bdc>.*

*No change to the permit is required.*

***Comment 18: RTNA.*** *The RTNA commented that RIDEM should “Add an explicit adaptive-management ‘reopener’ clause: if monitoring and/or the required research shows internal loading or Tongue-related sources dominate, DEM must update the implementation plan to include in-lake/internal-load controls on a defined schedule, not simply increase parcel-scale requirements.”*

**Response 18:** *The permit already includes a reopener provision in Part VIII.P (Reopener Clause), which states that “the Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Clean Water Act (CWA) or State Law.” In addition, Title 250 RICR-150-10-1 §§1.15 and 1.24 and Part VIII.P of the permit further provide that if “any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State Law which is more stringent than any limitation on the pollutants limited in this permit, or controls pollutants not limited in the permit,” the Director may reopen and revise the permit as necessary.*

*No change to the permit is required.*

**Comment 19:** **RTNA.** *The RTNA commented that RIDEM should “Include a real enforcement backstop like Long Creek’s: failure to participate in the approved watershed entity (e.g., nonpayment of required fees or refusal of reasonable access for inspection/maintenance of shared controls) should be grounds for termination of MWGP coverage.”*

**Response 19:** *Participation in cooperative, regionalized, or shared stormwater management approaches is voluntary. Specifically, Part V.D.11.d of the permit states that participation in any offsite, shared, or cooperative stormwater management approach “does not transfer permit responsibility,” and each permittee remains individually responsible for complying with all applicable permit requirements. The Department does not have authority under the RIPDES program to require permittees to join or participate in a watershed management entity or to condition permit coverage on such participation. Accordingly, failure to participate in a cooperative entity cannot serve as grounds for termination of coverage under the Mashapaug General Permit.*

*No change to the permit is required.*

**Comment 20:** **RTNA.** *The RTNA commented that RIDEM should “Insist property owners implement stormwater management practices when their properties undergo capital improvements. Include incentive mechanisms—such as tax credits or fee reductions—for all property owners who install infiltration measures.”*

**Response 20:** *The Department notes that the Mashapaug General Permit was developed under the RIPDES program and is limited to establishing enforceable requirements for regulating point source stormwater discharges. The Department does not have authority under the RIPDES program to offer or mandate financial incentives such as tax credits or fee reductions through a discharge permit.*

*As described in the Mashapaug General Permit, the permit establishes stormwater management and pollution prevention requirements applicable to covered properties within the scope of the Department’s permitting authority. Specifically, Part IV.A (Green Infrastructure and Impervious*

*Cover Reduction Evaluation) of the permit requires that any capital projects or other improvements address specific requirements, including improving stormwater infiltration, to the maximum extent feasible. While the Department supports voluntary implementation of stormwater controls beyond permit requirements and recognizes the value of incentive-based approaches, such mechanisms fall outside the scope of this permit.*

*No change to the permit is required.*

**Comment 21:** RTNA. The RTNA commented that RIDEM should “Work with RIDOT, Providence Great Streets plan and the Mashapaug Watershed Coalition to prioritize feasibility studies and construction of a Mashapaug Watershed Extension of the Washington Secondary Rail Trail around Mashapaug Pond to Roger Williams Park – a multi-use raised berm trail with bioswale along the Industrial park shoreline.”

**Response 21:** *As noted in Response 2, projects such as bike paths or transportation infrastructure improvements fall outside the scope of the RIPDES program and cannot be required through this permit.*

*No change to the permit is required.*