

## MASSACHUSETTS SMALL MS4 STORM WATER MANAGEMENT PROGRAM

### PART II

#### A. Storm Water Management Program

The permittee must develop, implement and enforce a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable; protect water quality, and satisfy the water quality requirements of the Clean Water Act and Massachusetts Water Quality Standards

1. The permittee must develop a storm water management program implementing the minimum measures described in Paragraph II.B.

2. All elements of the storm water management program must be implemented by the expiration date of this permit.

3. Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully implement the measure(s). The permittee may rely on another entity only if:

(a.) the other entity, in fact, implements the control measure;

(b.) the particular control measure, or component of that measure is at least as stringent as the corresponding permit requirement.

(c.) The other entity agrees to implement the control measure on the permittee's behalf.

A legally binding written acceptance of this obligation is expected. This obligation must be maintained as part of the storm water management program. If the other entity agrees to report on the minimum measure, the permittee must supply the other entity with the reporting requirements contained in this permit under Part II.E.

(d) The permittee remains responsible for permit compliance and implementation of the minimum measure if the other entity fails to do it.

4. Permittee may use the the following state program: The Massachusetts Department of Environmental Protection, Wetland Protection Act (MGL Chapter 131, Section 40) Storm Water Management Policy to implement some of the requirements of Part II.B.4 and Part II.B.5.

(a) Standard 8, of the policy, may be used for the minimum control measure regarding construction site storm water runoff control, Part II.B.4(c). Standards 2, 3, 4, and 7, of the policy, may be used for the minimum control measure regarding post construction storm water management in development and redevelopment, Part II.B.5.

(b) All MS4 permittees must apply the specified Standards of the Department of Environmental Protection's Storm Water Management Policy in areas with in the jurisdiction of the Wetlands Protection Act, M.G.L. c. 131, s. 40. The permittee may not apply this criteria outside of the wetlands jurisdiction unless the municipality has specifically provided for such in local by-laws.

(c) Any municipality which discharges to the Charles River Basin, the Ipswich River Basin or the Aberjona River Basin, must adopt a bylaw, ordinance or other regulatory mechanism that requires compliance with Standard 3 of the Department of Environmental Protection Agency's Storm Water Management Policy in areas outside of the jurisdiction of the Wetlands Protection Act.

(d) Additional information available at:  
<http://www.state.ma.us/dep/brp/stormwtr/stormpub.htm>

5. For each minimum measure, the permittee must:
  - (a.) identify the person(s) or department responsible for the measure;
  - (b.) identify all Best Management Practices (BMPs) for the measure;
  - (c.) identify measurable goals for each BMP. Identify time lines and milestones for implementation.
  
6. EPA's BMP menu found at <http://www.epa.gov/npdes/menuofbmps/menu.htm> and EPA's guidance on measurable goals, found at <http://www.epa.gov/npdes/stormwater/measurablegoals/index.htm>, may be used in the development of the storm water management program.

#### B. Minimum Control Measures

1. Public education and outreach. The permittee must implement a public education program to distribute educational material to the community. The public education program must provide information concerning the impact of storm water discharges on water bodies. It must address steps and/or activities that the public can take to reduce the pollutants in storm water runoff. The following should be included in the education and outreach efforts:

- (a.) cover both industrial and residential activities including illegal dumping into storm drains.
- (b.) coordination with local groups (i.e. watershed associations, or schools)
- (c.) materials for outreach/education may include, but are not limited to, pamphlets; fact sheets; brochures; public service announcements; storm drain stenciling and newspaper advertisements.
- (d.) topics may include, but are not limited to, litter disposal, pet waste, household hazardous waste disposal, proper use of fertilizer and pesticides, and effects of impervious areas on water bodies.

2. Public involvement and participation. All public involvement activities must comply with state public notice requirements at MGL Chapter 39 Section 23B

- (a.) The permittee must provide opportunity for the public to participate in the development, implementation and review of the storm water management program.
  
- (b.) Activities may also include volunteer stream monitoring or formation of a storm water management committee.

3. Illicit discharge detection and elimination. The permittee must develop, implement and enforce a program to detect and eliminate illicit discharges. An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of storm water. Exceptions are discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal sewer system), allowable non storm water discharges described at Part I.F. and discharges resulting from fire fighting activities.

- (a.) If not already existing, the permittee must develop a storm sewer system map. At a minimum, the map must show the location of all outfalls and the names of all waters that receive discharges from those outfalls. Additional elements may be included on the

map, such as, location of catch basins, location of manholes, and location of pipes within the system. Mapping should be based on all existing information available to the permittee including city records, drainage maps and field surveys.

(b.) The permittee must effectively prohibit, through an ordinance or other regulatory mechanism, non storm water discharges into the system. The regulatory mechanism must provide for appropriate enforcement procedures and actions. If a regulatory mechanism does not exist, development and adoption of such a mechanism must be included as part of the storm water management program.

(c.) The permittee must develop and implement a plan to detect and address non -storm water discharges, including illegal dumping, into the system.

The illicit discharge plan must contain the following elements:

i. Procedures to identify priority areas. This includes areas suspected of having illicit discharges, for example: older areas of the city, areas of high public complaints and areas of high recreational value or high environmental value such as beaches and drinking water sources.

ii. Procedures for locating illicit discharges (i.e. visual screening of out falls for dry weather discharges, dye or smoke testing)

iii. Procedures for locating the source of the discharge and procedures for the removal of the source.

iv. Procedures for documenting actions and evaluating impacts on the sewer system subsequent to the removal.

(d.) The permittee must inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper waste disposal.

(e.) The non-storm water discharges listed in Part I.F. must be addressed if they are identified as being significant contributors of pollutants.

4. Construction site storm water runoff control. The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. The permittee must include disturbances less than one acre if part of a larger common plan.

The permittee does not need to apply its construction program provisions to projects that receive a waiver from EPA under the provisions of 40 CFR§122.26(b)(15)(i).

At a minimum, the program must include:

(a.) An ordinance or other regulatory mechanism to require sediment and erosion control at construction sites. If such an ordinance does not exist, development and adoption of an ordinance must be part of the program.

(b.) Sanctions to ensure compliance with the program. Sanctions may include both monetary or non-monetary penalties.

(c.) Requirements for construction site operators to implement a sediment and erosion control program which includes BMPs that are appropriate for the conditions at the construction site, including efforts to minimize the area of the land disturbance.

(d.) Require control of wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.

(e.) Procedures for site plan review including procedures which incorporate consideration of potential water quality impacts. The site plan review should include procedures for preconstruction review.

(f.) Procedures for receipt and consideration of information submitted by the public.

(g.) Procedures for inspections and enforcement of control measures at construction sites.

5. Post construction storm water management in new development and redevelopment.

The permittee must develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than one acre and discharge into the municipal system.

The program must include projects less than one acre if the project is part of a larger common plan of development.

The post construction program must include:

(a.) An ordinance or other regulatory mechanism to address post construction runoff from new development and redevelopment. If such an ordinance does not exist, development and adoption of an ordinance must be part of the program.

(b.) Procedures to ensure adequate long term operation and maintenance of best management practices.

(c.) Procedure to ensure that any controls that are in place will prevent or minimize impacts to water quality.

6. Pollution prevention and good housekeeping in municipal operations.

The permittee must

(a.) Develop and implement a program with a goal of preventing and/or reducing pollutant runoff from municipal operations. The program must include an employee training component.

(b.) Include, at a minimum, maintenance activities for the following : parks and open space; fleet and building; new construction and land disturbance; and storm water system maintenance.

(c.) Develop schedules for municipal maintenance activities described in paragraph (c) above.

(d) Develop inspection procedures and schedules for long term structural controls.

7. Cooperation with interconnected municipal separate storm sewer systems. The permittee should identify interconnections within the system. The permittee should attempt to work cooperatively with an interconnected municipality in instances of discharges impacting a system.

8. When feasible, the permittee should consider opportunities for ground water recharge and infiltration in the implementation of the control measures described above. In areas identified as "high and medium" in the most recent Stressed Basin Report, the permittee must maximize recharge. Discussion of recharge opportunities must be included with each measure.

9. MS4s which discharge to coastal waters with beaches should consider these waters a priority in implementation of the storm water management program. Refer to Part IX for additional requirements concerning priority areas.

### C. Program Evaluation

1. The permittee must annually evaluate the compliance of the storm water management program with the conditions of this permit.

2. The permittee must evaluate the appropriateness of the selected BMPs in efforts towards achieving the defined measurable goals. The storm water management program may be changed in accordance with the following provisions:

(a). Changes adding (but not subtracting or replacing) components, controls or requirements to the SWMP may be made at any time upon written notification to EPA and MA DEP

(b). Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP may be requested at any time. Unless denied, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If the request is denied, EPA will send you a written explanation of the denial.

(c). Modification requests, must include the following information:

i. an analysis of why the BMP is ineffective or infeasible (including cost prohibitive)

ii. expectations on the effectiveness of the replacement BMP, and

iii. an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

iv. Change requests or notifications must be in writing and signed in accordance with the signatory requirements of Part VI.

3. EPA or MA DEP may require changes to the SWMP as needed to:

(a). Address impacts on receiving water quality caused or contributed to by discharges from the MS4;

(b). To include more stringent requirements necessary to comply with new Federal statutory or regulatory requirement; or

(c). To include such other conditions deemed necessary to comply with the goals and requirements of the CWA.

(d). Any changes requested by EPA or MA DEP will be in writing and will set forth the schedule for the permittee to develop the changes and offer the opportunity to propose

alternative program changes to meet the objective of the requested modification.

D. Record Keeping

1. All records required by this permit must be kept for a period of three years. Records include information used in the development of the storm water management program, any monitoring, copies of reports, and all data used in the development of the notice of intent.
2. Records need to be submitted only when specifically requested by the permitting authority.
3. The permittee must make the records relating to this permit available to the public, including the storm water management program. The public may view the records during normal business hours. The permittee may charge a reasonable fee for copying requests.

E. Reporting

1. The permittee must submit an annual report on the effective date of this permit. The initial report is due one year from the effective date of this permit and annually thereafter. The reports should contain information regarding activities of the previous calendar year. Reports should be submitted to both EPA and MA DEP at the following addresses:

United States Environmental Protection Agency  
Water Technical Unit  
P.O. Box 8127  
Boston, MA 02114

and

Massachusetts Department of Environmental Protection  
Division of Watershed Management  
627 Main Street  
Worcester, Massachusetts 01608

2. The following information must be contained in the annual report:
  - (a) A self assessment review of compliance with the permit conditions.
  - (b) An assessment of the appropriateness of the selected BMPs.
  - (c) An assessment of the progress towards achieving the measurable goals.
  - (d) A summary of results of any information that has been collected and analyzed. This includes any type of data.
  - (e) A discussion of activities for the next reporting cycle.
  - (f) A discussion of any changes in identified BMPs or measurable goals.
  - (g) Reference any reliance on another entity for achieving any measurable goal.

F. Public Drinking Water Supply Requirements

1. MS4s which discharge to public drinking water sources and their protection areas (Class A and B surface waters used for drinking water and wellhead protection areas) should consider these waters a priority in implementation of the storm water management program.
2. Discharges to public drinking water supply sources and their protection areas (Zones I, II, IWPA, Zone A, B, and C as defined in 310 CMR 22.00) should provide pretreatment and spill control capabilities to the extent feasible.
3. Direct discharges to Class A waters and Zone I wellhead protection areas (as defined in 310 CMR 22.02) should be avoided to the extent feasible.

G. State Permit Conditions

This permit is issued jointly by the U.S. Environmental Protection Agency 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 the MA DEP pursuant to M.G.L. Chap. 21, §43 and under regulations found at 314 CMR 3.00. Regulations found at 314 CMR 3.19 (Standard Permit Conditions) are incorporated into this permit by reference.

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 the state law such permit shall remain in force and effect under federal law as a 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.