

**2010 Draft Interstate Merrimack and South Coastal Small Municipal Separate Sewer Storm (MS4) Permit:
Summary of Permit Requirements for Municipal MS4**

Disclaimer: This summary of permit requirements is provided as guidance only. This guidance has no regulatory significance and does not represent a comprehensive description of all permit requirements. Readers should refer to the draft permit for a complete description of all permit requirements.

Activity/Requirement	Section in MS4 Permit	Required Schedule
PART 1		
Submit signed Notice of Intent (NOI) to EPA and MassDEP	Part 1.7.2(f)	<p>Within 90 days of the effective date of the final permit.</p> <p>If an MS4 is designated under 40 CFR § 122.32(a) (2) or (b), the NOI shall be submitted within 180 days of receipt of notice unless granted a longer period of time by EPA.</p> <p>Authorization to discharge upon written receipt of notice from EPA 1.7.4.(a))</p>
Determine Endangered Species Act (ESA) eligibility requirements	Part 1.9.1	Include in NOI and document in SWMP
Determine National Register of Historic Properties (NRHP) eligibility requirements	Part 1.9.2	Include in NOI and document in SWMP
Develop and sign updated written Stormwater Management Program (SWMP). Modify or update BMPs and measurable goals that were in the May 1, 2003 small MS4 general permit (MS4-2003 permit) to meet new permit conditions.	Part 1.10(a-b)	Within 120 days following receipt of authorization from EPA to discharge under the final permit.
PART 2.0 Non-Numeric Effluent Limitations		
For each waterbody that receives a discharge from the small MS4, the water quality classification applicable to that waterbody, any identified impairments, and standards that are applicable to the water classification.	Part 2.1.1 (b)	Document in SWMP

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Eliminate the conditions causing or contributing to an exceedance of water quality (WQ) standards	Part 2.1.1(c)	Within 60 days of becoming aware of situation (If elimination within 60 days is infeasible, document in the SWMP measures and anticipated timeframe to eliminate the conditions causing or contributing to the exceedances).
Document measures used to correct the exceedance of WQ standards in the SWMP	Part 2.1.1(c)	Within 30 days of eliminating the condition
Phosphorus TMDLS – Develop a plan to address sources of phosphorus Assess the amount of phosphorus discharged from the MS4	Part 2.2.1(d)	Develop plan within 3 years of the effective date. Implement plan within 7 years of the effective date
Long Island Sound TMDL- for nitrogen Identify sources of nitrogen. Implement practices such that existing levels are maintained or decreased	Part 2.2.1(e)	Within 2 years of the effective date
Shawsheen River Basin TMDL – for bacteria highlight in annual report all control measures implemented during the reporting period or planned to be implemented in the upcoming reporting period to control the pollutants identified in the approved TMDLs. Also include the basis supporting determination that such controls are adequate to meet the waste load reductions required by the TMDL.	Part 2.2.1(f)	Include in annual report and SWMP
South Coastal TMDLs for nitrogen and pathogens	Part 2.2.1(g)	Within 2 years of the effective date
For discharges to impaired water <i>without</i> an approved TMDL, address how the MS4 discharges which contribute to pollutant loads and/or conditions identified as causing the impairment will be controlled,	Part 2.2.2	Document in SWMP and in annual reports

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such that they do not cause or contribute to the impairment.		
For increased discharges to an impaired water <i>without</i> an approved TMDL, identify additional BMPs that the permittee has or will implement to assure that the increased discharge is not causing or contributing to a water quality standards violation and results in a net decrease in pollutant loadings to the impaired water through enhanced control of existing discharges or through offsets.	Part 2.3.1.1 (c)	Report in annual report.
For increased discharges to an impaired water <i>with</i> an approved TMDL, identify additional BMPs that the permittee will implement to assure that the increased discharge is not causing or contributing to a water quality standards violation and results in a net decrease in pollutant loading beyond that already required by the TMDL through enhanced control of an existing discharge or through offsets.	Part 2.3.1.2 (c)	Report in annual report.
Notify EPA and MassDEP prior to commencement of a new or increased discharge to unimpaired waters from the MS4 with a description of the discharge and documentation demonstrating that the discharge will satisfy the anti-degradation provisions of the state water quality standards.	Part 2.3.3	Minimum of 60 days prior to commencement

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PART 2.4 Requirements to Reduce Pollutants to the Maximum Extent Practicable (MEP)		
If another entity agrees to implement a minimum control measure or other permit requirement on the permittee's behalf, a legally binding written agreement concerning this obligation is required.	Part 2.4.1 (b)	Include legally binding written agreement as part of the SWMP.
If the MS4 is interconnected with another MS4, identify all interconnections and depict interconnections on the map required by Part 2.4.4.6.	Part 2.4.1 (c)	Complete within two (2) years of the effective date of this permit. For permittees not covered by the MS4-2003 permit, complete within three (3) years of the effective date of permit (Part 1.10.3).
Part 2.4.2 Public Education and Outreach		
Distribute a minimum of two (2) educational messages to each of the four audiences identified in Part 2.4.2.1(a). Additional requirements for MS4s located in areas listed in Appendix G, are provided per 2.4.2.1 (c)	Part 2.4.2.1 (b)	Beginning the first year of permit and extending over the permit term. The distribution of materials to each audience shall be spaced at least a year apart.
Report on the messages for each audience; the method for distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program in the annual report.	Part 2.4.2.4	Report in annual report.
Part 2.4.3 Public Involvement and Participation		
Provide the public an opportunity to	Part 2.4.3.2	Annually

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participate in the review and implementation of the stormwater management program		
Report on the activities undertaken to provide public participation opportunities.	Part 2.4.3.3	Include in annual report
Part 2.4.4 Illicit Discharge Detection and Elimination (IDDE) Program		
Eliminate illicit discharges as expeditiously as possible and require immediate cessation of improper disposal practices upon confirmation of responsible parties.	Part 2.4.4.2	Upon detection, eliminate illicit discharge within 30 days. If elimination within 30 days is not possible, schedule must be established. Eliminate no later than six (6) months after confirmation of discharge or initiate appropriate enforcement actions.
Evaluate sources of non-stormwater discharges and determine whether these sources are significant contributors of pollutants to the MS4. If the permittee determines these sources are significant, the permittee shall implement measures to control the sources so they are no longer significant contributors or eliminate them.	Part 2.4.4.4	Document in SWMP
Develop and maintain an inventory of known sanitary sewer overflows (SSOs)	Part 2.4.4.5 (a)	Within 60 days of the effective date of permit Document in SWMP and summarize in annual reports and update inventory annually.
Provide written notice of SSOs to EPA and state or tribal agency	Part 2.4.4.5 (b)	Upon detection of an SSO not previously included in the inventory
Eliminate SSOs	Part 2.4.4.5 (c)	Immediately unless subject to a compliance schedule established pursuant to orders issued by EPA or Mass DEP.
Report the status of mitigation and corrective measures implemented to address each SSO identified	Part 2.4.4.5 (d)	Include in annual report.

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Develop a map of the separate storm sewer system and all structures associated with the system per 2.4.4.6 (a).	Part 2.4.4.6 (a-d)	<p>Complete within two (2) years of the effective date of permit, document progress in annual reports</p> <p>For permittees not covered by the MS4-2003 permit, complete within three (3) years of the effective date of permit (Part 1.10.3).</p> <p>Update the map as necessary to reflect newly discovered information, corrections or modifications, and progress made.</p>
Complete outfall inventory	Part 2.4.4.7 (a), (d)	<p>Complete inventory for 25% of the outfalls each year of the permit beginning in year two (2) of permit with the priority catchments identified as required by Part 2.4.4.8 (c), completion of 100 percent by end of permit term. If flow is observed at the outfall during the inventory, collect sample of flow.</p> <p>If the permittee was covered under the MS4-2003 and collected any of the information required in this part during the previous permit term, the permittee shall document the information as part of the SWMP and annual reports.</p>
Develop written IDDE Program document.	Part 2.4.4.8	Complete within one (1) year of the effective date of the permit
Provide adequate legal authority in the IDDE Program that consists of currently effective ordinance, by-law or other regulatory mechanism. Documentation of authority for specific tasks	Part 2.4.4.8 (a)	<p>For permittees authorized by MS4-2003, adequate legal authority was required to be effective by May 1, 2008.</p> <p>For permittees not covered by the MS4-2003 permit, complete as soon as possible, but no later than the end of year four (4) of the permit (Part 1.10.3).</p>
Establish a written protocol which clearly identifies responsibilities with regard to eliminating illicit discharges	Part 2.4.4.8 (b)	No later than one (1) year from the effective date of permit, report the status of protocol in the year 2 annual report
Delineate catchments and complete illicit discharge potential assessment and prioritization of catchments as part of IDDE program	Part 2.4.4.8 (c.i-iv)	No later than one (1) year from the effective date of permit, document results in SWMP and annual reports

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Identification of all Problem Catchments	Part 2.4.4.8 (c)	Include in year 1 annual report
Remove all illicit discharges in each identified Problem Catchments	Part 2.4.4.8 (c.v)	Prior to due date of the year 5 annual report, detail removals in year 5 annual report.
Complete a written systematic procedure for locating illicit connections.	Part 2.4.4.8 (d)	Complete one (1) year from the effective date of permit and implement protocol upon completion, document in annual reports
Begin systematically locating illicit discharges using the procedure developed in accordance with 2.4.4.8 (d)	Part 2.4.4.8 (d.iii)	Upon completion of development of the written systematic procedure.
When the source of an illicit discharge is identified and confirmed, eliminate or take enforcement action and record the location of the discharge and its source(s), a description of the discharge, the method of discovery, date of discovery, date of removal, repair, or enforcement action; date, and estimate of the volume of flow removed in the annual report.	Part 2.4.4.8 (d.v)	No longer than six (6) months between confirmation of discharge or connection and elimination or enforcement, document in annual reports.
Evaluate and report the overall effectiveness of the IDDE program based on the tracking indicators in the annual report.	Part 2.4.4.6 (f)	Report annually

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<p>Complete investigations at a minimum of 1/2 (one-half) of the MS4 area served by Problem Catchments described in Part 2.4.4.8.c and MS4 areas ranked as “high” or “medium”.</p> <p>Complete investigations of the MS4 areas ranked as “low”.</p>	Part 2.4.4.8 (g)	<p>By the end of year three (3) of the permit and 100 percent by the end of the permit term.</p> <p>As soon as possible, but no later than seven (7) years from the effective date of the permit.</p> <p>Track progress in annual reports.</p>
Train employees about the IDDE Program including how to recognize discharges and SSOs	Part 2.4.4.8 (h)	Annually, document in SWMP and annual reports
Part 2.4.5 Construction Site Stormwater Control Program		
Enact an ordinance or regulatory mechanism that requires use of sediment and erosion control practices at construction sites	Part 2.4.5.3 (a)	<p>For permittees authorized by MS4-2003, adequate legal authority was required to be effective by May 1, 2008.</p> <p>For permittees not covered by the MS4-2003 permit, complete as soon as possible, but no later than the end of year four (4) of the permit (Part 1.10.3).</p>
Develop written procedures for site inspections and enforcement of sediment and erosion control measures at construction sites	Part 2.4.5.3 (b)	Complete within one (1) year of the effective date of permit, document procedures and regulatory authorities in SWMP

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Develop written procedures for site plan review	Part 2.4.5.3 (e)	Completed by one (1) year of the effective date of permit. Document the number of site reviews, inspections, and enforcement actions in the SWMP and include in each annual report.
Part 2.4.6 Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management)		
Enact an ordinance or regulatory mechanism that regulates runoff from new development and redevelopment projects	Part 2.4.6.3	For permittees authorized by MS4-2003, adequate legal authority was required to be effective by May 1, 2008. For permittees not covered by the MS4-2003 permit, complete as soon as possible, but no later than the end of year four (4) of the permit (Part 1.10.3).
Amend or modify ordinance or other regulatory mechanism, if necessary, to include compliance with Massachusetts Stormwater Management Standards.	Part 2.4.6.4	Within two (2) years of effective date of permit
Require the submission of as-built drawings that depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management).	Part 2.4.6.6	Within 90 days of completion of construction project. Document procedures to require submission of as-built drawings and ensure long term operation and maintenance in SWMP and measures utilized to meet requirement in annual reports.
Develop a report assessing current street design and parking lot guidelines and requirements that affect the creation of impervious cover	Part 2.4.6.7	Within two (2) years of the effective date of permit, document in SMWP and annual reports
Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable	Part 2.4.6.8	Within three (3) years of the effective date of permit. Report findings and progress in annual reports

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Estimate number of acres of impervious area (IA) and directly connected impervious area (DCIA); report tabulated results and estimation methodology if baselines provided by EPA are not used.	Part 2.4.6.9 (a)	If baselines provided by EPA are not used, include in first annual report.
Estimate the number of acres of DCIA added or removed to each sub-basin during the prior year	Part 2.4.6.9 (b)	Beginning with the second year annual report and in each subsequent annual report
Complete an inventory and priority ranking of MS4-owned property and infrastructure that may be retrofitted with BMPs designed to reduce the frequency, volume, and peak intensity of stormwater discharges to and from its MS4.	Part 2.4.6.9 (c)	Within two (2) years of the effective date of the permit
Report on those MS4 owned properties and infrastructure that have been retrofitted with BMPs designed to reduce the frequency, volume, and peak intensity of stormwater discharges as well as their pollutant loadings.	Part 2.4.6.9 (d)	Beginning the third year annual report and in each subsequent annual report.
Part 2.4.7 Good House Keeping and Pollution Prevention for Permittee Owned Operations		
Develop written operations and maintenance procedures for the municipal activities listed in paragraphs of 2.3.7.1 (a-c). Additional requirements for MS4s	Part 2.4.7.1	Within one (1) year from the effective date of permit. Include written procedures in SWMP.

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located in areas listed in Appendix G, are provided per 2.4.7.1(a)		
Develop an inventory of all permittee owned facilities within the categories listed per 2.4.7.1 (a-c) and other facilities not in the categories listed, but owned and operated by the permittee	Part 2.4.7.1	Within six (6) months of the effective date of this permit, review inventory annually and update as necessary
Develop an inventory of all floor drains within all permittee-owned buildings	Part 2.4.7.1 (b)	Within one year of the effective date of permit and update inventory annually
Establish a program to repair and rehabilitate its MS4 infrastructure in a timely manner to reduce or eliminate the discharge of pollutants from the MS4	Part 2.4.7.1 (d.i)	Within six (6) months of the effective date of the permit
If a catch basin sump is more than 50 percent full during two consecutive routine cleaning events, describe any actions taken to investigate the contributing drainage area for sources of excessive sediment loading, and to the extent practicable, abate contributing sources.	Part 2.4.7.1 (d.iii)	Describe actions taken in each annual report.
Document plan for optimizing catch basin cleaning, which includes metrics and other information used to reach the determination that the established plan for cleaning and maintenance is optimal for the MS4.	Part 2.4.7.1 (d.iii)	Document in the SWMP and in the first annual report

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Report the number of catch basins inspected, number cleaned, and the volume or mass of material removed from each catch tributary to impaired waters and the total volume or mass of material removed from all catch basins.	Part 2.4.7.1 (d.iii)	Report in each annual report
Report the number of miles of streets swept/cleaned and the volume or mass of material removed.	Part 2.4.7.1 (d.iv)	Report in each annual report
Report on the status of the inventory and any subsequent updates; the status of the O&M programs for the permittee owned facilities and activities in Parts 2.4.7.1(a – d); and the maintenance activities associated with each.	Part 2.4.7.1 (e)	Report in each annual report.
Develop and implement and sign a written SWPPP for maintenance garages, public works facilities, transfer stations, and other waste handling facilities. SWPPP to include all requirements identified in 2.4.7.2 (b) (A SWPPP does not need to be developed for a facility if the discharge from a permittee-owned facility is covered by a currently effective Multi-Sector General Permit or other NPDES permit.)	Part 2.4.7.2 (a)	One year from the effective date of the permit.
As part of the SWPPP, document information for each quarterly routine facility inspection and information for each annual comprehensive site inspection.	Part 2.4.7.2 (c)	Report in annual report.

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PART 3.0 Outfall Monitoring Program		
Implement an outfall monitoring program, beginning with priority catchments as designated pursuant to Part 2.4.4.8.c (monitoring program is not required for outfalls identified as Problem Catchments)	Part 3.1.1	Beginning no later than the beginning of the second year of the permit. For permittees not covered by the MS4-2003 permit, implement by year four (4) of the effective date of permit, unless the map required per Part 2.4.4.6 is complete prior to deadline specified, implement monitoring within three (3) months of completion of map (Part 1.10.3).
Conduct at least one dry weather screening and analytical monitoring and at least one wet weather analytical monitoring of each outfall	Part 3.1.2	Within five (5) years of the effective date of permit or in accordance with a permittee-specific monitoring plan in accordance with Part 3.1.4, attaining the schedule milestones described in Parts 3.2.1 and 3.3.2.
Conduct field screening and analytical monitoring at locations where stormwater from the MS4 is transferred to another MS4.	Part 3.1.3	Within five (5) years of the effective date of permit or in accordance with a permittee-specific monitoring plan in accordance with Part 3.1.4, attaining the schedule milestones described in Parts 3.2.1 and 3.3.2.
Conduct dry weather outfall screening If flow is observed, collect sample and analyze	Part 3.2.1	Minimum of 25 percent of the outfalls each year of the permit beginning in the second year of the permit with completion by the end of the permit term. Document number of outfalls screened and any monitoring results each year in SWMP and annual reports
If a pollutant not addressed by an approved TMDL is identified as the cause of the impairment, and it is present in the discharge, develop procedures for the control measure in Part 2.4 designed to minimize or eliminate the pollutant.	Part 3.2.4, 3.3.5	Document procedures in SWMP and annual reports
If no dry weather flow is observed at the outfall, record the location of the outfall, the condition of the outfall and other relevant information	Part 3.2.5	Identify any necessary follow-up provisions to identify the source flow in the SWMP and annual report.

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If no flow is observed, but evidence of flow exists, revisit the outfall	Part 3.2.5	If practicable, revisit the outfall during dry weather within one week of the initial observation. Identify any necessary follow-up provisions to identify the source flow in the SWMP and annual report.
Conduct wet weather analysis	Part 3.3.2	Minimum of 25 percent of its outfalls each year of the permit beginning in the second year of the permit term with completion by the end of the permit term. Document the number of outfalls monitored and monitoring results each year in the annual report
PART 5.0 Program Evaluation, Record Keeping and Reporting		
Self-evaluate compliance with the terms and conditions of this permit	Part 5.1.1	Annually and document in SWMP
Keep all records required by this permit	Part 5.2.1	At least five (5) years
Submit an annual report that contains the information required by Part 5.3.2	Part 5.3.1	Reporting period is from July 1 to June 30; Annual report due August 1 each year.
PART 6.0 Requirements for State Non-Traditional MS4s		
For properties owned and operated by the Commonwealth of Massachusetts, to meet the requirements of Public Education and Outreach (Part 2.4.2), audiences include the employees, visitors to the property, and any contractors working at the agencies facilities.	Part 6.1	Document in annual reports and SWMP
Evaluate opportunities to include green infrastructure practices in new development and redevelopment at	Part 6.3	Report on efforts in each annual report.

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facilities. Evaluate opportunities to reduce the amount of impervious cover due to parking areas and walkways.		
Transportation Agencies are not eligible for this permit		