



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square – Suite 100**

**BOSTON, MA 02109-3912**

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

August 15, 2019

Steven Rose  
Board of Selectmen

And

William A. Fitzgerald, Jr., DPW Director  
Town of Avon  
Town Hall, 65 East Main Street  
Avon, MA 02322

Re: Notice of Intent for Permit Coverage under the 2016 Massachusetts Municipal Separate Storm Sewer System General Permit – Town of Avon

Dear Mr. Rose and Mr. Fitzgerald:

This letter is to notify you that EPA has determined that your Notice of Intent (NOI) for permit coverage under the National Pollutant Discharge Elimination System (NPDES) 2016 Massachusetts Municipal Separate Storm Sewer System (MS4) General Permit (the Permit) is incomplete and contains insufficient information. As a result, EPA will terminate coverage under the 2003 Small MS4 permit as of the date of this letter. Regulated discharges from your MS4 are no longer covered under NPDES permit number MAR041089.

We sent you a request for additional information dated February 18, 2019 to complete your NOI. We also sent you a second request dated April 25, 2019 requesting the same information. EPA did not receive this requested information.

Please be aware that Clean Water Act (CWA) Section 301 prohibits the discharge of a pollutant to waters of the United States unless such discharge is in compliance with certain sections of the CWA. One way to ensure compliance with this provision of the CWA is to obtain a NPDES permit under CWA Section 402, if needed.

In order to obtain a NPDES permit for your regulated MS4 discharges, you must resubmit a complete NOI for permit coverage under the 2016 Massachusetts Municipal Separate Storm Sewer System General Permit consistent with Part 1.7 of the Permit, or submit an individual permit application for your MS4 discharges consistent with 40 CFR

§ 122.33(b)(2)(i) or § 122.33(b)(2)(ii).

This incompleteness finding and termination of coverage will not prejudice or adversely affect our consideration of a complete application or resubmitted complete NOI in the future.

If you have questions, please contact Newton Tedder at [tedder.newton@epa.gov](mailto:tedder.newton@epa.gov) or 617-918-1038.

Sincerely,

A handwritten signature in blue ink that reads "Thelma Murphy".

Thelma Murphy, Chief  
Water Permits Branch  
Water Division

Cc: Lealdon Langly, Director, Division of Watershed Management. MassDEP – via email