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# STORMWATER MANAGEMENT PLAN

MS4 GENERAL PERMIT COMPLIANCE

JUNE 2019

TOWN OF  
**Hamilton**  
MASSACHUSETTS



# SWMP

## TABLE OF CONTENTS

	Page
TABLE OF CONTENTS.....	i
LIST OF TABLES.....	iii
LIST OF APPENDICES .....	iv
CERTIFICATION .....	v
<b>1.0 INTRODUCTION.....</b>	<b>1-1</b>
1.1 Regulatory Summary and Purpose.....	1-1
1.2 Town Governance and Structure.....	1-2
1.3 Town Demographic Information.....	1-3
1.4 Water Resources.....	1-3
1.5 Interconnections.....	1-4
1.6 Endangered Species and Historic Properties Determination.....	1-4
1.7 Increased Discharges.....	1-5
1.8 Surface Water Drinking Supplies.....	1-5
<b>2.0 MINIMUM CONTROL MEASURES.....</b>	<b>2-1</b>
2.1 Introduction .....	2-1
2.2 Permit Requirements and Implementation Timeframes .....	2-1
2.2.1 Public Education and Outreach .....	2-1
2.2.2 Public Involvement / Participation .....	2-3
2.2.3 Illicit Discharge Detection and Elimination .....	2-5
2.2.4 Construction Site Stormwater Runoff Control .....	2-7
2.2.5 Post-Construction Stormwater Management .....	2-8
2.2.6 Pollution Prevention / Good Housekeeping.....	2-9
<b>3.0 REGULATORY STANDARDS.....</b>	<b>3-1</b>
3.1 Introduction .....	3-1
3.2 Existing Stormwater Regulatory Mechanisms.....	3-1
3.2.1 Prohibition of Illicit Discharges to the Storm Drain System.....	3-1
3.2.2 Stormwater Management and Erosion Control Bylaw.....	3-1
3.2.3 Rules and Regulations for Stormwater Management and Erosion Control.....	3-2
3.3 Review of Regulatory Mechanisms for Compliance with the 2016 MS4 Permit.....	3-2
3.3.1 Construction Site Stormwater Runoff Control .....	3-2
3.3.2 Post-Construction Stormwater Management .....	3-7
<b>4.0 STANDARD OPERATING PROCEDURES.....</b>	<b>4-1</b>
4.1 MS4 Permit Requirement .....	4-1
4.2 Inventory of Municipal Facilities.....	4-1
4.3 Operation and Maintenance Procedures for Municipal Activities and Facilities.....	4-1
4.4 Catch Basin Cleaning and Optimization .....	4-1

5.0 TMDLS AND WATER QUALITY LIMITED WATERS.....5-1

5.1 Bacteria/Pathogens .....5-1

5.1.1 Public Education and Outreach .....5-1

6.0 REPORTING, EVALUATION AND MODIFICATION .....6-1

6.1 MS4 Permit Reporting .....6-1

6.2 Evaluation of SWMP Success .....6-1

6.3 Modifications to the SWMP or Notice of Intent.....6-2

.....

## LIST OF TABLES

Table 1.1 – Parties Responsible for SWMP Implementation..... Page 1-3

Table 1.2 – Receiving Waters and Impairments ..... Page 1-4

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## LIST OF APPENDICES

Appendix A..... Definitions and Abbreviations

Appendix B ..... Regulated Area Map

Appendix C ..... 2016 MS4 Permit

Appendix D ..... 2016 MS4 Notice of Intent  
..... Authorization to Discharge

Appendix E..... 2003 MS4 Permits Annual Report Reference

Appendix F..... MS4 Checklists by Permit Year

Appendix G ..... Public Education Materials

Appendix H ..... Regulatory Mechanisms

Appendix I..... Standard Operating Procedures

Appendix J ..... 2016 MS4 Annual Reports

Appendix K ..... Authorization Letter

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## CERTIFICATION

**Authorized Representative:** All reports, including SWPPPs, inspection reports, annual reports, monitoring reports, reports on training and other information required by the MS4 Permit must be signed by a person described in Appendix B, Subsection 11.A of the 2016 MS4 Permit or by a duly authorized representative of that person in accordance with Appendix B, Subsection 11.B. of the 2016 MS4 Permit. If there is an authorized representative to sign MS4 reports, there must be a signed and dated written authorization. The authorization letter can be found in Appendix K.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Printed Name TIMOTHY J. OLSON

Signature  Date 7/2/19

## 1.0 INTRODUCTION

### 1.1 Regulatory Summary and Purpose

The Federal Water Pollution Control Act (WPCA), initially enacted in 1948, established ambient water quality standards to specify acceptable levels of pollution in lieu of preventing the causes of water pollution. The 1972 amendments to the WPCA, referred to as the Clean Water Act (CWA), implemented measures which were focused on establishing effluent limitations on point sources, or ‘any discernable, confined, and discrete conveyance... from which pollutants are or may be discharged.’”

The 1972 CWA introduced the National Pollutant Discharge Elimination System (NPDES). The NPDES program was established as the fundamental regulatory mechanism of the CWA, requiring direct dischargers of pollutants into waters of the United States to obtain a NPDES permit. Between 1972 and 1987, the NPDES permit program focused on improving surface water quality by reducing pollutants of industrial process wastewater and municipal sewage. During this period, several nationwide studies on water quality, most notably the United States Environmental Protection Agency (EPA) National Urban Runoff Plan (NURP), identified stormwater discharges as a significant source of water pollution.

The results of the NURP and similar studies, resulted in the reauthorization of the CWA in 1987 with the passage of the Water Quality Act (WQA). The WQA established a legal framework and required EPA to develop a comprehensive phased program for regulating municipal and industrial stormwater discharges under the NPDES permit program.

The NPDES Phase 1 Rule, which was issued in November 1990, addressed stormwater dischargers from medium to large municipal separate storm sewer systems (MS4s), which were communities serving a population of at least 100,000 people, as well as stormwater discharges from 11 categories of industrial activity.

The NPDES Phase 2 Rule, which was promulgated in December 1999, addressed small MS4s serving a population of less than 100,000 people in urbanized areas. The Phase 2 Rule requires nationwide coverage of all operators of small MS4s that are located within the boundaries of the Bureau of the Census-defined “urbanized area” (UA) based on the latest decennial census. The Phase 2 rule requires that all MS4s located within “urbanized areas” automatically comply with the Phase 2 stormwater regulations. Appendix B of this report provides a map of the Phase II stormwater “permit compliance area” for Hamilton as determined by the USEPA using the latest decennial (year 2010) census. Since Hamilton is located within an urbanized area, the EPA has designated the Town of Hamilton as a Phase 2 Community, which must comply with the NPDES regulations. In the Commonwealth of Massachusetts, the EPA retains primacy as the Phase 2 permitting authority. On May 1, 2003, the EPA and the Massachusetts Department of Environmental Protection (MADEP) jointly issued the NPDES General Permit for Discharges from Small MS4s and in July 2003, Hamilton submitted the required Notice of Intent (NOI) for inclusion under this General Permit.

The 2003 NPDES Phase 2 MS4 General Permit (2003 MS4 Permit) required the Town of Hamilton to develop, implement, and enforce a Stormwater Management Program (SWMP). The objectives of the

SWMP were to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA.

This Stormwater Management Plan will specifically satisfy the requirements set forth by the NPDES Phase 2 regulations which expanded Phase 1's efforts to preserve, protect, and improve the nation's water resources from polluted stormwater runoff to include additional operators of "traditional" (i.e. cities and towns) and "non-traditional" (i.e. Federal and state agencies) MS4s. The 2003 MS4 Permit expired on May 1, 2008, but was administratively continued for covered permittees until a new MS4 Permit was issued on April 4<sup>th</sup>, 2016, and became effective on July 1, 2018. A copy of the 2016 MS4 Permit is included in Appendix C. On October 1, 2018, the town submitted a Notice of Intent to EPA to obtain coverage under the 2016 MS4 Permit. A copy of this Notice of Intent is included in Appendix D. EPA posted the town's Notice of Intent for public comment on March 1, 2019 for a 30-day period. The town received authorization from EPA to discharge under the 2016 MS4 Permit on April 5, 2019.

Since the Town of Hamilton was previously covered under the 2003 Small MS4 General Permit, the town currently has many practices and programs in place related to stormwater management and pollution prevention. This plan coordinates and incorporates these programs, policies, guidelines and practices into one document and expands their reach to encompass the requirements and goals of the 2016 MS4 Permit. The objectives of the MS4 Permit are accomplished through the implementation of Best Management Practices (BMPs) for each of the following six minimum control measures.

- Public education and outreach
- Public involvement / participation
- Illicit discharge detection and elimination
- Construction site stormwater runoff control
- Post-construction stormwater management in new development or redevelopment
- Pollution prevention/good housekeeping

The town's efforts to comply with these BMPs, as outlined in their Notice of Intent, are included in Section 2.0.

## 1.2 Town Governance and Structure

The Board of Selectman functions as the Chief Executive body of the Town of Hamilton. The Board acts as the chief policy making body of the Town and directly supervises, the activities of the Town Manager. The Town Manager is responsible for supervising the day to day operation of all town departments falling under the direct control of the Board of Selectman.

Various entities within the town have the responsibility for implementation of the MS4 Permit requirements as outlined in this plan and include the following:

- Department of Public Works
- Board of Health



Specific representatives from each of these departments or committees that are responsible for implementation of the SWMP are outlined in the table below:

**Table 1.1  
PARTIES RESPONSIBLE FOR SWMP IMPLEMENTATION**

Name	Title	Affiliation
Patrick Reffett	Director of Planning & Inspectional Services	Planning Board
Timothy Olson	Director	DPW

### 1.3 Town Demographic Information

Hamilton is in Essex County and has a total area of 14.9 square miles (38.9 square kilometers). It is bordered by Ipswich to the north, Essex to the northeast, Topsfield to the west, Wenham to the south. As of 2010, the population was 7,764 and includes one neighborhood, South Hamilton.

Territory comprised of densely settled tracts and adjacent urban developed areas that meet the minimum population requirements set forth by the EPA, according to the 2000 and 2010 census data, shall be referred to as urbanized area. Rural land uses and sparsely populated tracts shall be categorized as non-regulated for the purposes of the MS4 permit. Hamilton is mainly comprised of urbanized area (UA) as shown in the regulated area map in Appendix B and only 4.8% of the town is water.

Hamilton has two principal highway located within its boundaries Route 1A, known locally as Bay Road which runs southwest to northwest and Route 22. There are approximately 3.5 miles of state-maintained roadways within town.

Climate within the Town of Hamilton ranges from January average minimum temperature of 18 degrees Fahrenheit (°F) to July average maximum temperature of 80.5°F. The average annual precipitation is 49 inches, distributed throughout the year. The rainiest month is November, with approximately 4.50 inches of rain.

### 1.4 Water Resources

The town is located within the boundaries of the Ipswich and North Coastal watersheds. Each water body is identified by the name and segment ID number. The primary waterbodies are the Miles River (MA92-03), Chebacco Lake (MA93014), Black Brook (MA92-19) and Beck Pond (MA93003). Miles River (MA92-03) requires a TMDL, extending from the outlet to the Longham Reservoir in Beverly to the confluence with the Ipswich River in Ipswich, according to the Final 2014 030(d) list. All impairments and outfalls discharging to these water bodies are summarized in Table 1.2 below:

Table 1.2  
RECEIVING WATERS AND IMPAIRMENTS

Waterbody	Impairment	Number of Outfalls Discharging to Receiving Water
Miles River (MA92-03)	Aquatic Macroinvertebrate Bioassessments, Fecal Coliform	9
Chebacco Lake (MA93014)	None	1
Black Brook (MA92-19)	None	0
Beck Pond (MA93003)	None	3

Note: Impairments with (\*) have an approved TMDL

### 1.5 Interconnections

The Town of Hamilton has no interconnections that flow into other MS4 systems. Massachusetts Department of Transportation flows into the Town of Hamilton's system on Route 1A.

### 1.6 Endangered Species and Historic Properties Determination

The 2016 MS4 Permit requires that Hamilton demonstrate that all activities regulated under this permit will not adversely affect endangered and threatened species or critical habitat, or impact federal historic properties on the National Register of Historic Properties (NRHP). The town must demonstrate that there is no critical habitat for any endangered species within its boundaries, and if such a habitat exists, that no best management practice shall interfere with that habitat. Hamilton must also certify that no discharge will affect a property that is listed or eligible for listing on the NRHP, that any such effects have written acknowledgements from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other representative that such effects shall be mitigated, and written proof that any best management practices constructed under this permit will include measures to minimize harmful effects on these properties.

Through consultation with the US Fish & Wildlife Service (USFWS), it was determined that the only threatened species within Hamilton is the northern long-eared bat. Correspondence with USFWS is appended to the town's Notice of Intent included in Appendix D. Actions currently included in this SWMP will not affect this species. Therefore, the town has determined that it can certify eligibility under USFWS Criterion C for coverage under the permit. Prior to construction of any structural BMPs, the town will consult with USFWS to confirm that the proposed project will not impact the northern long-eared bat or any other endangered or threatened species that may be identified in the future.

Hamilton can certify eligibility under Criterion A on their Notice of Intent for coverage under the permit because the town was previously covered under the 2003 MS4 Permit, and conditions have not changed since that determination. The town does have multiple federal historic properties, each property is identified by a name and it's National Register Information System number these properties include: Asbury Grove Historic District (#09000935) and Hamilton Historic District (73000300) and five

historic buildings; Brown House (90000223), Austin Brown House (90000222), Community House (11000265), Emeline Patch House (90000221), and Woodberry-Quarrels House (90000224). These historic properties are located at a minimum of 500 feet away from any impaired water body, except for the Arsenal District, which is 200 feet away from an outfall. It has been determined to be very unlikely that any disturbance would impact these properties. Prior to construction of any structural BMPs, the town will consult with the State Historic Preservation Officer by submitting a completed Project Notification Form to confirm that the proposed project will not impact any federal historic properties.

### 1.7 Increased Discharges

Any increased discharges (including increased pollutant loadings) through the MS4 to waters of the United States are subject to Massachusetts antidegradation regulations at 314 CMR 4.04. Section 2.1.2 of the 2016 MS4 Permit requires the Town of Hamilton to comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for increased discharges where appropriate. Any authorization by MassDEP for an increased discharge is required to be incorporated into this SWMP.

The Town understands that there shall be no increased discharges, including increased pollutant loadings from the MS4 to impaired waters listed in categories 5 or 4b on the most recent Massachusetts Integrated Report of Waters listed pursuant to Clean Water Act section 303(d) and 305(b) unless the Town demonstrates that there is no net increase in loading from the MS4 to the impaired water of the pollutant(s) for which the waterbody is impaired. If necessary, the Town of Hamilton will demonstrate compliance with this provision by either:

- Documenting that the pollutant(s) for which the waterbody is impaired is not present in the MS4's discharge and retaining documentation of this finding with the SWMP; or
- Documenting that the total load of the pollutant(s) of concern from the MS4 to any impaired portion of the receiving water will not increase as a result of the activity and retain documentation of this finding in the SWMP. Unless otherwise determined by the Permittee, USEPA or by MADEP that additional demonstration is necessary, compliance with the requirements of Part 2.2.2 and Part 2.3.6 of this permit, including all reporting and documentation requirements, shall be considered as demonstrating no net increase as required by this part.

### 1.8 Surface Water Drinking Supplies

Section 3.0 of the MS4 Permit requires permittees to prioritize discharges to public drinking water supply sources in implementation of the SWMP. The Town does not have any discharges to surface drinking water supply sources or their tributaries.

## 2.0 MINIMUM CONTROL MEASURES

### 2.1 Introduction

This section of the report provides a summary of the regulatory requirements for each of the six minimum control measures as defined under the MS4 General Permit by the EPA. It also provides a summary of those stormwater management practices that the town currently employs. As part of the requirements of the Notice of Intent submitted to EPA on October 1, 2018, as included in Appendix D, the town has established a list of the Best Management Practices (BMPs) that it plans to implement in order to comply with each of the six minimum control measures. These BMPs will be implemented over the next five years (i.e. the permit term). However, the town will have up to 20 years to implement some of the permit requirements as indicated. The town's progress with respect to implementation of the BMPs, and other stormwater related activities, are summarized in annual reports submitted to EPA in accordance with the MS4 Permit. Under the 2003 MS4 Permit, the Town made significant progress in compliance with the requirements of the 2016 MS4 Permit. The Town of Hamilton submitted 14 annual reports to EPA, in compliance with the 2003 MS4 Permit, between 2004 and 2018. Links to these reports are included in Appendix E.

The BMPs selected for each minimum control measure are summarized and briefly described in this section. Specific details for each BMP including measurable goals, implementation dates and individuals responsible for implementation are stated in each of the respective sections for each control measure in this plan. The Director of Planning, Conservation Commission Coordinator and the Department of Public Works Director (or assigned designee) will be responsible for implementation and/or future enforcement of each of the BMPs for the six minimum control measures.

Compliance with requirements of the permit related to water quality limited waters and approved TMDLs is included in Section 6.

### 2.2 Permit Requirements and Implementation Timeframes

#### 2.2.1 Public Education and Outreach

The public education and outreach minimum control measure requires the town to make educational information available to the public and other stakeholders specified by the permit. Hamilton has been participating in public education and outreach activities since the 2003 MS4 Permit was enacted.

#### Regulatory Requirement:

Section 2.3.2 of the 2016 MS4 General Permit requires permittees to “implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.”

#### Existing Town Practices:

Since the 2003 MS4 Permit became effective, the Town of Hamilton has implemented several public education initiatives. Educational posters addressing stormwater pollution prevention and construction

BMPs, were at times displayed in the Town Hall and the schools. Additionally, the DPW has stenciled an estimated 215 catch basins as part of previous Permit Year control measures.

In addition to all the work being performed by the town at present, this new iteration of the permit requires additional public education measures. Hamilton must distribute two targeted messages within five years to the following audiences, spaced at least one year apart for each audience:

1. Residents
2. Businesses, Institutions and Commercial Facilities
3. Developers (Construction)
4. Industrial Facilities

In order to accomplish this, the town will implement the following BMPs:

**BMP: Displays/Posters Kiosks**

**Description:** Continue to increase General Public-Knowledge of the impact of stormwater discharges to water bodies within the community. Identify ways the public can reduce pollutants in stormwater runoff.

**Targeted Audiences:** Residents

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Supply Town offices/library/schools with displays and/or posters. Track number of posters/displays utilized.

**Message Dates:** To be completed fiscal year 1 (FY2019)

**BMP: Brochures/Pamphlets**

**Description:** Continue to educate Contractors on the Town's stormwater erosion and sediment control requirements.

**Targeted Audiences:** Industrial Facilities

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Track the number of industrial facilities reached.

**Message Dates:** To be completed fiscal year 1 (FY2019)

**BMP: Brochures/Pamphlets**

**Description:** Continue to educate Contractors on the Town's stormwater erosion and sediment control requirements.

**Targeted Audiences:** Developers (Construction)

**Responsible Department/Parties:** Planning/DPW Operations

**Measurable Goals:** Distribute/make brochures available at Town Hall and maintain a list of all recipients.

**Message Dates:** To be completed fiscal year 2 and year 5 and continued for the duration of the permit. FY2020 and FY2023

**BMP: Web Page**

**Description:** Update the Town's website to include information on vehicle maintenance, fertilizer use, parking lot sweeping, ice removal optimization, and waste/material storage for local businesses.

**Targeted Audiences:** Businesses, Institutions and Commercial Facilities

**Responsible Department/Parties:** DPW Operations/ Town Manager

**Measurable Goals:** Modify the ThinkBlue targeted information to use on the Town's website and track the interaction with the site.

**Message Dates:** To be completed fiscal year 2 and continued for the duration of the permit. FY2020

**BMP: Web Page**

**Description:** Continue to maintain and update the Town’s website to provide information to residents regarding stormwater management and the Town’s illicit discharge detection and elimination program.

**Targeted Audiences:** Residents

**Responsible Department/Parties:** DPW Operations/ Town Manager

**Measurable Goals:** Continue to maintain website annually, track interaction with the site and who the information is reaching.

**Message Dates:** To be completed fiscal year 3 and continued for the duration of the permit. FY2021

**BMP: Brochures/Pamphlets**

**Description:** Make available to developer’s information on green infrastructure practices for construction projects.

**Targeted Audiences:** Developers (Construction)

**Responsible Department/Parties:** Planning/DPW Operations

**Measurable Goals:** Distribute/make brochures available at Town Hall and maintain a list of all recipients.

**Message Dates:** To be completed fiscal year 3 and continued for the duration of the permit. FY2021

**BMP: Brochures/Pamphlets**

**Description:** Distribute educational materials to industrial properties regarding stormwater best management practices, including equipment inspection, waste disposal, dumpster maintenance, use and storage of de-icing materials, and parking lot sweeping.

**Targeted Audiences:** Industrial Facilities

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Track the number of industrial facilities reached.

**Message Dates:** To be completed fiscal year 4 and continued for the duration of the permit. FY2022

**BMP: Brochures/Pamphlets**

**Description:** Distribute brochures to include information on vehicle maintenance fertilizer use, parking lot sweeping, ice removal optimization, and waste/material storage for local businesses.

**Targeted Audiences:** Businesses, Institutions and Commercial Facilities

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Track the number of businesses and institutions to which pamphlets are distributed

**Message Dates:** To be completed fiscal year 5 and continued for the duration of the permit. FY2023

*2.2.2 Public Involvement / Participation***Regulatory Requirement:**

Section 2.3.3 of the 2016 MS4 Permit requires the permittee to “provide opportunities to engage the public to participate in the review and implementation of the permittee’s SWMP.” Public participation benefits the program by increasing public support, including additional expertise and involving community groups/organizations.

**Existing Town Practices:**

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The Town of Hamilton has been proactive in providing opportunities for public participation and involvement in stormwater management practices. The DPW supports volunteers in holding community clean ups throughout the Town. The Ipswich River Watershed Associated also performs cleanups of the river. The DPW holds a household hazardous waste removal day in conjunction with the Town of Wenham to dispose of oil-based paints, pesticides, cleaning solvents, cathode ray tubes, tires and mercury containing materials.

**BMP: Public Review**

**Description:** SWMP Review

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Allow for public review of the SWMP annually. Post the SWMP and Annual Reports on the Town's website and/or make them available at Town Hall.

**Message Dates:** To be completed within 1 year of the effective date of the permit. FY2019

**BMP: Public Participation**

**Description:** Clean-up Day

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Support annual Clean-up Days. Report on amount of debris collected annually through this event.

**Message Dates:** To be completed within 1 year of the effective date of the permit. FY2019

**BMP: Public Participation**

**Description:** Monitoring Teams

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Make public announcements to gain participation in inspection and monitoring of catch basins, culverts, and drainage structures.

**Message Dates:** To be completed within 1 year of the effective date of the permit. FY2019

**BMP: Public Participation**

**Description:** Household Hazardous Waste

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Allow residents to dispose of hazardous waste annually in the fall. Track the number of residents that participate, amount, and types of materials collected.

**Message Dates:** To be completed within 1 year of the effective date of the permit. FY2019

**BMP: Public Participation**

**Description:** Stormwater Hotline

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Continue to support stormwater hotline to encourage residents to report issues to DPW. Track number of calls received

**Message Dates:** To be completed within 1 year of the effective date of the permit. FY2019

**BMP: Public Participation**

**Description:** Electronic Waste Collection

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Allow for residents to dispose of electronic waste on a monthly basis.

**Message Dates:** To be completed within 1 year of the effective date of the permit. FY2019

### 2.2.3 *Illicit Discharge Detection and Elimination*

#### **Regulatory Requirement:**

Section 2.3.4 of the 2016 MS4 General Permit requires the permittee to develop a written Illicit Discharge Detection and Elimination (IDDE) program. The IDDE program is designed to “systematically find and eliminate sources of non-stormwater discharges to its municipal separate storm sewer system and implement procedures to prevent such discharges.”

#### **Existing Town Practices:**

The Town of Hamilton has developed an Illicit Discharge Detection and Elimination (IDDE) Bylaw under the coverage of the 2003 EPA MS4 Permit. The bylaw was adopted at Town Meeting during Permit Year 4 and regulates any illicit discharge/connection to the municipal separate storm sewer system (MS4), and any obstructions to the natural flow of stormwater into the drainage system. The DPW will continue to update the digital stormwater infrastructure map as more investigation is performed through TV, smoke and dye testing if required per sampling results of drain pipe in the town. Lastly, the town will continue their effort to extend IDDE educational outreach through the town’s website to be available at all times.

In addition to these measures, the 2016 permit requires that MS4s rewrite and update the IDDE written program and implementation to include a more extensive dry and wet weather sampling program. After consultation with EPA, Weston and Sampson has determined that a regulated outfall that would qualify for sampling is any outfall that is 100 linear feet from any waterbody of the US that will conceivably discharge to that waterbody. Should that outfall be located at the head of a conveyance system that will direct any flow to a waterbody of the US, that conveyance system outlet shall be sampled. These new permit requirements can be achieved by implementing the following BMPs:

#### **BMP: Update GIS Drainage Map**

**Description:** Update drainage map in accordance with permit conditions and update annually during the IDDE program implementation.

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit.

**Message Dates:** Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit. FY2020, FY2028

#### **BMP: Written IDDE Program**

**Description:** Create written IDDE program to meet permit conditions

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Complete within 1 year of the effective date of permit and update as required

**Message Dates:** Complete in fiscal year 1 after the effective date of permit. FY2019

#### **BMP: Implement IDDE Program**

**Description:** Implement catchment investigations according to program and permit conditions.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Begin within two years of permit effective date, and complete within 10 years after effective date of permit. Track annually the number of illicit connections that are identified and removed.



**Message Dates:** Complete in fiscal year 2 after the effective date of permit. FY2020

**BMP: Employee Training**

**Description:** Train employees on IDDE program components and implementation.

**Responsible Department/Parties:** Health Department/DPW Operations

**Measurable Goals:** Provide training to municipal employees annually. Track the number of employees that receive training.

**Message Dates:** Complete in fiscal year 1 after the effective date of permit. FY2019

**BMP: Conduct Dry Weather Screening and Sampling**

**Description:** Conduct Dry Weather Screening in accordance with outfall screening procedure and permit conditions.

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Visit every regulated outfall based on the initial outfall prioritization ranking, record current conditions, and obtain samples of any flow that is present. Send any samples to an external laboratory to test for the presence of any indicators and place any outfalls with flow present on a list to be tested during wet weather screening.

**Message Dates:** Complete 3 years after the effective date of permit. FY2021

**BMP: Conduct Wet Weather Screening**

**Description:** Conduct Wet Weather Screening in accordance with outfall screening procedure and permit conditions.

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Less than 24 hours after a rain event, visit any outfall determined to require additional screening during dry weather screening (i.e. any outfall that has one or more system vulnerability factor) and obtain samples of any flow that is present to be sent to an external laboratory to be tested for any indicators.

**Message Dates:** Complete 10 years after the effective date of permit. FY2028

**BMP: Ongoing Screening**

**Description:** Conduct Dry and Wet weather screening (as necessary).

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Complete ongoing outfall screening upon completion of IDDE program

**Message Dates:** To be performed as needed for the duration of the permit. FY2029

**BMP: Catchment Investigation Procedures**

**Description:** Develop written catchment investigation procedures and incorporate into IDDE Plan.

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Complete within 18 months of permit effective date.

**Message Dates:** Complete in fiscal year 1 after the effective date of permit. FY2019

**BMP: Assessment and Priority Ranking of Outfalls/Interconnections**

**Description:** Assess and priority rank catchments in terms of their potential to have illicit discharges.

**Responsible Department/Parties:** DPW Operations/Health Department

**Measurable Goals:** Complete within 1 year of the permit effective date. FY2019

**BMP: Follow-up Ranking**

**Description:** Update catchment prioritization and ranking as dry weather screening information becomes available.

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Complete within 3 years of the permit effective date. FY2021

#### 2.2.4 Construction Site Stormwater Runoff Control

##### Regulatory Requirement:

Section 2.3.5 of the 2016 MS4 Permit requires the permittee to create a program to “minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater and allowed to discharge to a water of the US through the permittee’s MS4.” The permittee will conduct site plan reviews, site inspections and include procedures for public involvement.

##### Existing Town Practices:

The Town of Hamilton adopted a Stormwater Management Bylaw during Year 4 of the 2003 EPA MS4 Permit. The bylaw regulated both pre- and post-construction erosion control measures for projects that disturb greater than one acre.

To attain compliance with the 2016 MS4 Permit, the town will implement the following BMPs to supplement the guidelines set forth in their Erosion and Sediment Control Ordinance.

##### **BMP: Site Inspection and enforcement of Erosion and Sediment Control (ESC) measures**

**Description:** Review existing written procedures for site inspections and enforcement and update as needed to meet permit requirements.

**Responsible Department/Parties:** Planning/DPW Operations

**Measurable Goals:** Complete within 1 year of the effective date of permit. Report on the number of site inspections and enforcement actions annually.

**Message Dates:** Complete within 1 year of the effective date of the permit. FY2019

##### **BMP: Site Plan Review**

**Description:** Develop written procedures for the site plan review that meet permit requirements and begin implementation.

**Responsible Department/Parties:** Planning/DPW Operations

**Measurable Goals:** Complete within 1 year of the effective date of permit. Report on the number of site plan reviews conducted, inspections conducted, and enforcement actions taken annually.

**Message Dates:** Complete within 1 year of the effective date of the permit. FY2019

##### **BMP: Erosion and Sediment Control**

**Description:** Continue to enforce the Town’s existing Stormwater Management Rules and Regulations requiring sediment and erosion controls. Review and update existing regulations as needed to ensure that construction operations implement a sediment and erosion control program that includes BMPs that are appropriate for conditions at the construction sit in accordance with permit requirements.

**Responsible Department/Parties:** Planning/DPW Operations

**Measurable Goals:** Continue to enforce existing sediment and erosion control requirements, and update regulations as needed within one year of the permit effective date.

**Message Dates:** Complete within 1 year of the effective date of the permit. FY2019

**BMP: Waste Control**

**Description:** The Town's existing Stormwater Management Rules and Regulations include requirements to control wastes at construction sites, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.

**Responsible Department/Parties:** Planning/DPW Operations

**Measurable Goals:** Continue to require compliance with existing requirements related to the control of waste at construction sites.

**Message Dates:** Complete within 1 year of the effective date of the permit. FY2019

*2.2.5 Post-Construction Stormwater Management*

**Regulatory Requirement:**

Section 2.3.6 of the 2016 MS4 Permit requires the permittee to require developers to "reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites."

In this case, a site is defined as the "area extent of construction activities which includes but is not limited to the creation of new impervious cover and improvement of existing impervious cover."

New Development is defined as construction activity that results in a total earth disturbance area equal to or greater than one acre on land that did not have any impervious area before work began.

Redevelopment is defined as any construction activity that disturbs greater than or equal to one acre and does not meet the requirements to be designated as new development.

**Existing Town Practices and Amendments:**

The Town of Hamilton adopted a Stormwater Management Bylaw during Year 4 of the 2003 EPA MS4 Permit. The bylaw regulated both pre- and post-construction erosion control measures for projects that disturb greater than one acre. Under the new permit, existing requirements will be reviewed for compliance with permit conditions and updated as needed.

In order to comply with the requirements of the 2016 MS4 Permit, the town shall implement the following BMPs:

**BMP: As-built Plans for On-Site Stormwater Control**

**Description:** Continue enforcing existing procedures requiring submission of as-built drawings and an Operation & Maintenance Plan for projects disturbing more than 1 acre. Update as-built requirements and Operation & Maintenance (O&M) requirements as needed to comply with permit requirements.

**Responsible Department/Parties:** Planning/ DPW Operations

**Measurable Goals:** Require submission of as-built plans and longterm O&M for completed projects.

**Message Dates:** Complete 2 years after effective date of permit. FY2020.

**BMP: Target & Rank Properties for BMP Retrofitting**

**Description:** Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce frequency, volume, and pollutant loads associated with stormwater discharges and update annually.

**Responsible Department/Parties:** DPW Operations

**Message Dates:** Complete 4 years after effective date of permit and report annually on retrofitted properties for the duration of the permit. FY2022

**BMP: Allow for Green Infrastructure**

**Description:** Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist.

**Responsible Department/Parties:** Planning/DPW Operations

**Measurable Goals:** Complete assessment and implement recommendations of the report.

**Message Dates:** Complete 4 years after effective date of permit. FY2022

**BMP: Street Design and Parking Lot Guidelines**

**Description:** Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.

**Responsible Department/Parties:** DPW Operations

**Measurable Goals:** Complete assessment and implement recommendations of the report.

**Message Dates:** Complete 4 years after effective date of permit. FY2022

**BMP: Ensure the Requirements of the MA Stormwater Handbook are met**

**Description:** Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook.

**Responsible Department/Parties:** Planning/ DPW Operations

**Measurable Goals:** Adopt, amendment, or modification of a regulatory mechanism to meet permit requirements.

**Message Dates:** Complete 2 years after effective date of permit. FY2020

*2.2.6 Pollution Prevention / Good Housekeeping***Regulatory Requirement:**

Section 2.3.7 of the 2016 MS4 Permit requires the permittee to “implement an operations and maintenance program for permittee-owned operations that has a goal of preventing or reducing pollutant runoff and protecting water quality from all permittee-owned operations.”

This minimum control measure includes a training component and has the ultimate goal of preventing or reducing stormwater pollution from municipal activities and facilities such as parks and open spaces, buildings and facilities, vehicles and equipment, and providing for the long-term operation and maintenance of MS4 infrastructure.

**Existing Town Practices:**

Hamilton has a list of currently employed good housekeeping measures adopted during the 2003 MS4 Permit. Every spring, the Town hires a subcontractor to inspect and clean all the town's catch basins and conduct street cleaning once per year.

To achieve compliance with the 2016 MS4 Permit, catch basins must be no more than 50% full at any given time. To achieve this, all structures must be cleaned, measured, logged and monitored to prevent excessive sediment accumulation. These measures are summarized in the following BMP practices:

**BMP: O&M Procedures**

**Description:** Create written operation and maintenance (O&M) procedures addressing proper storage of materials, lawn maintenance and landscaping activities, protective practices, use and storage of petroleum products, employee training, waste management procedures for buildings and facilities, location of fueling areas, evaluation of possible leaks, and storage locations of town-owned vehicles and equipment.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Create and implement standard operation and maintenance procedures for all municipal activities and facilities. The town will be as specific with standard operating procedures as possible and ensure the continued implementation of all maintenance activities.

**Message Dates:** Complete within 2 years of the permit effective date (FY2020).

**BMP: Inventory all Permittee-Owned Property**

**Description:** Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment and update annually.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Create inventory and update annually.

**Message Dates:** Complete within 2 years of the permit effective date (FY2020).

**BMP: Infrastructure O&M**

**Description:** Establish and implement a program for repair and rehabilitation of MS4 infrastructure.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Create and implement an operation and maintenance plan for stormwater infrastructure.

**Message Dates:** Complete within 2 years of the permit effective date (FY2020).

**BMP: Stormwater Pollution Prevention Plan (SWPPP)**

**Description:** Create SWPPPs for DPW garage, and other waste-handling facilities.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Complete plans and implement within 2 years of the permit effective date. Complete inspections on a quarterly basis and training annually in accordance with permit conditions.

**Message Dates:** Complete and implement within 2 years of the permit effective date (FY2020).

**BMP: Catch Basin Cleaning**

**Description:** Develop a catch basin optimization plan and establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Clean catch basins on established schedule and report number of catch basins cleaned and volume of material removed annually. The town shall optimize the cleaning effort such that

all catch basins have been located, measured, cleaned and monitored to ensure that each basin does not become more than 50% full of sediment and debris.

**Message Dates:** Complete and implement catch basin optimization plan within two years of permit effective date (FY2020).

**BMP: Street Sweeping Program**

**Description:** Sweep all streets and permittee-owned parking lots annually in accordance with permit conditions.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Sweep all streets and permittee-owned parking lots annually.

**Message Dates:** Complete and implement within 1 year of the permit effective date (FY2019).

**BMP: Road salt use optimization program**

**Description:** Establish and implement a program to minimize the use of road salt.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Implement salt use optimization during deicing season. Track reduction in salt usage based on salt use optimization.

**Message Dates:** Complete and implement within 1 year after the permit effective date (FY2019).

**BMP: Inspection and maintenance of stormwater treatment structures**

**Description:** Establish and implement inspection and maintenance procedures and frequencies.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Inspect and maintain treatment structures at least annually.

**Message Dates:** Complete and implement within 1 year after the permit effective date (FY2019).

**BMP: Catch Basin Optimization**

**Description:** Develop and implement a plan to optimize inspection, cleaning, and maintenance of catch basins to ensure that permit conditions are met.

**Responsible Department/Parties:** DPW

**Measurable Goals:** Complete within two years of permit effective date.

**Message Dates:** Complete and implement within 2 year of the permit effective date (FY2020).

### 3.0 REGULATORY STANDARDS

#### 3.1 Introduction

In order to prevent pollutants from entering the drainage system and being discharged to the environment with stormwater, Hamilton has implemented a wide variety of Best Management Practices (BMPs) categorized under the six minimum control measures as discussed earlier in this document. The control measure for Post-Construction Stormwater Management is focused on improving stormwater pollution prevention into the future by ensuring that all new construction includes appropriate requirements for BMPs. To ensure post-construction stormwater management, the town previously developed and adopted the following under the 2003 MS4 Permit.

- Regulatory mechanisms establishing legal authority, prohibitions and requirements
- Design and construction standards governing stormwater infrastructure
- Requirements for long-term Operation and Maintenance (O&M) of structural BMPs.

Additional information regarding the town's current regulatory mechanisms adopted under the 2003 MS4 Permit, as well as the status of the town's compliance with the 2016 MS4 Permit regulatory requirements are included in this section.

#### 3.2 Existing Stormwater Regulatory Mechanisms

Under the 2003 MS4 Permit, the town developed new bylaw, as well as rules and regulations, to comply with the permit, and to improve stormwater management town-wide.

##### 3.2.1 *Prohibition of Illicit Discharges to the Storm Drain System*

Hamilton adopted a bylaw entitled, Illicit Discharge Detection and Elimination (IDDE) on October 22<sup>nd</sup>, 2007 (Chapter 30 of the Town's Bylaws). A copy of this bylaw is included in Appendix H.

The bylaw is granted authority by the Home Rule Amendment of the Massachusetts Constitution, Home Rule statutes, and the Clean Water Act, 40 CFR 122.34. This bylaw prohibits non-stormwater discharges to the drainage system. It also provides a specific list of non-stormwater discharges that are permissible under federal regulations, and by reference, local ordinance/bylaw. The Department of Public Works is responsible for enforcement and has the authority to investigate suspected illicit discharges. The town has the authority to suspend or terminate the right to discharge to the MS4 of any discharger, including discharges associated with active construction sites. The bylaw mandates that all spills must be reported to the DPW, and penalties and fines may be levied.

##### 3.2.2 *Stormwater Management and Erosion Control Bylaw*

The 2003 MS4 Permit required the town to develop, implement and enforce a program to address stormwater runoff from construction activities that disturb greater than one acre and discharge into the MS4. That program was also to include projects that disturb less than one acre if the project is part of a larger common plan of development which disturbs greater than one acre. As part of that program, the town was to develop an ordinance or other regulatory mechanism to address construction runoff.

On October 22, 2007, the town held a public hearing where a bylaw titled “Stormwater Management” was adopted (Chapter 29 of the Town’s Bylaws). A copy of this bylaw is included in Appendix H. This bylaw provides the regulatory authority to ensure compliance with the provisions outlined through permitting, inspection, maintenance and enforcement. This bylaw requires that a Stormwater Management Permit is obtained for construction activities that disturb greater than or equal to one acre of land or which disturb less than an acre but are part of a larger plan/development which will ultimately disturb greater than or equal to one acre. Further stormwater management permit rules and regulations were adopted in August 2010 and included in Appendix H. e

### 3.2.3 *Rules and Regulations for Stormwater Management and Erosion Control*

For all new development and redevelopment projects, stormwater management systems must meet the town’s retention standard, and be designed such that all stormwater runoff is retained on-site to the Maximum Extent Practicable. The intent of this standard is to provide on-site stormwater retention measures (such as infiltration) for all storm events up to and including the 100-year, 24-hour storm. The Regulations also require sediment and erosion controls at construction sites, as well as the long-term operation and maintenance of BMPs.

## 3.3 Review of Regulatory Mechanisms for Compliance with the 2016 MS4 Permit

A comprehensive review was conducted to evaluate whether the town’s existing regulatory mechanisms for construction and post-construction stormwater management comply with the 2016 MS4 Permit requirements, and identify what modifications, if any, are needed to bring the town into compliance.

### 3.3.1 *Construction Site Stormwater Runoff Control*

The 2016 MS4 Permit builds on the requirements of the 2003 MS4 Permit for construction site runoff control and requires the following (Year 1 requirements):

#### **Site Inspection & Enforcement**

**Permit Requirement:** Development of written procedures for site inspections and enforcement of sediment and erosion control measures. These procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program shall provide that the permittee may, to the extent authorized by law, impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities shall be documented in the SWMP.

*Excerpts from Hamilton Regulations that Support Permit Requirement:*

#### **Stormwater Management Permit Rules and Regulations, 5.0 Inspections and Site Supervision**

- A. *“Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity the Applicant, the Applicant’s technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Permit Authority designee(s), Technical Review Agent or Inspecting Agent, and any other person designated by the Permit Authority, to review the permitted plans and their implementation.*



- B. *Board Inspection. The Permit Authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, approved by the Permit Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Permit Authority or its designee at least two (2) working days before each of the following events:*
1. *Erosion and sediment control measures are in place and stabilized;*
  2. *Site Clearing has been substantially completed;*
  3. *Rough Grading has been substantially completed;*
  4. *Final Grading has been substantially completed;*
  5. *Close of the Construction Season; and*
  6. *Final Landscaping (permanent stabilization) and project final completion.*
- C. *Applicant Inspections. The Applicant or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections is to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The Applicant or his/her agent shall submit monthly reports to the Permit Authority or designated agent in a format approved by the Permit Authority.*
- D. *Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Permit Authority and its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Permit Authority deems reasonably necessary to determine compliance with the permit. (p21)”*

Recommended Modification:

- A. **Tracking.** It is the responsibility of the applicant to maintain a record of the number of site reviews, inspections, and enforcement actions. Such record shall be submitted annually to the Permit Authority or designated agent in a format approved by the Permit Authority.

### **Sediment and Erosion Control BMPs**

Permit Requirement: Requirements for construction site operators performing land disturbance activities within the MS4 jurisdiction that result in stormwater discharges to the MS4 to implement a sediment and erosion control program that includes BMPs appropriate for the conditions at the construction site. The program may include references to BMP design standards in state manuals, such as the Massachusetts Stormwater Handbook or design standards developed by the MS4. EPA supports and encourages the use of design standards in local programs. Examples of appropriate sediment and erosion control measures for construction sites include local requirements to:

- Minimize the amount of disturbed area and protect natural resources
- Stabilize sites when projects are complete, or operations have temporarily ceased
- Protect slopes on the construction site
- Protect all storm drain inlets and armor all newly constructed outlets
- Use perimeter controls at the site
- Stabilize construction site entrances and exists to prevent off-site tracking

- Inspect stormwater controls at consistent intervals

*Excerpts from Hamilton's Regulations that Support Permit Requirement:*

A Stormwater Management Bylaw and Stormwater Permit Rules and Regulations are in effect. Though the degree of specificity required is based on the size of the project, a stormwater management plan is required to be submitted to the Permit Authority (either Planning Board or Zoning Board of Appeals), before any work may begin on site. Requirements of the Stormwater Management Plan include sediment and erosion control measure as well as properly manage any construction waste (as outlined in section 4 below).

Hamilton Bylaws, Chapter XXIX Stormwater Management, Section 4. Applicability

*"This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including clearing, grading and excavation, that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town's Municipal Separate Storm Sewer System."p59*

Stormwater Management Permit Rules and Regulations, 4A. Permit Procedures and Requirements – Smaller Projects

*"Abbreviated Stormwater Management Permit (ASMP) Application package shall include:*

- ...
8. *Stormwater Management Plan and project description.*
    - A. *The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The Applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements.*
    - B. *The design requirements of the Stormwater Management Plan shall include at a minimum but not be limited to the following:*
      - ...
      4. *Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;..." (p5)*

Stormwater Management Permit Rules and Regulations, 4B. Permit Procedures and Requirements – Larger Projects

*"The Stormwater Management Permit (SMP) Application package shall include:*

...  
*Stormwater Management Plan*

- A. *The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The Applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements.*
- B. *The design requirements of the Stormwater Management Plan shall include at a minimum but not be limited to the following:*
- ...
4. *Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;...* (p14)

Recommended Modification:

*None Needed*

Control of Wastes

Permit Requirement: Requirements for construction site operators within the MS4 jurisdiction to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These wastes may not be discharged to the MS4.

*Excerpts from Hamilton Regulations that Support Permit Requirement:*

Stormwater Management Permit Rules and Regulations, 2. Definitions

*“CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality”p1*

Stormwater Management Permit Rules and Regulations, 4A. Permit Procedures and Requirements – Smaller Projects, Stormwater Management Plan Content (p7),

*“8. Stormwater Management Plan and Project Description...*

- B. *The design requirements of the Stormwater Management Plan shall include at a minimum but not be limited to the following:...*

10. *Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;..*

13. *Properly manage on-site construction and waste materials;(p6)*

- D. *The Stormwater Management Plan Content...*

i. 21. *A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response; (p10)”*

Stormwater Management Permit Rules and Regulations, 4B. Permit Procedures and Requirements – Larger Projects

*“B. The design requirements of the Stormwater Management Plan shall include at a minimum but not be limited to the following:...*

*10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;..*

*13. Properly manage on-site construction and waste materials;”(p15))...*

*D. The Stormwater Management Plan Content...*

*22. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response; (p19)”*

Recommended Modification:

None needed

Site Plan Review Inspection and Enforcement

Permit Requirement: Development of written procedures for site plan review, inspection and enforcement. The site plan review procedure shall include a pre-construction review by the permittee of the site design, the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development. The review procedure shall incorporate procedures for the consideration of potential water quality impacts, and procedures for the receipt and consideration of information submitted by the public. The site plan review procedure shall also include evaluation of opportunities for use of low impact design and green infrastructure. When the opportunity exists, the permittee shall encourage project proponents to incorporate these practices into the site design. The procedures for site inspection conducted by the permittee shall include the requirement that inspections occur during construction of BMPs as well as after construction of BMPs to ensure they are working as described in the approved plans, clearly defined procedures for inspections including qualifications necessary to perform the inspections, the use of mandated inspections forms if appropriate, and procedure for tracking the number of site reviews, inspections, and enforcement actions.

Excerpts from Hamilton’s Regulations that Support Permit Requirement:

Stormwater Management Permit Rules and Regulations, 5. Inspections and Site Supervision

*A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity the Applicant, the Applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Permit Authority designee(s), Technical Review Agent or Inspecting Agent, and any other person designated by the Permit Authority, to review the permitted plans and their implementation.*

*B. Board Inspection. The Permit Authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify*

*the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, approved by the Permit Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Permit Authority or its designee at least two (2) working days before each of the following events:*

- 1. Erosion and sediment control measures are in place and stabilized;*
- 2. Site Clearing has been substantially completed;*
- 3. Rough Grading has been substantially completed;*
- 4. Final Grading has been substantially completed;*
- 5. Close of the Construction Season; and*
- 6. Final Landscaping (permanent stabilization) and project final completion.*

*C. Applicant Inspections. The Applicant or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections is to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The Applicant or his/her agent shall submit monthly reports to the Permit Authority or designated agent in a format approved by the Permit Authority.*

*D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Permit Authority and its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Permit Authority deems*

*E. reasonably necessary to determine compliance with the permit.*

Recommended Modification: The town may want to consider development of a separate site plan review checklist for use by the permittee, if one does not already exist.

### 3.3.2 Post-Construction Stormwater Management

The 2016 MS4 Permit builds on the requirements of the 2003 MS4 Permit for post construction runoff from new development and redevelopment and requires the following (Year 2 requirements):

#### Low Impact Development

Permit Requirement: Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.

Excerpts from Hamilton's Regulations that Support Permit Requirement:

Stormwater Management Permit Rules and Regulations, 4B. Permit Procedures and Requirements – Larger Projects, Stormwater Management Plan Content

“8. Stormwater Management Plan and Project Description...

E. Low Impact Development Techniques:

*The use of low-impact development techniques is required, where applicable. The Applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings indigenous to the area. The use of recycled or recaptured rainwater is encouraged... (p10)”*

Recommended Modification: The Stormwater Management Plan shall contain an evaluation of any Low Impact Development Techniques considered for the proposed development.

BMP Design Guidance

Permit Requirement: *The design of treatment and infiltration practices should follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook, as amended, or other federally or State approved BMP design guidance.*

Excerpts from Hamilton’s Regulations that Support Permit Requirement:

Stormwater Management Permit Rules and Regulations, 4.A.8.C

C. Standards:

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy which are as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - a. Suitable nonstructural practices for source control and pollution prevention and implemented;
  - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and

- c. Stormwater management BMPs are maintained as designed.
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
8. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.

Recommended Modification:

None needed.

Compliance with the Stormwater Management Standards for Redevelopment

*Permit Requirement: Stormwater management systems on redevelopment sites shall meet the following standards to the maximum extent feasible:*

- *Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;*
- *Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard 2;*
- *Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard 3;*
- *The pretreatment and structural best management practices requirements of Standards 5 (eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook) and 6 (protect Zone 2 or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6);*
- *Stormwater management systems on redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:*
  1. *Retain the volume of runoff equivalent to, or greater than 0.8 inch multiplied by the total post-construction impervious surface area on the site;*

AND/OR

2. *Remove 80% of the average annual post-construction load of TSS generated from the total post-construction impervious area on the site AND 50% of the average annual load of TP generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's Evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards may be used to calculated BMP performance.*
- *Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site to meet the equivalent retention or pollutant removal requirements indicated above.*

Excerpts from Hamilton's Regulations that Support Permit Requirement:

Redevelopment projects requiring a Stormwater Management Permit shall comply with the standards as listed in 4.A.8.C of the regulations (excerpt above). Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.

Recommended Modification: Review the Town's regulations and Stormwater Management Permit Standards to ensure they meet or exceed the requirements of the Massachusetts Stormwater Handbook.

Permit Requirement: Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from any of the parts listed previously in part d. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of part d fully.

Excerpts from Hamilton's Regulations that Support Permit Requirement:

Hamilton Bylaws, Chapter XXIX Stormwater Management, Section 4. Applicability

B. Construction activities that are exempt are:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations 310 CMR 10.04 and MGL Chapter 40A, §3;
2. Maintenance of existing landscaping, gardens, or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil material, or alteration of drainage patterns;
3. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
4. Normal maintenance of Town owned public land, ways, and appurtenances;



5. Repair or maintenance of an individual subsurface septic disposal system, and related elements such as pipes, etc., provided that the post-repair condition drainage is equal to the pre-repair condition.
6. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw section.
7. Maintenance, reconstruction or resurfacing of any public or private way; and the installation of drainage structures or utilities within or associated with such ways that have been approved by the appropriate authorities provided that written notice be filed with the Planning Board fourteen (14) days prior to commencement of activity;

Recommended Modification: Review the bylaw to ensure exempt activities meet this permit requirement.

### Submission of As-Builts

Permit Requirement: The permittee shall require, at a minimum, the submission of as-built drawings no later than two (2) years after completion of construction projects. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management).

### Excerpts from Hamilton's Stormwater Management Permit Regulations that Support Permit Requirement

#### Stormwater Management Rules and Regulations, 7.0 Certificate of Completion

*"At completion of the project, the permittee shall submit an as-built stamped by a registered engineer for all structural stormwater controls and treatment best management practices required for the site. The as-built will indicate all deviations from the plan. A letter certifying the completion will be issued before an occupancy permit is issued by the Building Inspector." p23*

Recommended Modification: "At completion of the project, **and not more than two (2) years following, the permittee** shall submit an as-built stamped by a registered engineer for all structural **and non-structural** stormwater controls..."

### Long-term Operation & Maintenance

Permit Requirement: The new development/redevelopment program shall have procedures to ensure adequate long-term operation and maintenance of stormwater management practices that are put in place after the completion of a construction project. These procedures may include the use of dedicated funds or escrow accounts for development projects or the acceptance of ownership by the permittee of all privately owned BMPs. These procedures may also include the development of maintenance contracts between the owner of the BMP and the permittee. Alternatively, these procedures may include the submission of an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. The procedures to require submission of as-built drawings and ensure long term operation and maintenances shall be a part of the SWMP.

Excerpts from Hamilton's Regulations that Support Permit Requirement:

[FOR LARGER PROJECTS ONLY] 9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed. When one or more of the standards cannot be met, an Applicant may demonstrate that an equivalent level of environmental protection will be provided.

Stormwater Management Rules and Regulations, 4B. Permit Procedures and Requirements  
– Larger Projects (p20)

[FOR LARGER PROJECTS ONLY]

*"A. An Operation and Maintenance plan ("O&M Plan") is required at the time of application for all larger projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and **throughout the life of the system**. The Permit Authority shall make the final decision of what maintenance option is appropriate in a given situation. The Permit Authority will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Permit Authority and shall be an ongoing requirement.*

*The O&M Plan shall include:*

- 1. The name(s) of the owner(s) for all components of the system;*
- 2. Maintenance agreements that specify:
 
  - a. The names and addresses of the person(s) responsible for operation and maintenance,*
  - b. The person(s) responsible for financing maintenance and emergency repairs.*
  - c. A Maintenance Schedule for all drainage structures, including swales and ponds.*
  - d. A list of easements with the purpose and location of each.*
  - e. The signature(s) of the owner(s)."**

Recommended Modification:

*None Needed*

## 4.0 STANDARD OPERATING PROCEDURES

### 4.1 MS4 Permit Requirement

As part of the minimum control measure for Pollution Prevention/Good Housekeeping for Municipal Operations, the MS4 Permit requires permittees to implement an Operations and Maintenance (O&M) program for permittee-owned facilities and activities to prevent or reduce pollutant runoff and protect water quality. The O&M Program is required to include the following elements:

- 1) An inventory of all permittee-owned facilities.
- 2) Written O&M procedures for the following activities:
  - a. Parks and open space
  - b. Buildings and facilities where pollutants are exposed to runoff
  - c. Vehicles and equipment
- 3) A written program detailing the activities and procedures the permittee will implement so that MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4, to include:
  - a. Optimization of routine inspections, cleaning and maintenance of catch basins.
  - b. Implementation of procedures for sweeping and/or cleaning streets, and permittee-owned parking lots.
  - c. Proper storage and disposal of catch basin cleanings and street sweepings.
  - d. Implementation of procedures for winter road maintenance.
  - e. Implementation of inspection and maintenance frequencies and procedures for storm drain systems and stormwater treatment structures.
- 4) Written records for all maintenance activities, inspections and training.

### 4.2 Inventory of Municipal Facilities

To Be Developed in Permit Year 2.

### 4.3 Operation and Maintenance Procedures for Municipal Activities and Facilities

To address the MS4 Permit requirements, Standard Operating Procedures (SOPs) associated with the identified municipal activities and facilities are required to be developed within two years of the permit effective date, except for procedures for winter road maintenance, which are required to be developed within one year of the permit effective date. The SOP for winter road maintenance, which includes snow removal and deicing, is included in Appendix I. As additional SOPs are developed in Permit Year 2, they will be incorporated into Appendix I.

### 4.4 Catch Basin Cleaning and Optimization

The town currently has approximately 836 catch basins. Frequency of catch basins are cleaned and visually inspected annually. To meet anticipated requirements of the new MS4 Permit, the town will need to optimize catch basin inspection, cleaning and maintenance such that the following conditions are met:

- Inspection and maintenance of catch basins located near construction activities (roadway construction, residential, commercial, or industrial development or redevelopment) are prioritized. Catch basins in such areas must be cleaned more frequently if inspection and maintenance activities indicate excessive sediment or debris loading.
- A schedule must be established such that the frequency of routine cleaning ensures that no catch basin at any time will be more than 50 percent full. A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.
- If a catch basin sump is more than 50 percent full during two consecutive routine inspections/cleaning events, the town must document the finding, investigate the contributing drainage area for sources of excessive sediment loading, and to the extent practicable, abate contributing sources.
- The town shall maintain documentation, including metrics and other information, used to reach the determination that the established plan for cleaning and maintenance is optimal and meets the requirements of the MS4 Permit, including a log of catch basins cleaned and inspected.
- The town must track and report the following information to EPA annually:
  - Total number of catch basins town-wide
  - Number of catch basins inspected
  - Number of catch basins cleaned
  - Total volume or mass of material removed from all catch basins

Catch basin cleanings are disposed of per applicable DEP Regulations.

## 5.0 TMDLS AND WATER QUALITY LIMITED WATERS

### 5.1 Bacteria/Pathogens

There is one water body in the Town of Hamilton that is covered under the waters requiring a TMDL for the Ipswich and North Coastal Watersheds, which is the Miles River.

There are a total of 9 regulated outfalls, less than 100 feet away from the Miles River, that discharge into the Miles River that need to be monitored under the IDDE plan. The priority ranking has been determined by a comprehensive matrix, taking numerous factors into account including but not limited to: sensitivity or critical nature of the receiving water or environment, severity of the illicit connection indicator parameters, potential for direct or indirect public exposure, areas with chronic problems and inadequate level of service, areas proposed for infrastructure capital improvements.

#### 5.1.1 Public Education and Outreach

The town has a public education program for multiple purposes and has easily been able to add in specific, targeted information regarding actions that can be taken to reduce sources of bacteria and nutrients from the priority outfalls listed above.

Included in the Hamilton Animal Control By-Law is the stipulation that all dogs require a license obtained by the town clerk. Upon receiving or renewing that license, the town will distribute a pamphlet explaining the importance of keeping pet waste out of drainage areas and other public areas, see Appendix G.

Lastly, the town will make information available about proper septic system maintenance to any property in the Ipswich and North Coastal watersheds, see Appendix G.

## 6.0 REPORTING, EVALUATION AND MODIFICATION

### 6.1 MS4 Permit Reporting

The MS4 Permit requires submission of annual reports assessing the effectiveness of the proposed BMPs and reporting if the minimum control measures were met. The initial report is due 90 days from the close of the reporting period, or September 29<sup>th</sup>, 2019, and annually thereafter. Reports are to be submitted to both EPA and MADEP. At a minimum, the report should include the following:

- The status of compliance with permit conditions, including an assessment of the appropriateness of the selected BMPs and progress toward achieving the selected measurable goals for each minimum control measure.
- Results of any information collected and analyzed, including monitoring data, if any. Outfall screening and monitoring data collected shall be submitted for both the reporting cycle and cumulative for the permit term.
- A summary of the stormwater activities planned for the next reporting cycle.
- A change in any identified best management practices or measurable goals for any minimum control measure.
- Notice of relying on another governmental entity to satisfy some of the permit obligations, if applicable.

As indicated in an earlier section, copies of past annual reports submitted by Hamilton are referenced in Appendix E of this SWMP. Hamilton will append future annual reports in compliance with the 2016 MS4 Permit as they are prepared in Appendix J.

### 6.2 Evaluation of SWMP Success

This SWMP should be considered a dynamic document that is modified as necessary to account for changes such as in drainage infrastructure, laws and regulations, and town leadership and policy. The success of programs implemented by the SWMP – such as IDDE – should also be evaluated to ensure that they are accomplishing the goals for which they were intended and in a method and timetable that continues to be appropriate. In addition, the SWMP should be reviewed and revised as necessary to keep text and appendices current. For example:

- After each year of stormwater monitoring to update appended findings and priorities.
- As needed to keep appended IDDE investigation, identification and removal documentation current.
- After each NPDES stormwater permit renewal to incorporate new requirements, as well as append copies of new permits and associated Notices of Intent (NOIs).

- After adoption of any new or revised ordinances or other regulatory mechanisms related to stormwater or drainage infrastructure.

Hamilton undertook this SWMP, in part, in order to ensure the protection of its water resources and the large investment in drainage infrastructure. Periodic review and revision of this written document will help achieve these goals on a perpetual basis.

### 6.3 Modifications to the SWMP or Notice of Intent

As discussed above, minor modifications to this SWMP should be made on a regular and frequent basis to keep it current. However, major changes to the SWMP or needed modifications to the NOI for inclusion under the NPDES Permit require an official process. In accordance with the MS4 Permit, modifications to the SWMP or NOI may be made under the following provisions:

- At any time, the town may add (but not subtract or replace) components, controls or requirements to the SWMP if written notification is made to EPA and MADEP.
- The town may request to replace an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP at any time if the request is made in writing to EPA and MADEP. Unless the request is 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 or MADEP, as applicable, will send the town a written explanation of the denial.
- Modification requests must include the following information:
  - An analysis of why the BMP is ineffective or infeasible (or cost prohibitive).
  - Expectations on the effectiveness of the replacement BMP.
  - An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
- Change requests or notifications must be made in writing to EPA (with copy to MADEP) and signed in accordance with EPA signatory requirements.

Hamilton does not anticipate any major modifications to the SWMP or NOI requiring official notification.

APPENDIX A

Abbreviations and Definition

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**ABBREVIATIONS AND DEFINITIONS**

**Best Management Practices (BMPs)** - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Common Plan of Development** - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times different schedules under one plan. For example, if developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

**Control Measure** - refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

**Director** - a Regional Administrator of the Environmental Protection Agency or an authorized representative.

**Discharge** - when used without qualification, means the "discharge of a pollutant."

**Discharge of a pollutant** - any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man; or discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

**Discharge-related activities** - activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

**Disturbance** - action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

**Existing Discharger** – an operator applying for coverage under this permit for discharges covered previously under an NPDES general or individual permit.

**Facility or Activity** - any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

**Federal Facility** – Any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

**Illicit Discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

**Impaired Water** – A water is impaired if it does not meet one or more of its designated use(s). For purposes of this permit, “impaired” refers to categories 4 and 5 of the five-part categorization approach used for classifying the water quality standards attainment status for water segments under the TMDL program. Impaired waters compilations are also sometimes referred to as “303(d) lists.” Category 5 waters are impaired because at least one designated use is not being supported or is threatened and a TMDL is needed. Category 4 waters indicate that at least one designated use is not being supported but a TMDL is not needed (4a indicates that a TMDL has been approved or established by EPA; 4b indicates other required control measures are expected in result in the attainment of water quality standards in a reasonable period of time; and 4c indicates that the nonattainment of the water quality standard is the result of pollution (e.g. habitat) and is not caused by a pollutant). See USEPA’s 2006 Integrated Report Guidance, July 29, 2005 for more detail on the five-part categorization of waters [under EPA National TMDL Guidance <http://www.epa.gov/owow/tmdl/policy.html>].

**Impervious Surface**- 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 non porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

**Industrial Activity** - the ten categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity,” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

**Industrial Stormwater** - stormwater runoff associated with the definition of “stormwater discharges associated with industrial activity.”

**Interconnection** – the point (excluding sheet flow over impervious surfaces) where the permittee’s MS4 discharges to another MS4 or other storm sewer system, through which the discharge is eventually conveyed to a water of the United States. Interconnections shall be treated similarly to outfalls throughout the permit.

**Junction Manhole** - For the purposes of this permit, a junction manhole is a manhole or structure with two or more inlets accepting flow from two or more MS4 alignments. Manholes with inlets solely from private storm drains, individual catch basins, or both are not considered junction manholes for these purposes.

**Key Junction Manhole** - For the purposes of this permit, key junction manholes are those junction manholes that can represent one or more junction manholes without compromising adequate

implementation of the illicit discharge program. Adequate implementation of the illicit discharge program would not be compromised if the exclusion of a particular junction manhole as a key junction manhole would not affect the permittee's ability to determine the possible presence of an upstream illicit discharge. A permittee may exclude a junction manhole located upstream from another located in the immediate vicinity or that is serving a drainage alignment with no potential for illicit connections.

**Municipal Separate Storm Sewer** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater;(iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**Municipal Separate Storm Sewer System (MS4)** - means all separate storm sewers that are defined as "large" or "medium" or "small" municipal storm sewer systems pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7), or designated under paragraph 40 126.26(a) (1)(v). For the purposes of this permit "MS4" may also refer to the permittee with jurisdiction over the sewer system.

**New Development** – any construction activities or land alteration resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover. (see part 2.3.6. of the permit)

**New Discharger** – For the purposes of this permit, a new discharger is an entity that discharges stormwater from a new facility with an entirely new separate storm sewer system that is not physically located on the same or adjacent land as an existing facility and associated system operated by the same MS4.

**New Source** - any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

**No exposure** - all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

**One Lane Width** – The width of the travel lane for a roadway. Lane width does not include shoulders, curbs, and on-street parking areas.

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**Outfall Catchment** – The land area draining to a single outfall or interconnection. The extent of an outfall’s catchment is determined not only by localized topography and impervious cover but also by the location of drainage structures and the connectivity of MS4 pipes.

**Owner or operator** - the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

**Person** - an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

**Point source** - any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant** - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

**Pollutant of concern** – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a State’s 303(d) list.

**Redevelopment** – for the purposes of part 2.3.6., any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

**Runoff coefficient** - the fraction of total rainfall that will appear at the conveyance as runoff.

**Site** – for the purposes of part 2.3.6., the area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover (e.g. repaving not covered by 2.3.6.a.ii.4.d.)

**Small Municipal Separate Storm Sewer System** – all separate storm sewer systems that are (i) owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district, or drainage district, or similar entity or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, and (ii) not defined as “large” or “medium” municipal separate storm sewer system pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7), or designated under paragraph 40 126.26(a) (1)(v). This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings.

**Small MS4** – means a small municipal separate storm sewer system.

**Stormwater** - stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater Discharges Associated with Construction Activity** - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

**Stormwater Discharges Associated with Industrial Activity** - the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste water (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in Appendix D of this permit. The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v).

**Total Maximum Daily Loads (TMDLs)** - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

**Urbanized Area** – US Census designated area comprised of a densely settled core of census tracts and/or census blocks that meet minimum population density requirements, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. For the purposes of this permit, Urbanized Areas as defined by any Census since 2000 remain subject to stormwater regulation even if there is a change in the reach of the Urbanized Area because of a change in more recent Census data.

**Water Quality Limited Water** – for the purposes of this permit, a water quality limited water is any waterbody that does not meet applicable water quality standards, including but not limited to waters listed in categories 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b).

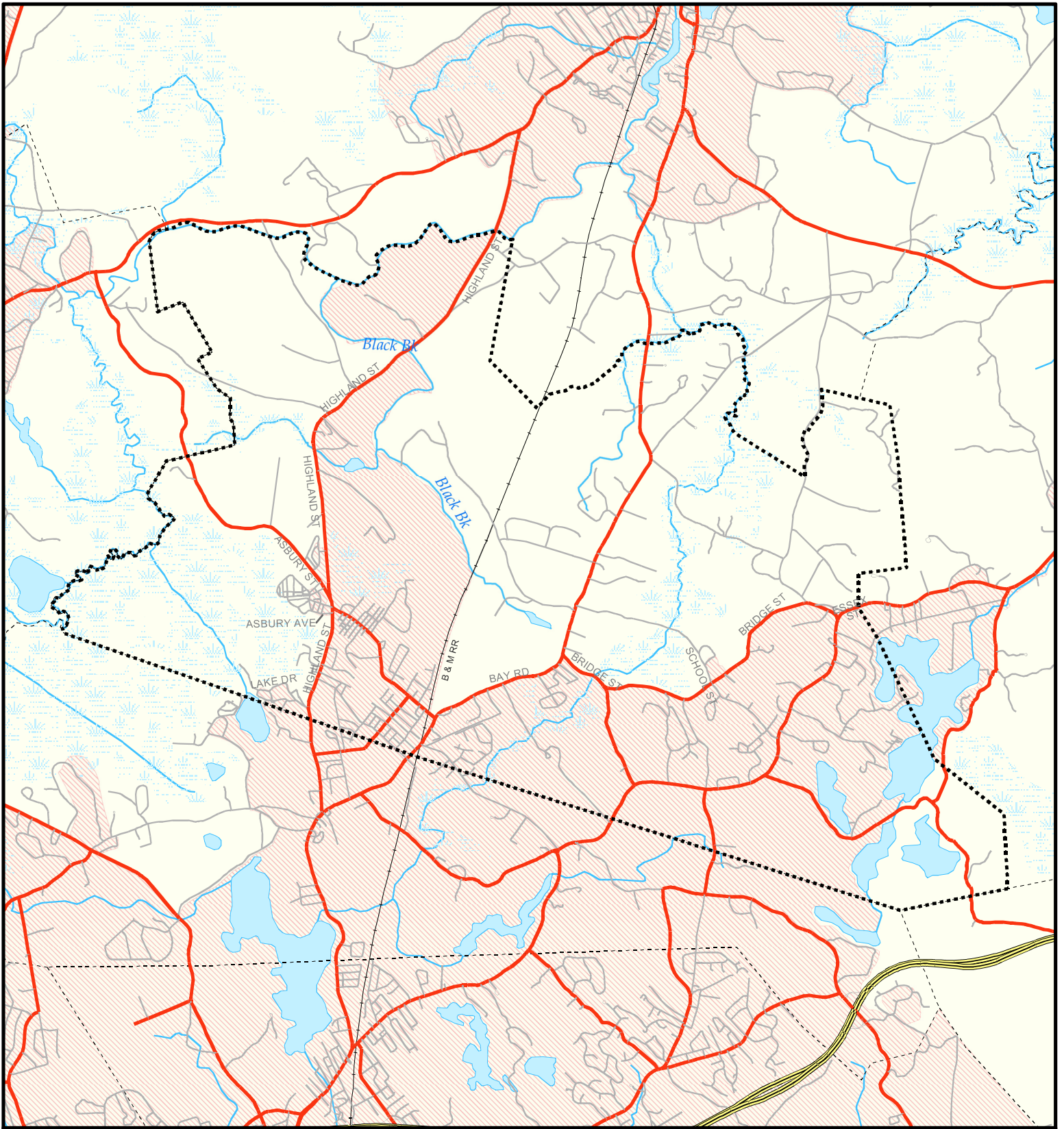
**Water Quality Standards** - A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt WQS to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)).

#### ABBREVIATIONS AND ACRONYMS

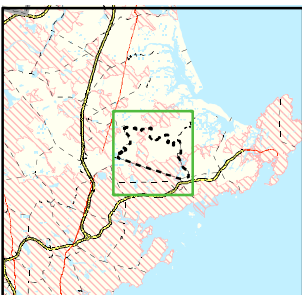
**BMP** – Best Management Practice  
**BPJ** – Best Professional Judgment  
**CGP** – Construction General Permit  
**CWA** – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)  
**DCIA** – Directly Connected Impervious Area  
**EPA** – U. S. Environmental Protection Agency  
**ESA** – Endangered Species Act  
**USFWS** – U. S. Fish and Wildlife Service  
**IA** – Impervious Area  
**IDDE** – Illicit Discharge Detection and Elimination  
**LA** – Load Allocations  
**MS4** – Municipal Separate Storm Sewer System  
**MSGP** – Multi-Sector General Permit  
**NHPA** – National Historic Preservation Act  
**NMFS** – U. S. National Marine Fisheries Service  
**NOI** – Notice of Intent  
**NPDES** – National Pollutant Discharge Elimination System  
**NRHP** – National Register of Historic Places  
**NSPS** – New Source Performance Standard  
**PCP** – Phosphorus Control Plan  
**SHPO** – State Historic Preservation Officer  
**SPCC** – Spill Prevention, Control, and Countermeasure  
**SWMP** – Stormwater Management Program  
**SWPPP** – Stormwater Pollution Prevention Plan  
**TMDL** – Total Maximum Daily Load  
**TSS** – Total Suspended Solids  
**WLA** – Wasteload Allocation  
**WQS** – Water Quality Standard

## APPENDIX B



### Regulated Area Map



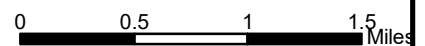
Area of Focus:



**NPDES Phase II Stormwater Program  
Automatically Designated MS4 Areas**  
*Hamilton, Massachusetts*

-  Hamilton Town Boundary
-  Regulated Area (2000 Urbanized Area)

Town Population: 8,315  
Regulated Population: 6,451



Data Sources: Urbanized Areas from US Census Bureau (2000). Political boundaries from MassGIS. Hydrography from NHD. Transportation data from GDT at 1:24,000. Map Created: 10/4/02; US EPA- New England GIS Center L:/projects/stormwater/phase2/matowns/new/



## APPENDIX C

2016 MS4 Permit

### Minor Permit Modification Summary

The following permit has been modified in accordance with 40 CFR §122.63:

Permit Name: GENERAL PERMITS FOR STORMWATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS IN MASSACHUSETTS

Issue date: April 4, 2016

Effective Date: July 1, 2018

The following minor modifications were made on November 7, 2018:

Page	Modification
2	Table of Contents was updated to reflect the changes below
3	Table of Contents was updated to reflect the changes below
5	Line was added before first bullet point for consistency
6	Line was removed between parts for consistency
8	Lines were added and removed between parts for consistency
8	Typos were fixed
11	Extra word was removed
11	Extra spaces were removed between words for consistency
12	Extra spaces were removed between words for consistency
12	Extra words were removed
12	Text was moved to a bullet point in the last paragraph of part 1.10.2 instead of as part of the 1.10.3 title for consistency
12	Duplicate words and symbols were deleted
13	Bullets were moved to the correct subsection, consistent with other relevant sections of the permit
14	Typos were fixed
15	Extra spaces were removed between words for consistency
16	Extra spaces were removed between words for consistency
27	Extra spaces were removed between words for consistency
27	Duplicate character was removed
29	Typo was fixed
30	Duplicate character was removed
32	Lines were added before bullet points for consistency
33	Lines were added and removed between paragraphs for consistency
34	Line was added before bullet points for consistency
34	Typo was fixed
34	Duplicate spaces were removed
35	Typo was fixed
35	Line was added before bullet points for consistency
36	Lines were added before bullet points and in between parts for consistency
37	Lines were added before bullet points and in between parts for consistency
38	Line was added in between parts for consistency
38	Typos were fixed

39	Line was added in between paragraphs for consistency
39	Typos were fixed
41	Lines were added before bullets for consistency
42	Typos were fixed
43	Typo was fixed
44	Line was added for consistency
46	Typo was fixed
50	Typo was fixed
51	Typo was fixed
54	Line was added for consistency
55	Line was added for consistency
56	Typo was fixed
56	Line was added for consistency
57	Lines were added and removed for consistency

**United States Environmental Protection Agency (EPA)  
National Pollutant Discharge Elimination System (NPDES)**

**GENERAL PERMITS FOR STORMWATER DISCHARGES FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS  
IN MASSACHUSETTS**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. §1251 *et seq.*), and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap.21 §§ 26-53), any operator of a small municipal separate storm sewer system whose system:

- Is located in the areas described in part 1.1;
- Is eligible for coverage under part 1.2 and part 1.9; and
- Submits a complete and accurate Notice of Intent in accordance with part 1.7 of this permit and EPA issues a written authorization

is authorized to discharge in accordance with the conditions and the requirements set forth herein.


The following appendices are also included as part of these permits:

- Appendix A – Definitions, Abbreviations, and Acronyms;
- Appendix B – Standard permit conditions applicable to all authorized discharges;
- Appendix C – Endangered Species Act Eligibility Guidance;
- Appendix D – National Historic Preservation Act Eligibility Guidance;
- Appendix E – Information required for the Notice of Intent (NOI);
- Appendix F – Requirements for MA Small MS4s Subject to Approved TMDLs;
- Appendix G – Impaired Waters Monitoring Parameter Requirements;
- Appendix H – Requirements related to discharges to certain water quality limited waterbodies;


These permits become effective on **July 1, 2017**.

These permits and the authorization to discharge expire at midnight, **June 30, 2022**.

Signed this 4<sup>th</sup> day of April, 2016

  
\_\_\_\_\_  
Ken Moraff, Director  
Office of Ecosystem Protection  
United States Environmental Protection Agency  
5 Post Office Square – Suite 100  
Boston, Massachusetts 02109-3912

Signed this 4<sup>th</sup> day of April 2016

  
\_\_\_\_\_  
Douglas E. Fine  
Assistant Commissioner for Water  
Resources  
Department of Environmental Protection  
One Winter Street  
Boston, Massachusetts 02108

**TABLE OF CONTENTS**

**1.0. INTRODUCTION ..... 4**

1.1. AREAS OF COVERAGE .....4

1.2. ELIGIBILITY .....4

1.2.1. Small MS4s Covered .....4

1.3. LIMITATIONS ON COVERAGE ..... 5

1.4. NON-STORMWATER DISCHARGES.....6

1.5. PERMIT COMPLIANCE ..... 6

1.6. CONTINUATION OF THIS PERMIT ..... 6

1.7. OBTAINING AUTHORIZATION TO DISCHARGE ..... 7

1.7.1. How to Obtain Authorization to Discharge.....7

1.7.2. Notice of Intent .....7

1.7.3. Submission of Notice of Intent .....7

1.7.4. Public Notice of NOI and Effective Date of Coverage .....8

1.8. INDIVIDUAL PERMITS AND ALTERNATIVE GENERAL PERMITS.....8

1.9. SPECIAL ELIGIBILITY DETERMINATIONS.....9

1.9.1. Documentation Regarding Endangered Species .....9

1.9.2. Documentation Regarding Historic Properties.....9

1.10. STORMWATER MANAGEMENT PROGRAM (SWMP) ..... 10

1.10.1. Stormwater Management Program Availability.....10

1.10.2. Contents and Timelines of the Stormwater Management Program for 2003 permittees.....10

1.10.3. Contents and Timelines of the Stormwater Management Program for New Permittees.....12

**2.0. NON-NUMERIC EFFLUENT LIMITATIONS ..... 14**

2.1. WATER QUALITY BASED EFFLUENT LIMITATIONS ..... 14

2.1.1. Requirement to Meet Water Quality Standards .....14

2.1.2. Increased Discharges.....15

2.2. DISCHARGES TO CERTAIN IMPAIRED WATERS.....16

2.2.1. Discharges Subject to Requirements Related to an Approved TMDL.....16

2.2.2. Discharges to Certain Water Quality Limited Waters Subject to Additional Requirements.....22

2.3. REQUIREMENTS TO REDUCE POLLUTANTS TO THE MAXIMUM EXTENT PRACTICABLE (MEP).....27

2.3.1. Control Measures .....27

2.3.2. Public Education and Outreach .....27

2.3.3. Public Involvement and Participation .....29

2.3.4. Illicit Discharge Detection and Elimination (IDDE) Program .....30

2.3.5. Construction Site Stormwater Runoff Control.....42

2.3.6. Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management).....43

2.3.7. Good House Keeping and Pollution Prevention for Permittee Owned Operations.....47

**3.0. ADDITIONAL REQUIREMENTS FOR DISCHARGES TO SURFACE DRINKING WATER SUPPLIES AND THEIR TRIBUTARIES ..... 54**

**4.0. PROGRAM EVALUATION, RECORD KEEPING, AND REPORTING ... 54**

4.1. PROGRAM EVALUATION ..... 54

4.2. RECORD KEEPING ..... 55

4.3. OUTFALL MONITORING REPORTING ..... 55

4.4. ANNUAL REPORTS ..... 56

**5.0. NON-TRADITIONAL MS4S..... 58**

MA MS4 General Permit

5.1. REQUIREMENTS FOR NON-TRADITIONAL MS4s..... 58  
5.1.1. Public education..... 58  
5.1.2. Ordinances and regulatory mechanisms..... 58  
5.1.3. Assessment of Regulations ..... 58  
5.1.4. New Dischargers..... 58

**6.0 REQUIREMENTS FOR MS4S OWNED OR OPERATED BY  
TRANSPORTATION AGENCIES ..... 59**

6.1 PUBLIC EDUCATION ..... 59  
6.2 ORDINANCES AND REGULATORY MECHANISMS ..... 59  
6.3 ASSESSMENT OF REGULATIONS..... 59  
6.4 NEW DISCHARGERS ..... 59

## 1.0. Introduction

This document consists of three (3) general permits listed in part 1.1. Each general permit is applicable to a particular type of municipal system within Massachusetts. Many of the permit terms and conditions are applicable across all regulated entities, and therefore are presented just once in parts 1-2, part 4, and Appendices A through E. Other conditions are applicable to a particular set of authorized entities; these terms and conditions are included in parts 3, and 5 and Appendices F through H. Throughout the permit, the terms “this permit” or “the permit” will refer to the three general permits.

## 1.1. Areas of Coverage

This permit covers small municipal separate storm sewer systems (MS4s) located in the Commonwealth of Massachusetts:

- Traditional Cities and Towns (NPDES Permit No. MAR041000)
- State, federal, county and other publicly owned properties (Non-traditional) (MAR042000)
- State transportation agencies (except for MassDOT- Highway Division) (MAR043000)

## 1.2. Eligibility

The MS4 shall meet the eligibility provisions described in part 1.2.1 and part 1.9 to be eligible for authorization under this permit.

### 1.2.1. Small MS4s Covered

This permit authorizes the discharge of stormwater from small MS4s as defined at 40 CFR § 122.26(b) (16). This includes MS4s described in 40 CFR §122.32(a) (1) and (a) (2). An MS4 is eligible for coverage under this permit if it is:

- A small MS4 within the Commonwealth of Massachusetts;
- Not a large or medium MS4 as defined in 40 CFR §§122.26(b)(4) or (7);
- Located either fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census as of the effective date of this permit (the 2010 Census); or
- Located in a geographic area designated by EPA as requiring a permit.

If the small MS4 is not located entirely within an urbanized area, only the portion of the MS4 that is located within the urbanized area is regulated under 40 CFR §122.32(a) (1).

A small municipal separate storm sewer system means all separate storm sewers that are:

- Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
- Not defined as large or medium municipal separate storm sewer systems pursuant to 40 CFR § 122.26(b) (4) and (b) (7) or designated under 40 CFR § 122.26(a) (1) (v).
- This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospitals or prison complexes, and highways

and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

### 1.3. Limitations on Coverage

This permit does not authorize the following:

- a. Stormwater discharges mixed with sources of non-stormwater unless such non-stormwater discharges are:
  - Authorized under a separate NPDES permit; or
  - A non-stormwater discharge as listed in part 1.4.
- b. Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26 (b) (14) (i)-(ix) and (xi).
- c. Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b) (14) (x) or (b) (15).
- d. Stormwater discharges currently authorized under another NPDES permit, including discharges covered under other regionally issued general permits.
- e. Stormwater discharges or discharge related activities that are likely to adversely affect any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. The permittee shall follow the procedures detailed in Appendix C to make a determination regarding eligibility. The permittee shall certify compliance with this provision on the submitted NOI.
- f. Stormwater discharges whose direct or indirect impacts do not prevent or minimize adverse effects on any Essential Fish Habitat.
- g. Stormwater discharges, or implementation of a stormwater management program, which adversely affects properties listed or eligible to be listed on the National Register of Historic Places. The permittee shall follow the procedures detailed in Appendix D to make a determination regarding eligibility. The permittee shall certify compliance with this provision on the submitted NOI.
- h. Stormwater discharges prohibited under 40 CFR § 122.4.
- i. Stormwater discharges to the subsurface subject to state Underground Injection Control (UIC) regulations. Although the permit includes provisions related to infiltration and groundwater recharge, structural controls that dispose of stormwater into the ground may be subject to UIC regulation requirements. Authorization for such discharges shall be obtained from Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Drinking Water Program, Underground Injection Control, One Winter Street, Boston, MA 02108 – phone 617-292-5859.
- j. Any non-traditional MS4 facility that is a “new discharger” as defined in part 5.1.4. and discharges to a waterbody listed in category 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) due to nutrients (Total Nitrogen or (Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease



## MA MS4 General Permit

(Petroleum Hydrocarbons or Oil and Grease), or discharges to a waterbody with an approved TMDL for any of those pollutants.

### 1.4. Non-Stormwater Discharges

The following categories of non-stormwater discharges are allowed under this permit *unless* the permittee, EPA, or the MassDEP identifies any category or individual discharge of non-stormwater discharge in part 1.4.a-r as a significant contributor of pollutants to the MS4, then that category or individual discharge is not allowed under part 1.4, but rather shall be deemed an “illicit discharge” under part 2.3.4.1, and the permittee shall address that category or individual discharge as part of the Illicit Discharge Detection and Elimination (IDDE) Program described in part 2.3.4 of this permit.

- a. Water line flushing
- b. Landscape irrigation
- c. Diverted stream flows
- d. Rising ground water
- e. Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20))
- f. Uncontaminated pumped ground water
- g. Discharge from potable water sources
- h. Foundation drains
- i. Air conditioning condensation
- j. Irrigation water, springs
- k. Water from crawl space pumps
- l. Footing drains
- m. Lawn watering
- n. Individual resident car washing
- o. Flows from riparian habitats and wetlands
- p. De-chlorinated swimming pool discharges
- q. Street wash waters
- r. Residential building wash waters without detergents

Discharges or flows from firefighting activities are allowed under this permit need only be addressed where they are identified as significant sources of pollutants to waters of the United States.

### 1.5. Permit Compliance

Non-compliance with any of the requirements of this permit constitutes a violation of the permit and the CWA and may be grounds for an enforcement action and may result in the imposition of injunctive relief and/or penalties.

### 1.6. Continuation of this Permit

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect for discharges that were authorized prior to expiration. If a small MS4 was granted permit authorization prior to the expiration date of this permit, it will automatically remain authorized by this permit until the earliest of:

- Authorization under a reissued general permit following timely and appropriate submittal of a complete and accurate NOI requesting authorization to discharge under the reissued permit; or
- Issuance or denial of an individual permit for the MS4’s discharges; or

## MA MS4 General Permit

- Authorization or denial under an alternative general permit.

If the MS4 operator does not submit a timely, appropriate, complete, and accurate NOI requesting authorization to discharge under the reissued permit or a timely request for authorization under an individual or alternative general permit, authorization under this permit will terminate on the due date for the NOI under the reissued permit unless otherwise specified in the reissued permit.

### **1.7. Obtaining Authorization to Discharge**

#### **1.7.1. How to Obtain Authorization to Discharge**

To obtain authorization under this permit, a small MS4 shall:

- Be located in the areas listed in part 1.1 of this permit;
- Meet the eligibility requirements in part 1.2 and part 1.9;
- Submit a complete and accurate Notice of Intent (NOI) in accordance with the requirements of part 1.7.2; and
- EPA issues a written authorization.

#### **1.7.2. Notice of Intent**

- a. Operators of Small MS4s seeking authorization to discharge under the terms and conditions of this permit shall submit a Notice of Intent that contains the information identified in Appendix E. This includes operators of small MS4s that were previously authorized under the May 1, 2003 small MS4 general permit (MS4-2003 permit).
- b. The NOI shall be signed by an appropriate official (see Appendix B, Subparagraph B.11, Standard Conditions).
- c. The NOI shall contain the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print the name and title of the official, followed by signature and date.

- d. The NOI shall be submitted within 90 days of the effective date of the permit. If EPA notifies an MS4 that it 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.

#### **1.7.3. Submission of Notice of Intent**

- a. All small MS4s shall submit a complete and accurate Notice of Intent (suggested form in Appendix E) to EPA-Region 1 at the following address:

United States Environmental Protection Agency  
Stormwater and Construction Permits Section (OEP06-1)  
Five Post Office Square, Suite 100

Boston, MA 02109

Or submitted electronically to EPA at the following email address: [stormwater.reports@epa.gov](mailto:stormwater.reports@epa.gov)

b. All small MS4s shall also submit a copy of the NOI to the MassDEP at the following address:

Massachusetts Department of Environmental Protection  
One Winter Street -5th Floor  
Boston, Massachusetts 02108  
ATTN: Frederick Civian, Stormwater Coordinator

c. Late notification: A small MS4 is not prohibited from submitting a NOI after the dates provided in part 1.7.2.d. However, if a late NOI is submitted, authorization is only for discharges that occur after permit authorization is granted. EPA and MassDEP reserve the right to take enforcement actions for any unpermitted discharges. All NOIs submitted after December 21, 2020 must be submitted electronically.

#### **1.7.4. Public Notice of NOI and Effective Date of Coverage**

a. EPA will provide a public notice and opportunity for comment on the contents of the submitted NOIs. The public comment period will be a minimum of 30 calendar days.

b. Based on a review of a small MS4's NOI or other information, EPA may grant authorization, extend the public comment period, or deny authorization under this permit and require submission of an application for an individual or alternative NPDES permit. (See part 1.8) A small MS4 will be authorized to discharge under the terms and conditions of this permit upon receipt of notice of authorization from EPA.

c. Permittees whose authorization to discharge under the MS4-2003 permit, which expired on May 1, 2008, has been administratively continued in accordance with the Administrative Procedure Act 5 U.S.C. § 558(c) and 40 CFR § 122.6, who wish to obtain coverage under this permit, must submit a new NOI requesting permit coverage in accordance with the requirements of part 1.7 of this permit to EPA within 90 days after the effective date of this permit. Permittees whose authorization to discharge under the expired MS4-2003 permit was administratively continued, who fail to submit a timely, complete and accurate NOI or an application for an individual NPDES permit within 90 days after the effective date of this permit will be considered to be discharging without a permit (see 40 CFR § 122.28(b)(3)(iii)).

#### **1.8. Individual Permits and Alternative General Permits**

a. EPA may require a small MS4 to apply for and obtain authorization under either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA in accordance with the provisions of 40 CFR § 122.26(f) to require a small MS4 to apply for and/or obtain authorization under either an individual NPDES permit or an alternative NPDES general permit. If EPA requires a small MS4 to apply for an individual or alternative NPDES permit, EPA will notify the small MS4 in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information and an application deadline. If a small MS4 is authorized under the MS4-2003 permit or this permit and fails to submit an individual NPDES or an alternative general permit NPDES permit application as required by EPA, then the authorization under the MS4-2003 permit or this permit to the small MS4 is automatically terminated at the end of the date specified by EPA as the deadline

## MA MS4 General Permit

for application submittal. EPA reserves the right to take enforcement action for any unpermitted discharge.

- b. A small MS4 may request to be excluded from this general permit by applying for an individual permit or authorization under an alternative general permit. In such a case, a small MS4 shall submit an individual permit application in accordance with the requirements of 40 CFR § 122.33(b) (2) (i) or § 122.33(b) (2) (ii), with reasons supporting the request, to EPA at the address listed in part 1.7.3 of this permit. The request may be granted by issuance of an individual permit or authorization under an alternative general permit if EPA determines that the reasons stated by the small MS4 are adequate to support the request. (See 40 CFR § 122.28(b) (3)).
- c. When an individual NPDES permit is issued, or a small MS4 is authorized to discharge under an alternative NPDES general permit, authorization under this permit automatically terminates on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

### 1.9. Special Eligibility Determinations

#### 1.9.1. Documentation Regarding Endangered Species

The small MS4 shall certify eligibility regarding endangered species in the NOI required by part 1.7.2. The Stormwater Management Program (SWMP) shall include documentation supporting the permittee's eligibility determination with regard to federal Endangered and Threatened Species and Critical Habitat Protection, including:

- Results of the Appendix C U.S. Fish and Wildlife Service endangered species screening determination; and
- If applicable, a description of the measures the small MS4 shall implement to protect federally listed endangered or threatened species, or critical habitat, including any conditions imposed by the U.S. Fish and Wildlife Service. If a permittee fails to document and implement such measures, the permittee's discharges are ineligible for coverage under this permit.

#### 1.9.2. Documentation Regarding Historic Properties

The small MS4 shall certify eligibility regarding historic properties on the NOI required by part 1.7.2. The SWMP shall include documentation supporting the small MS4's eligibility determination with regard to Historic Properties Preservation, including:

- Information on whether the permittee's stormwater discharges, allowable non-stormwater discharges, or stormwater discharge-related activities would have an effect on a property that is listed or eligible for listing on the National Register of Historic Properties (NRHP);
- Where such effects may occur, any documents received by the permittee or any written agreements the permittee has made with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other Tribal representative to mitigate those effects;
- Results of the Appendix D historic property screening investigations; and
- If applicable, a description of the measures the permittee shall implement to avoid or minimize adverse impacts on places listed, or eligible for listing, on the NRHP, including any conditions imposed by the SHPO or THPO. If the permittee fails to

document and implement such measures, those discharges are ineligible for coverage under this permit.

**1.10. Stormwater Management Program (SWMP)**

- a. The permittee shall develop and implement a written (hardcopy or electronic) SWMP. The SWMP shall be signed in accordance with Appendix B, Subsection 11, including the date of signature. A signature and date is required for initial program preparation and for any significant revision to the program, which shall be in writing. The written SWMP shall be completed within one (1) year of the effective date of the permit.

The SWMP is the document used by the permittee to describe and detail the activities and measures that will be implemented to meet the terms and conditions of the permit. The SWMP shall accurately describe the permittees plans and activities. The document should be updated and/or modified during the permit term as the permittee's activities are modified, changed or updated to meet permit conditions during the permit term.

- b. Permittees authorized by the MS4-2003 permit shall modify or update their existing Best Management Practices (BMPs) and measurable goals to meet the terms and conditions of part 2.3 of this permit within one (1) year of the effective date of the permit. These modifications and updates shall be reflected in the written (hardcopy or electronic) SWMP. Permittees authorized by the MS4-2003 permit shall continue to implement their existing SWMP until the program has been updated.

**1.10.1. Stormwater Management Program Availability**

- a. The permittee shall retain a copy of the current SWMP required by this permit at the office or facility of the person listed as the program contact on the submitted Notice of Intent (NOI). The SWMP shall be immediately available to representatives from EPA, MassDEP, U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) at the time of an onsite inspection or upon request.
- b. The permittee shall make the SWMP available to the public during normal business hours. The permittee shall also post the SWMP online<sup>1</sup> if the permittee has a website on which to post the SWMP.

**1.10.2. Contents and Timelines of the Stormwater Management Program for 2003 permittees**

The following information must be included in the SWMP within one (1) year of the permit effective date and updated annually thereafter, as necessary:

- Identification of names and titles of people responsible for program implementation. If a position is currently unfilled, list the title of the position and modify the SWMP with the name once the position is filled;
- Documentation of compliance with part 1.9.1;
- Documentation of compliance with part 1.9.2;

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<sup>1</sup> Should a permittee not wish to post mapping information included in the SWMP (see part 1.10.2) on their website for public safety reasons, they must state the reason either with or within the online SWMP and provide how the MS4 mapping information can be obtained. The permittee must retain the entire SWMP, including all completed mapping, at a location where it can be made available to the public during normal business hours.

## MA MS4 General Permit

- Documentation of authorization of all new or increased discharges granted by MassDEP in compliance with part 2.1.2;
- Listing of all discharges identified pursuant to part 2.1.1 and description of response;
- Description of practices to achieve compliance with part 2.3 (MEP requirements) identified in the permittee's NOI and any updates to those BMPs within the first year;  
For each permit condition in part 2.3 identify:
  - The person(s) or department responsible for the measure;
  - The BMPs for the control measure or permit requirement;
  - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal shall have a measure of assessment associated with it;
- Sanitary Sewer Overflow (SSO) inventory including all of the information required in part 2.3.4.4.b;
- Written IDDE Program pursuant to part 2.3.4.6;
- Written procedures for site inspections and enforcement of sediment and erosion control procedures in accordance with part 2.3.5;
- Description of measures to avoid or minimize impacts to surface public drinking water supply sources. The permittee is also encouraged to include provisions to notify public water supplies in the event of an emergency. Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Drinking Water Program, One Winter Street, Boston, MA 02108 – phone 617.292.5770.
- Description of activities to achieve compliance with part 3.0;
- Annual program evaluation (part 4.1). Update annually and maintain copies.

The following information must be included in the SWMP within two (2) years of the permit effective date and updated annually thereafter, as necessary:

- Listing of all receiving waterbody segments, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and number of outfalls from the MS4 that discharge to each waterbody. In addition to the receiving water, the permittee shall document in the SWMP all surface public drinking water sources that may be impacted by MS4 discharges;
- Listing of all interconnected MS4s and other separate storm sewer systems receiving a discharge from the permitted MS4, the receiving waterbody segment(s) ultimately receiving the discharge, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and the number of interconnections;
- Written procedures to require submission of as-built drawings and ensure long term operation and maintenance in accordance with part 2.3.6.a.iii;
- The map of the separate storm sewer system required by part 2.3.4.5.

The following information must be included in the SWMP within four (4) years of the permit effective date and updated annually thereafter, as necessary:

- Report(s) assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover.

The following information must be included in the SWMP concurrent with the applicable

deadlines in Appendix F and H and updated annually thereafter, as necessary:

- Description of practices to achieve compliance with part 2.2.1 (TMDL requirements) including:
  - The person(s) or department responsible for the measure;
  - The BMPs for the control measure or permit requirement;
  - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment.
- Description of practices to achieve compliance with part 2.2.2 (discharges to certain water quality limited waters subject to additional requirements) including:
  - The person(s) or department responsible for the measure;
  - The BMPs for the control measure or permit requirement;
  - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment;
- Description of any other practices to achieve compliance with part 2.1 (water quality based requirements)

### **1.10.3. Contents and Timelines of the Stormwater Management Program for New Permittees**

a. Permittees seeking authorization for the first time shall meet all deadlines contained in this permit except the following:

- Timelines for public education requirements in part 2.3.2.c shall be extended by one (1) year and need to include one (1) message to each audience over the permit term;
- The ordinances, by-laws, or other regulatory mechanisms required by parts 2.3.4, 2.3.5 and 2.3.6 shall be completed as soon as possible, but no later than three (3) years from the permit effective date; and
- All other deadlines in part 2.3.4 shall be extended by three (3) years.
- All other deadlines in part 2.3.5, 2.3.6 and 2.3.7 shall be extended by two (2) years.
- All deadlines for discharges to water quality limited waters without a TMDL under part 2.2.2 shall be extended by two (2) years.

b. Contents of the Stormwater Management Program for New Permittees

The following information must be included in the SWMP within one (1) year of the permit effective date and updated annually thereafter, as necessary:

- Identification of names and titles of people responsible for program implementation. If a position is currently unfilled, list the title of the position and modify the SWMP with the name once the position is filled;
- Documentation of compliance with part 1.9.1;
- Documentation of compliance with part 1.9.2;
- Documentation of authorization of all new or increased discharges granted by MassDEP in compliance with part 2.1.2;
- Listing of all discharges identified pursuant to part 2.1.1 and description of response;
- Description of practices to achieve compliance with part 2.3 (MEP requirements) identified in the permittee's NOI and any updates to those BMPs within the first year;

## MA MS4 General Permit

For each permit condition in part 2.3 identify:

- The person(s) or department responsible for the measure;
  - The BMPs for the control measure or permit requirement;
  - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal shall have a measure of assessment associated with it;
- Description of measures to avoid or minimize impacts to surface public drinking water supply sources. The permittee is also encouraged to include provisions to notify public water supplies in the event of an emergency. Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Drinking Water Program, One Winter Street, Boston, MA 02108 – phone 617.292.5770. Description of activities to achieve compliance with part 3.0;
  - Annual program evaluation (part 4.1). Update annually and maintain copies.

The following information must be included in the SWMP within three (3) years of the permit effective date and updated annually thereafter, as necessary:

- Written procedures for site inspections and enforcement of sediment and erosion control procedures in accordance with part 2.3.5;

The following information must be included in the SWMP within four (4) years of the permit effective date and updated annually thereafter, as necessary:

- Outfall and interconnection inventory;
- Sanitary Sewer Overflow (SSO) inventory including all of the information required in part 2.3.4.4.b;
- Written IDDE Program pursuant to part 2.3.4.6.
- Written operation and maintenance procedures for municipal activities in part 2.3.7.a.ii;
- Written program detailing the activities and procedures the permittee will implement so that the MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4 in accordance with part 2.3.7.a.iii.1;
- Written procedures to require submission of as-built drawings and ensure long term operation and maintenance in accordance with part 2.3.6.a.iii;

The following information must be included in the SWMP within five (5) years of the permit effective date and updated annually thereafter, as necessary:

- Phase 1 of the map of the separate storm sewer system required by part 2.3.4.5;
- Listing of all receiving waterbody segments, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and number of outfalls from the MS4 that discharge to each waterbody. In addition to the receiving water, the permittee shall document in the SWMP all surface public drinking water sources that may be impacted by MS4 discharges;
- Listing of all interconnected MS4s and other separate storm sewer systems receiving a discharge from the permitted MS4, the receiving waterbody segment(s) ultimately receiving the discharge, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and the number of interconnections;



## MA MS4 General Permit

The following information must be included in the SWMP within six (6) years of the permit effective date and updated annually thereafter, as necessary:

- Report(s) assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover.

The following information must be included in the SWMP concurrent with the applicable deadlines in Appendix F and H (extended by two (2) years) and updated annually thereafter, as necessary:

- Description of practices to achieve compliance with part 2.2.1 (discharges subject to requirements related to approved TMDLs) including:
  - The person(s) or department responsible for the measure;
  - The BMPs for the control measure or permit requirement;
  - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment.
- Description of practices to achieve compliance with part 2.2.2 (discharges to certain water quality limited waters subject to additional requirements) including:
  - The person(s) or department responsible for the measure;
  - The BMPs for the control measure or permit requirement;
  - The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have an associated measure of assessment;
- Description of any other practices to achieve compliance with part 2.1 (water quality based requirements).

### **2.0. Non-Numeric Effluent Limitations**

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

#### **2.1. Water Quality Based Effluent Limitations**

Pursuant to Clean Water Act 402(p)(3)(B)(iii), this permit includes provisions to ensure that discharges from the permittee's small MS4 do not cause or contribute to an exceedance of water quality standards, in addition to requirements to reduce the discharge of pollutants to the maximum extent practicable. The requirements found in this part and part 2.2 constitute appropriate water quality based effluent limits of this permit. Requirements to reduce the discharge of pollutants to the maximum extent practicable are set forth in part 2.3.

##### **2.1.1. Requirement to Meet Water Quality Standards**

- a. The permittee shall reduce the discharge of pollutants such that the discharges from the MS4 do not cause or contribute to an exceedance of water quality standards.

## MA MS4 General Permit

- b. If there is a discharge from the MS4 to a waterbody (or its tributaries in some cases) that is subject to an approved TMDL identified in part 2.2.1, the permittee is subject to the requirements of part 2.2.1 and Appendix F of this permit and the permittee shall comply with all applicable schedules and requirements in Appendix F. A permittee's compliance with all applicable requirements and BMP implementation schedules in Appendix F applicable to it will constitute compliance with part 2.1.1.a. of the Permit.
- c. If there is a discharge from the MS4 to a waterbody (or its tributaries in some cases) that is water quality limited (see definition in Appendix A) due to nutrients (Total Nitrogen or Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease (Petroleum Hydrocarbons or Oil and Grease) and is not subject to an approved TMDL, or the MS4 is located within a municipality listed in part 2.2.2.a.-b., the permittee is subject to the requirements of part 2.2.2 and Appendix H of this permit and the permittee shall comply with all applicable schedules and requirements in Appendix H. A permittee's compliance with all applicable requirements and BMP implementation schedules in Appendix H applicable to it will constitute compliance with part 2.1.1.a. of the Permit.
- d. Except where a pollutant of concern in a discharge is subject to the requirements of part 2.2.1 and/or part 2.2.2 of this permit or is the result of an illicit discharge and subject to part 2.3.4 of this Permit, if a pollutant in a discharge from the MS4 is causing or contributing to a violation of applicable water quality criteria<sup>2</sup> for the receiving water, the permittee shall, as expeditiously as possible, but no later than 60 days of becoming aware of the situation, reduce or eliminate the pollutant in its discharge such that the discharge meets applicable water quality criteria.

### 2.1.2. Increased Discharges

- a. Any increased discharge, including increased pollutant loading(s) through the MS4 to waters of the United States is subject to Massachusetts antidegradation regulations at 314 CMR 4.04. The permittee shall comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for increased discharges where appropriate<sup>3</sup>. Any authorization of an increased discharge by MassDEP shall be incorporated into the permittee's SWMP. If an applicable MassDEP approval specifies additional conditions or requirements, then those requirements are incorporated into this permit by reference. The permittee must comply with all such requirements.
- b. There shall be no increased discharges, including increased pollutant loading(s) from the MS4 to impaired waters listed in categories 5 or 4b on the most recent Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) unless the permittee demonstrates that there is no net increase in loading from the MS4 to the impaired water of the pollutant(s) for which the waterbody is impaired. The permittee may demonstrate compliance with this provision by *either*:
  - i. Documenting that the pollutant(s) for which the waterbody is impaired is not present in the MS4's discharge and retaining documentation of this finding with the SWMP; or

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<sup>2</sup> Applicable water quality criteria are part of the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

<sup>3</sup> Contact MassDEP for guidance on compliance with 314 CMR 4.04

- ii. Documenting that the total load of the pollutant(s) of concern from the MS4 to any impaired portion of the receiving water will not increase as a result of the activity and retaining documentation of this finding in the SWMP. Unless otherwise determined by the Permittee, USEPA or by MassDEP that additional demonstration is necessary, compliance with the requirements of part 2.2.2 and part 2.3.6 of this Permit, including all reporting and documentation requirements, shall be considered as demonstrating no net increase as required by this part.
- c. The requirements of this part are independent of permit conditions requiring reduction in discharges of pollutants as set forth in parts 2.1.1 and 2.2 (water quality based requirements) and 2.3 (requirements to reduce discharge of pollutants to the maximum extent practicable). Permittees remain subject to requirements to reduce the discharge of pollutants from the MS4 as set forth in those parts.

**2.2. Discharges to Certain Impaired Waters**

The permittee shall identify in the SWMP and Annual Reports all MS4 discharges, including both outfalls and interconnections to other MS4s or other separate storm sewer systems, that:

- Are subject to Total Maximum Daily Load (TMDL) related requirements as identified in part 2.2.1.
- Are subject to additional requirements to protect water quality as identified in part 2.2.2.

The discharge location from an interconnection shall be determined based on the receiving water of the outfall from the interconnected system.

**2.2.1. Discharges Subject to Requirements Related to an Approved TMDL**

- a. “Approved TMDLs” are those that have been approved by EPA as of the date of issuance of this permit.
- b. The MS4s specified below discharge to waters within Massachusetts that are subject to TMDLs, or in some cases, to tributaries of such waters, and shall comply with the requirements of Appendix F, part A. Appendix F identifies, by section, the provisions the permittee shall implement to be consistent with the terms of the approved TMDL. Alternatively, EPA may notify the permittee that an individual permit application is necessary in accordance with part 1.8.a.
  - i. The following is a list of municipalities in the Charles River Watershed:

1.

Arlington	Mendon
Ashland	Milford
Bellingham	Millis
Belmont	Natick
Brookline	Needham
Cambridge	Newton
Dedham	Norfolk

MA MS4 General Permit

Dover	Sherborn
Foxborough	Walpole
Franklin	Waltham
Holliston	Watertown
Hopedale	Wayland
Hopkinton	Wellesley
Lexington	Weston
Lincoln	Westwood
Medfield	Wrentham
Medway	

Permittees that operate regulated MS4s located in municipalities listed above that discharge to the Charles River or its Tributaries shall meet the requirements of Appendix F, part A.I with respect to the reduction of phosphorus discharges from their MS4.

- ii. The following is a list of municipalities that contain a lake or pond subject to an approved lake or pond phosphorus TMDL in the Northern Blackstone Basin, Chicopee Basin, Connecticut Basin, French Basin, Millers Basin or in the watershed of Bare Hill Pond, Flint Pond, Indian Lake, Lake Boon, Lake Quinsigamond, Leesville Pond, Salisbury Pond, Quaboag Pond or Quacumquasit Pond.

1.

Auburn	Millbury
Charlton	Oxford
Dudley	Shrewsbury
Gardner	Spencer
Grafton	Springfield
Granby	Stow
Hadley	Templeton
Harvard	Westminster
Hudson	Winchendon
Leicester	Wilbraham
Ludlow	

Permittees that operate regulated MS4s in the above municipalities that discharge to waterbodies listed on Table F-6 in Appendix F or their tributaries, and any other MS4 that discharges to waterbodies listed on Table F-6 in Appendix F or their tributaries, shall meet the requirements of Appendix F, part A.II with respect to reduction of phosphorus discharges from their MS4.

MA MS4 General Permit

iii. The following is a list of municipalities that contain waters subject to an approved TMDL for bacteria or pathogens.

1.

Abington	Marshfield
Acushnet	Mashpee
Andover	Mattapoissett
Avon	Medfield
Barnstable	Medway
Bedford	Melrose
Bellingham	Mendon
Belmont	Milford
Berkley	Millis
Beverly	Milton
Billerica	Nahant
Bourne	Natick
Brewster	Needham
Bridgewater	New Bedford
Brockton	Newton
Brookline	Norfolk
Burlington	North Andover
Cambridge	Norton
Canton	Norwell
Chatham	Norwood
Cohasset	Orleans
Concord	Peabody
Danvers	Pembroke
Dartmouth	Plymouth
Dedham	Raynham
Dennis	Rehoboth
Dighton	Revere
Dover	Rockland
Duxbury	Rockport
East Bridgewater	Salem
Eastham	Sandwich
Essex	Saugus
Everett	Scituate
Fairhaven	Seekonk
Fall River	Sharon
Falmouth	Sherborn
Foxborough	Somerset
Franklin	Stoughton

MA MS4 General Permit

Freetown	Swampscott
Gloucester	Swansea
Hanover	Taunton
Hanson	Tewksbury
Harwich	Wakefield
Holliston	Walpole
Hopedale	Waltham
Hopkinton	Wareham
Ipswich	Watertown
Kingston	Wellesley
Lawrence	Wellfleet
Lexington	West Bridgewater
Lincoln	Weston
Lynn	Westport
Lynnfield	Westwood
Malden	Whitman
Manchester	Wilmington
Mansfield	Winthrop
Marblehead	Yarmouth
Marion	

The operators of MS4s located in municipalities listed above that discharge to a waterbody segment listed on Table F-8 in Appendix F and any other MS4 that discharges directly to a waterbody segment listed on Table F-8 in Appendix F shall meet the requirements of Appendix F, part A.III with respect to reduction of bacteria/pathogens discharges from their MS4.

- iv. The following is a list of municipalities located on Cape Cod that contain waters subject to an approved TMDL for nitrogen (Total Nitrogen).

1.

Bourne
Barnstable
Chatham
Falmouth
Harwich
Mashpee
Orleans
Yarmouth

Permittees that operate regulated MS4s located in the municipalities above that discharge to waterbodies found on Table F-9 in Appendix F or their tributaries and any other MS4 that discharges to waterbodies found on Table F-9 in Appendix F or their

MA MS4 General Permit

tributaries shall meet the requirements of Appendix F, part A.IV with respect to reduction of nitrogen discharges from their MS4.

v. The following is a list of municipalities located in the Assabet River Watershed:

1.

Acton	Hudson
Berlin	Littleton
Bolton	Marlborough
Boxborough	Maynard
Boylston	Northborough
Carlisle	Shrewsbury
Clinton	Stow
Concord	Westborough
Grafton	Westford
Harvard	

Permittees that operate regulated MS4s located in the municipalities above that discharge to the Assabet River or its tributaries shall meet the requirements of Appendix F part A.V with respect to reduction of phosphorus discharges from their MS4.

c. The MS4s specified below discharge to waters, or tributaries of waters, that have been identified in an adjacent state’s approved TMDL as being impaired due, in part, to MS4 stormwater discharges in Massachusetts, and shall comply with the requirements of Appendix F, part B. Appendix F identifies, by section, the provisions the permittee shall implement to be consistent with the reasonable assumptions related to Massachusetts MS4 discharges. Alternatively, EPA may notify the permittee that an individual permit application is necessary in accordance with part 1.8.a.

i. The following is a list of municipalities in Massachusetts located in the watershed of Long Island Sound, which has an approved TMDL for nitrogen (Total Nitrogen).

1.

Adams	North Adams
Agawam	Northampton
Amherst	Oxford
Ashburnham	Palmer
Ashby	Paxton
Auburn	Pelham
Belchertown	Pittsfield
Charlton	Richmond
Cheshire	Russell
Chicopee	Rutland
Dalton	South Hadley
Douglas	Southampton

MA MS4 General Permit

Dudley	Southbridge
East Longmeadow	Southwick
Easthampton	Spencer
Gardner	Springfield
Granby	Sturbridge
Hadley	Sutton
Hampden	Templeton
Hatfield	Ware
Hinsdale	Webster
Holyoke	West Springfield
Lanesborough	Westfield
Leicester	Westhampton
Lenox	Westminster
Longmeadow	Wilbraham
Ludlow	Williamsburg
Millbury	Winchendon
Monson	

Permittees that operate regulated MS4s located in the municipalities above that discharge to a water within the Connecticut River Watershed, the Housatonic River Watershed, or the Thames River Watershed shall meet the requirements of Appendix F part B. I with respect to nitrogen discharges from their MS4.

- ii. The following is a list of municipalities in Massachusetts identified in a TMDL as containing MS4s contributing phosphorus to waterbody segments that have out of state approved TMDLs for phosphorus:

- 1.

Attleboro
North Attleborough
Plainville
Rehoboth
Seekonk
Swansea

Permittees that operate regulated MS4s located in the municipalities above that discharge to a waterbody found on Table F-12 in Appendix F or its tributaries shall meet the requirements of Appendix F part B. II with respect to phosphorus discharges from their MS4.

- iii. The following is a list of municipalities in Massachusetts identified in a TMDL as containing MS4s contributing bacteria/pathogens to waterbody segments that have out of state approved TMDLs for bacteria/pathogens:

- 1.

Attleboro
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North Attleborough
Plainville
Rehoboth
Seekonk

Permittees that operate regulated MS4s located in the municipalities above that discharge to a waterbody found on Table F-13 in Appendix F or its tributaries shall meet the requirements of Appendix F part B. III with respect to bacteria/pathogens discharges from their MS4.

- iv. The following is a list of municipalities in Massachusetts identified in a TMDL as containing MS4s contributing metals (cadmium, lead, aluminum iron) to waterbody segments that have out of state approved TMDLs for metals (cadmium, lead, aluminum, iron):

1.

Attleboro
North Attleborough
Plainville
Seekonk

Permittees that operate regulated MS4s located in the municipalities above that discharge to a waterbody found on Table F-14 in Appendix F or its tributaries shall meet the requirements of Appendix F part B. IV with respect to metals discharges from their MS4.

**2.2.2. Discharges to Certain Water Quality Limited Waters Subject to Additional Requirements**

For purposes of this permit, a ‘water quality limited water body’ is any water body that does not meet applicable water quality standards, including but not limited to waters listed in categories 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b).

If there is a discharge from the MS4 to a water quality limited waterbody where pollutants typically found in stormwater (specifically nutrients (Total Nitrogen or Total Phosphorus), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride), metals (Cadmium, Copper, Iron, Lead or Zinc) and oil and grease (Petroleum Hydrocarbons or Oil and Grease)) are the cause of the impairment and there is not an approved TMDL, or the MS4 is located in a town listed in part 2.2.2.a.-b, the permittee shall comply with the provisions in Appendix H applicable to it.

In the absence of a defined pollutant reduction target and where no approved TMDL has been established, this permit part and Appendix H define an iterative approach addressing pollutant reductions to waterbodies where the permittee’s discharge is causing or contributing to an excursion above water quality standards due to nutrients (Total Nitrogen Total Phosphorus), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride), metals (Cadmium, Copper, Iron, Lead or Zinc) or oil and grease (Petroleum Hydrocarbons or Oil and Grease).

MA MS4 General Permit

a. Discharges to water quality limited waterbodies where nitrogen (Total Nitrogen) is the cause of the impairment, or their tributaries

i. The requirements of this part are applicable to:

1. Permittees (including traditional and non-traditional MS4s) that own or operate an MS4 in the following municipalities. Discharges from MS4s within these municipalities are to waterbodies that are impaired due to nitrogen (Total Nitrogen), or their tributaries.

Abington	Mattapoisett
Acushnet	Middleborough
Attleboro	New Bedford
Avon	Norton
Barnstable	Peabody
Berkley	Pembroke
Bourne	Plainville
Bridgewater	Plymouth
Brockton	Plympton
Carver	Raynham
Dartmouth	Rehoboth
Dighton	Rochester
East Bridgewater	Salem
Easton	Seekonk
Fairhaven	Sharon
Fall River	Somerset
Foxborough	Stoughton
Freetown	Swansea
Halifax	Taunton
Hanson	Wakefield
Holbrook	Wareham
Kingston	West Bridgewater
Lakeville	Westport
Lynnfield	Whitman
Mansfield	Wrentham
Marion	Yarmouth

2. Any other permittee that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to nitrogen (Total Nitrogen), or a tributary of such water.

ii. Permittees subject to part 2.2.2.a.i above shall meet the requirements of Appendix H part I with respect to the control of nitrogen discharges from their MS4;

MA MS4 General Permit

- iii. During development of their Notice of Intent, the permittee may determine that all discharges from the regulated area through their MS4 are outside of a watershed that contains a nitrogen (Total Nitrogen) impairment in a downstream segment. The permittee shall retain all documentation used in this determination as part of their NOI and are relieved from the requirements of part 2.2.2.a.i and Appendix H part I.
- b. Discharges to water quality limited waterbodies where phosphorus (“Total Phosphorus”) is the cause of the impairment, or their tributaries
- i. The requirements of this part are applicable to:
    - 1. Permittees (including traditional and non-traditional MS4s) that own or operate an MS4 in the following municipalities. Discharges from MS4s within these municipalities are to waterbodies that are impaired due to phosphorus (Total Phosphorus), or their tributaries.

Abington	Lynn
Acushnet	Lynnfield
Andover	Malden
Arlington	Mansfield
Ashburnham	Marlborough
Ashland	Mashpee
Auburn	Medfield
Avon	Medford
Ayer	Melrose
Barnstable	Mendon
Bedford	Methuen
Belchertown	Millbury
Belmont	Millville
Billerica	Milton
Blackstone	North Andover
Bolton	Northbridge
Brewster	Norton
Bridgewater	Norwood
Brockton	Oxford
Burlington	Peabody
Cambridge	Pembroke
Canton	Pepperell
Carlisle	Pittsfield
Carver	Quincy
Chelmsford	Randolph
Chelsea	Reading

MA MS4 General Permit

Clinton	Revere
Concord	Rockland
Dalton	Salem
Dedham	Scituate
Douglas	Seekonk
Dover	Sharon
Dracut	Shirley
Dunstable	Shrewsbury
East Bridgewater	Somerville
Eastham	Southampton
Easthampton	Spencer
Everett	Springfield
Falmouth	Stoneham
Fitchburg	Stoughton
Foxborough	Sudbury
Framingham	Sutton
Gloucester	Taunton
Grafton	Tewksbury
Granby	Townsend
Groton	Tyngsborough
Halifax	Upton
Hanover	Uxbridge
Hanson	Wakefield
Harvard	Walpole
Haverhill	Wareham
Hinsdale	Watertown
Hopkinton	Wayland
Hudson	West Bridgewater
Lancaster	Westfield
Lawrence	Westminster
Leicester	Westwood
Lenox	Whitman
Leominster	Wilmington
Lexington	Winchendon
Littleton	Winchester
Lowell	Winthrop
Lunenburg	Woburn
Lynn	

## MA MS4 General Permit

2. Any other permittee that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to phosphorus (“Total Phosphorus”), or to a tributary of such water.
- ii. The permittees subject to part 2.2.2.b.i. above shall meet all requirements of Appendix H part II with respect to the control of phosphorus discharges from the MS4.
  - iii. During development of their Notice of Intent, the permittee may determine that all discharges from the regulated area through their MS4 are outside of a watershed that contains a phosphorus (“Total Phosphorus”) impairment in a downstream segment. The permittee shall retain all documentation used in this determination as part of their NOI and are relieved from the requirements of part 2.2.2.b.i and Appendix H part II.
- c. Discharges to water quality limited waterbodies where bacteria or pathogens is the cause of the impairment
- i. The requirements of this part are applicable to:
    1. Any MS4 discharge identified by the permittee on their Notice of Intent as discharging directly to an impaired waterbody on the most recent EPA approved Massachusetts 303(d) list where bacteria or pathogens (E. Coli, Enterococcus or Fecal Coliform) is the cause of the impairment.
    2. Any other MS4 that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to bacteria or pathogens.
  - ii. The permittees subject to part 2.2.2.c.i. shall meet all requirements of Appendix H part III with respect to reduction of bacteria or pathogens discharges from the MS4.
- d. Discharges to water quality limited waterbodies where chloride (Chloride) is the cause of the impairment
- i. The requirements of this part are applicable to:
    1. Any MS4 discharge identified by the permittee on their Notice of Intent as discharging directly to an impaired waterbody on the most recent EPA approved Massachusetts 303(d) list where chloride (Chloride) is the cause of the impairment.
    2. Any other MS4 that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to chloride (Chloride).
  - ii. The permittees subject to part 2.2.2.d.i. shall meet all requirements of Appendix H part IV with respect to reduction of chloride discharges from the MS4.
- e. Discharges to water quality limited waterbodies where oil and grease (Petroleum Hydrocarbons or Oil and Grease), solids (TSS or Turbidity) or metals (Cadmium, Copper, Iron, Lead or Zinc) is the cause of the impairment
- i. The requirements of this part are applicable to:
    1. Any MS4 discharge identified by the permittee on their Notice of Intent as discharging directly to an impaired waterbody on the most recent EPA

approved Massachusetts 303(d) list where oil and grease, solids or metals (Oil and Grease, Petroleum Hydrocarbons TSS, Turbidity, Cadmium, Copper, Iron, Lead or Zinc) is the cause of the impairment.

2. Any other MS4 that, during the permit term, becomes aware that its discharge is to a waterbody that is water quality limited due to oil and grease (Petroleum Hydrocarbons or Oil and Grease), solids (TSS or Turbidity) or metals (Cadmium, Copper, Iron, Lead or Zinc).

ii. The permittees subject to part 2.2.2.d.i. shall meet all requirements of Appendix H part V with respect to reduction of solids, oil and grease or metals discharges from the MS4.

### **2.3. Requirements to Reduce Pollutants to the Maximum Extent Practicable (MEP)**

The permittee shall reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP) as detailed in parts 2.3.2 through 2.3.7.

#### **2.3.1. Control Measures**

- a. Permittees authorized under the MS4-2003 permit shall continue to implement their existing SWMPs while updating their SWMPs pursuant to this permit. This permit does not extend the compliance deadlines set forth in the MS4-2003 permit.
- b. Implementation of one or more of the minimum control measures described in parts 2.3.2- 2.3.7 or other permit requirements may be shared with another entity (including another interconnected MS4) or the other entity may fully implement the measure or requirement, if the following requirements are satisfied:
  - The other entity, in fact, implements the control measure.
  - The particular control measure or component thereof undertaken by the other entity is at least as stringent as the corresponding permit requirement.
  - The other entity agrees to implement the control measure on the permittee's behalf. The annual reports must specify that the permittee is relying on another entity to satisfy some of its permit obligations and specify what those obligations are.
  - If the permittee is relying on another governmental entity regulated under 40 CFR §122 to satisfy all of its permit obligations, including the obligation to file annual reports, the permittee shall note that fact in its NOI, but is not required to file annual reports.
  - The permittee remains responsible for compliance with all permit obligations if the other entity fails to implement the control measures (or component thereof). The permittee may enter into a legally binding agreement with the other entity regarding the other entity's performance of control measures, but the permittee remains ultimately responsible for permit compliance.

#### **2.3.2. Public Education and Outreach**

Objective: The permittee shall implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.

## MA MS4 General Permit

- a. The permittee shall continue to implement the public education program required by the MS4-2003 permit by distributing educational material to the MS4 community. The educational program shall define educational goals, express specific messages, define the targeted audience for each message, and identify responsible parties for program implementation. If appropriate for the target audience, materials may be developed in a language other than English. At a minimum, the program shall provide information concerning the impact of stormwater discharges on water bodies within the community, especially those waters that are impaired or identified as priority waters. The program shall identify steps and/or activities that the public can take to reduce the pollutants in stormwater runoff and their impacts to the environment.
- b. The educational program shall include education and outreach efforts for the following four audiences: (1) residents, (2) businesses, institutions (churches, hospitals), and commercial facilities, (3) developers (construction), and (4) industrial facilities, unless one of these audiences is not present in the MS4 community. In such a situation, the MS4 must document in both the NOI and SWMP which audience is absent from the community and no educational messages are required to that audience.
- c. The permittee shall distribute a minimum of two (2) educational messages over the permit term to each audience identified in part 2.3.2.b. The distribution of materials to each audience shall be spaced at least a year apart. Educational messages may be printed materials such as brochures or newsletters; electronic materials such as websites; mass media such as newspaper articles or public service announcement (radio or cable); targeted workshops on stormwater management, or displays in a public area such as town/city hall. The permittee may use existing materials if they are appropriate for the message the permittee chooses to deliver or the permittee may develop its own educational materials. The permittee may partner with other MS4s, community groups or watershed associations to implement the education program to meet this permit requirement.

Some EPA educational materials are available at: <http://cfpub.epa.gov/npstbx/index.html>.

- d. The permittee shall, at a minimum, consider the topics listed in part 2.3.2.d.i. – iv when developing the outreach/education program. The topics are not exclusive and the permittee shall focus on those topics most relevant to the community.
  - i. Residential program: effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers and information on Massachusetts Regulation 331 CMR 31 pertaining to proper use of phosphorus containing fertilizers on turf grasses) on water quality; benefits of appropriate on-site infiltration of stormwater; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; proper management of pet waste; maintenance of septic systems. If the small MS4 area has areas serviced by septic systems, the permittee shall consider information pertaining to maintenance of septic systems as part of its education program.
  - ii. Business/Commercial/Institution program: proper lawn maintenance (use of pesticides, herbicides and fertilizer, and information on Massachusetts Regulation 331 CMR 31 pertaining to proper use of phosphorus containing fertilizers on turf grasses); benefits of appropriate on-site infiltration of stormwater; building maintenance (use of detergents); use of salt or other de-icing and anti-icing materials (minimize their use); proper storage of salt or other de-icing/anti-icing materials (cover/prevent runoff to storm system and contamination to ground water); proper storage of materials (emphasize pollution prevention); proper management of waste materials and dumpsters (cover and pollution

prevention); proper management of parking lot surfaces (sweeping); proper car care activities (washing of vehicles and maintenance); and proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs (discharges must be dechlorinated and otherwise free from pollutants).

- iii. Developers and Construction: proper sediment and erosion control management practices; information about Low Impact Development (LID) principles and technologies; and information about EPA's construction general permit (CGP). This education can also be a part of the Construction Site Stormwater Runoff Control measure detailed in part 2.3.5.
  - iv. Industrial program: equipment inspection and maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt or other de-icing/anti-icing materials; proper storage of salt or other de-icing/anti-icing materials (cover/prevent runoff to storm system and ground water contamination); benefits of appropriate on-site infiltration of stormwater runoff from areas with low exposure to industrial materials such as roofs or employee parking; proper maintenance of parking lot surfaces (sweeping); and requirements for coverage under EPA's Multi-Sector General Permit.
- e. The program shall show evidence of focused messages for specific audiences as well as evidence that progress toward the defined educational goals of the program has been achieved. The permittee shall identify methods that it will use to evaluate the effectiveness of the educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.
  - f. The permittee shall modify any ineffective messages or distribution techniques for an audience prior to the next scheduled message delivery.
  - g. The permittee shall document in each annual report the messages for each audience; the method of 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.

### **2.3.3. Public Involvement and Participation**

Objective: The permittee shall provide opportunities to engage the public to participate in the review and implementation of the permittee's SWMP.

- a. All public involvement activities shall comply with state public notice requirements (MGL Chapter 30A, Sections 18 – 25 – effective 7/10/2010). The SWMP and all annual reports shall be available to the public.
- b. The permittee shall annually provide the public an opportunity to participate in the review and implementation of the SWMP.
- c. The permittee shall report on the activities undertaken to provide public participation opportunities including compliance with part 2.3.3.a. Public participation opportunities pursuant



to part 2.3.3.b may include, but are not limited to, websites; hotlines; clean-up teams; monitoring teams; or an advisory committee.

#### **2.3.4. Illicit Discharge Detection and Elimination (IDDE) Program**

Objective: The permittee shall implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its municipal separate storm sewer system and implement procedures to prevent such discharges.

- a. Legal Authority - The IDDE program shall include adequate legal authority to: prohibit illicit discharges; investigate suspected illicit discharges; eliminate illicit discharges, including discharges from properties not owned by or controlled by the MS4 that discharge into the MS4 system; and implement appropriate enforcement procedures and actions. Adequate legal authority consists of a currently effective ordinance, by-law, or other regulatory mechanism. For permittees authorized by the MS4-2003 permit, the ordinance, by-law, or other regulatory mechanism was a requirement of the MS4-2003 permit and was required to be effective by May 1, 2008. For new permittees the ordinance, by-law, or other regulatory mechanism shall be in place within 3 years of the permit effective date.
- b. During the development of the new components of the IDDE program required by this permit, permittees authorized by the MS4-2003 permit must continue to implement their existing IDDE program required by the MS4-2003 permit to detect and eliminate illicit discharges to their MS4.

##### **2.3.4.1. Definitions and Prohibitions**

The permittee shall prohibit illicit discharges and sanitary sewer overflows (SSOs) to its MS4 and require removal of such discharges consistent with parts 2.3.4.2 and 2.3.4.4 of this permit.

An SSO is a discharge of untreated sanitary wastewater from a municipal sanitary sewer.

An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

##### **2.3.4.2. Elimination of Illicit Discharges**

- a. Upon detection of an illicit discharge, the permittee shall locate, identify and eliminate the illicit discharge as expeditiously as possible. Upon identification of the illicit source the MS4 notify all responsible parties for any such discharge and require immediate cessation of improper disposal practices in accordance with its legal authorities. Where elimination of an illicit discharge within 60 days of its identification as an illicit discharge is not possible, the permittee shall establish an expeditious schedule for its elimination and report the dates of identification and schedules for removal in the permittee's annual reports. The permittee shall immediately commence actions necessary for elimination. The permittee shall diligently pursue elimination of all illicit discharges. In the interim, the permittee shall take all reasonable and prudent measures to minimize the discharge of pollutants to and from its MS4.
- b. The period between identification and elimination of an illicit discharge is not a grace period. Discharges from an MS4 that are mixed with an illicit discharge are not authorized by this Permit (part 1.3.a) and remain unlawful until eliminated.

## MA MS4 General Permit

### 2.3.4.3. Non-Stormwater Discharges

The permittee may presume that the sources of non-stormwater listed in part 1.4 of this permit need not be addressed. However, if the permittee identifies any of these sources as significant contributors of pollutants to the MS4, then the permittee shall implement measures to control these sources so they are no longer significant contributors of pollutants, and/or eliminate them entirely, consistent with part 2.3.4.

### 2.3.4.4. Sanitary Sewer Overflows

- a. Upon detection of an SSO the permittee shall eliminate it as expeditiously as possible and take interim mitigation measures to minimize the discharge of pollutants to and from its MS4 until elimination is completed.
- b. The permittee shall identify all known locations where SSOs have discharged to the MS4 within the previous five (5) years. This shall include SSOs resulting, during dry or wet weather, from inadequate conveyance capacities, or where interconnectivity of the storm and sanitary sewer infrastructure allows for communication of flow between the systems. Within one (1) year of the effective date of the permit, the permittee shall develop an inventory of all identified SSOs indicating the following information, if available:
  1. Location (approximate street crossing/address and receiving water, if any);
  2. A clear statement of whether the discharge entered a surface water directly or entered the MS4;
  3. Date(s) and time(s) of each known SSO occurrence (i.e., beginning and end of any known discharge);
  4. Estimated volume(s) of the occurrence;
  5. Description of the occurrence indicating known or suspected cause(s);
  6. Mitigation and corrective measures completed with dates implemented; and
  7. Mitigation and corrective measures planned with implementation schedules.

The permittee shall maintain the inventory as a part of the SWMP and update the inventory annually, all updates shall include the information in part 2.3.4.4.b.1-7.

- c. In accordance with Paragraph B.12 of Appendix B of this permit, upon becoming aware of an SSO to the MS4, the permittee shall provide oral notice to EPA within 24 hours. Additionally, the permittee shall provide written notice to EPA and MassDEP within five (5) days of becoming aware of the SSO occurrence and shall include the information in the updated inventory. The notice shall contain all of the information listed in part 2.3.4.4.b. Where common notification requirements for SSOs are included in multiple NPDES permits issued to a permittee, a single notification may be made to EPA as directed in the permittee's wastewater or CSO NPDES permit and constitutes compliance with this part.
- d. The permittee shall include and update the SSO inventory in its annual report, including the status of mitigation and corrective measures implemented by the permittee to address each SSO identified pursuant to this part.
- e. The period between detection and elimination of a discharge from the SSO to the MS4 is not a grace period. Discharges from an MS4 that are mixed with an SSO are not authorized by this Permit (part 1.3.a) and remain unlawful until eliminated.

## MA MS4 General Permit

### 2.3.4.5. System mapping

The permittee shall develop a revised and more detailed map than was required by the MS4-2003 permit. This revised map of the MS4 shall be completed in two phases as outlined below. The mapping shall include a depiction of the permittee's separate storm sewer system in the permit area. The mapping is intended to facilitate the identification of key infrastructure and factors influencing proper system operation, and the potential for illicit sanitary sewer discharges.

- a. Phase I: The system map shall be updated within two (2) years of the permit effective date to include the following information:
  - Outfalls and receiving waters (required by MS4-2003 permit)
  - Open channel conveyances (swales, ditches, etc.)
  - Interconnections with other MS4s and other storm sewer systems
  - Municipally-owned stormwater treatment structures (e.g., detention and retention basins, infiltration systems, bioretention areas, water quality swales, gross particle separators, oil/water separators, or other proprietary systems)
  - Waterbodies identified by name and indication of all use impairments as identified on the most recent EPA approved Massachusetts Integrated List of waters report pursuant to Clean Water Act section 303(d) and 305(b)
  - Initial catchment delineations. Any available system data and topographic information may be used to produce initial catchment delineations. For the purpose of this permit, a catchment is the area that drains to an individual outfall or interconnection.
  
- b. Phase II: The system map shall be updated annually as the following information becomes available during implementation of catchment investigation procedures in part 2.3.4.8. This information must be included in the map for all outfalls within ten (10) years of the permit effective date:
  - Outfall spatial location (latitude and longitude with a minimum accuracy of +/-30 feet)
  - Pipes
  - Manholes
  - Catch basins
  - Refined catchment delineations. Catchment delineations shall be updated to reflect information collected during catchment investigations
  - Municipal sanitary sewer system (if available)
  - Municipal combined sewer system (if applicable).
  
- c. Recommended elements to be included in the system map as information becomes available:
  - Storm sewer material, size (pipe diameter) and age
  - Sanitary sewer system material, size (pipe diameter) and age
  - Privately-owned stormwater treatment structures
  - Where a municipal sanitary sewer system exists, properties known or suspected to be served by a septic system, especially in high-density urban areas
  - Area where the permittee's MS4 has received or could receive flow from septic system discharges (e.g., areas with poor soils, or high ground water elevations unsuitable for conventional subsurface disposal systems)
  - Seasonal high water table elevations impacting sanitary alignments
  - Topography
  - Orthophotography

## MA MS4 General Permit

- Alignments, dates and representation of work completed (with legend) of past illicit discharge investigations (e.g., flow isolation, dye testing, CCTV)
  - Locations of suspected, confirmed and corrected illicit discharges (with dates and flow estimates).
- d. The mapping may be produced by hand or through computer-aided methods (e.g. GIS). The required scale and detail of the map shall be appropriate to facilitate a rapid understanding of the system by the permittee, EPA and the state. In addition, the mapping shall serve as a planning tool for the implementation and phasing of the IDDE program and demonstration of the extent of complete and planned investigations and corrections. The permittee shall update the mapping as necessary to reflect newly discovered information and required corrections or modifications.
- e. The permittee shall report on the progress towards the completion of the system map in each annual report.

### 2.3.4.6. Written Illicit Discharge Detection and Elimination Program

The IDDE program shall be recorded in a written (hardcopy or electronic) document. The IDDE program shall include each of the elements described in parts 2.3.4.7 and part 2.3.4.8, unless the permittee provides a written explanation within the IDDE program as to why a particular element is not applicable to the permittee.

Notwithstanding the permittee's explanation, EPA may at any time determine that a particular element is in fact applicable to the permittee and require the permittee to add it to the IDDE program. The written (hardcopy or electronic) IDDE program shall be completed within one (1) year of the effective date of the permit and updated in accordance with the milestones of this part. The permittee shall implement the IDDE program in accordance with the goals and milestones contained in this part.

- a. The written (hardcopy or electronic) IDDE program shall include a reference or citation of the authority the permittee will use to implement all aspects of the IDDE program.
- b. Statement of IDDE Program Responsibilities - The permittee shall establish a written (hardcopy or electronic) statement that clearly identifies responsibilities with regard to eliminating illicit discharges. The statement shall identify the lead municipal agency(ies) or department(s) responsible for implementing the IDDE Program as well as any other agencies or departments that may have responsibilities for aspects of the program (e.g., board of health responsibilities for overseeing septic system construction; sanitary sewer system staff; inspectional services for enforcing plumbing codes; town counsel responsibilities in enforcement actions, etc.). Where multiple departments and agencies have responsibilities with respect to the IDDE program specific areas of responsibility shall be defined and processes for coordination and data sharing shall be established and documented.
- c. Program Procedures – The permittee shall include in the written IDDE program all written procedures developed in accordance with the requirements and timelines in parts 2.3.4.7 and 2.3.4.8 below. At a minimum this shall include the written procedures for dry weather outfall screening and sampling and for catchment investigations.

### 2.3.4.7. Assessment and Priority Ranking of Outfalls/Interconnections

The permittee shall assess and priority rank the outfalls in terms of their potential to have illicit discharges and SSOs and the related public health significance. This ranking will determine the priority order for

screening of outfalls and interconnections pursuant to part 2.3.4.7.b, catchment investigations for evidence of illicit discharges and SSOs pursuant to part 2.3.4.8, and provides the basis for determining permit milestones of this part.

a. Outfall/Interconnection Inventory and Initial Ranking:

An initial outfall and interconnection inventory and priority ranking to assess illicit discharge potential based on existing information shall be completed within one (1) year from the effective date of the permit; an updated inventory and ranking will be provided in each annual report thereafter. The inventory shall be updated annually to include data collected in connection with the dry weather screening and other relevant inspections conducted by the permittee.

- i. The outfall and interconnection inventory will identify each outfall and interconnection discharging from the MS4, record its location and condition, and provide a framework for tracking inspections, screenings and other activities under the permittee's IDDE program.
  - An outfall means a point source as defined by 40 CFR § 122.2 as the point where the municipal separate storm sewer discharges to waters of the United States. An outfall does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels or other conveyances that connect segments of the same stream or other waters of the United States and that are used to convey waters of the United States. (40 CFR § 122.26(b)(9)). However, it is strongly recommended that a permittee inspect all accessible portions of the system as part of this process. Culverts longer than a simple road crossing shall be included in the inventory unless the permittee can confirm that they are free of any connections and simply convey waters of the United States.
  - An interconnection means the point (excluding sheet flow over impervious surfaces) where the permittee's MS4 discharges to another MS4 or other storm sewer system, through which the discharge is conveyed to waters of the United States or to another storm sewer system and eventually to a water of the United States.
- ii. The permittee shall classify each of the permittee's outfalls and interconnections into one of the following categories:
  - Problem Outfalls: Outfalls/interconnections with known or suspected contributions of illicit discharges based on existing information shall be designated as Problem Outfalls. This shall include any outfalls/interconnections where previous screening indicates likely sewer input.<sup>4</sup> Problem Outfalls need not be screened pursuant to part 2.3.4.7.b.
  - High Priority Outfalls: Outfalls/interconnections that have not been classified as Problem Outfalls and that are:
    - discharging to an area of concern to public health due to proximity of public beaches, recreational areas, drinking water supplies or shellfish beds;
    - determined by the permittee as high priority based on the characteristics listed below or other available information;
  - Low Priority Outfalls: Outfalls/interconnections determined by the permittee as low priority based on the characteristics listed below or other available information.
  - Excluded outfalls: Outfalls/interconnections with no potential for illicit discharges may be

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<sup>4</sup> Likely sewer input indicators are any of the following:

- Olfactory or visual evidence of sewage,
- Ammonia  $\geq 0.5$  mg/L, surfactants  $\geq 0.25$  mg/L, and bacteria levels greater than the water quality criteria applicable to the receiving water, or
- Ammonia  $\geq 0.5$  mg/L, surfactants  $\geq 0.25$  mg/L, and detectable levels of chlorine.

excluded from the IDDE program. This category is limited to roadway drainage in undeveloped areas with no dwellings and no sanitary sewers; drainage for athletic fields, parks or undeveloped green space and associated parking without services; cross-country drainage alignments (that neither cross nor are in proximity to sanitary sewer alignments) through undeveloped land.

- iii. The permittee shall priority rank outfalls into the categories above (except for excluded outfalls), based on the following characteristics of the defined initial catchment area where information is available:
- Past discharge complaints and reports.
  - Poor receiving water quality- the following guidelines are recommended to identify waters as having a high illicit discharge potential: exceeding water quality standards for bacteria; ammonia levels above 0.5 mg/l; surfactants levels greater than or equal to 0.25 mg/l.
  - Density of generating sites- Generating sites are those places, including institutional, municipal, commercial, or industrial sites, with a potential to generate pollutants that could contribute to illicit discharges. Examples of these sites include, but are not limited to, car dealers; car washes; gas stations; garden centers; and industrial manufacturing areas.
  - Age of development and infrastructure – Industrial areas greater than 40 years old and areas where the sanitary sewer system is more than 40 years old will probably have a high illicit discharge potential. Developments 20 years or younger will probably have a low illicit discharge potential.
  - Sewer conversion – contributing catchment areas that were once serviced by septic systems, but have been converted to sewer connections may have a high illicit discharge potential.
  - Historic combined sewer systems – contributing areas that were once serviced by a combined sewer system, but have been separated may have a high illicit discharge potential.
  - Surrounding density of aging septic systems – Septic systems thirty years or older in residential land use areas are prone to have failures and may have a high illicit discharge potential.
  - Culverted streams – any river or stream that is culverted for distances greater than a simple roadway crossing may have a high illicit discharge potential.
  - Water quality limited waterbodies that receive a discharge from the MS4 or waters with approved TMDLs applicable to the permittee, where illicit discharges have the potential to contain the pollutant identified as the cause of the water quality impairment.
  - The permittee may also consider additional relevant characteristics, including location-specific characteristics; if so, the permittee shall include the additional characteristics in its written (hardcopy or electronic) IDDE program.
- b. Dry Weather Outfall and Interconnection Screening and Sampling  
All outfalls/interconnections (excluding Problem and excluded Outfalls) shall be inspected for the presence of dry weather flow within three (3) years of the permit effective date. The permittee shall screen all High and Low Priority Outfalls in accordance with their initial ranking developed at part 2.3.4.7.a.
- i. Written procedure: The permittee shall develop an outfall and interconnection screening and sampling procedure to be included in the IDDE program within one (1) year of the permit effective date. This procedure shall include the following procedures for:
- sample collection,
  - use of field kits,

## MA MS4 General Permit

- storage and conveyance of samples (including relevant hold times), and
- field data collection and storage.

An example screening and sampling protocol (*EPA New England Bacterial Source Tracking Protocol*) can be found on EPA's website.

- ii. Weather conditions: Dry weather screening and sampling shall proceed only when no more than 0.1 inches of rainfall has occurred in the previous 24-hour period and no significant snow melt is occurring.
- iii. Screening requirements: For each outfall/interconnection:
  1. The permittee shall record all of the following information and include it in the outfall/interconnection inventory and priority ranking:
    - unique identifier,
    - receiving water,
    - date of most recent inspection,
    - dimensions,
    - shape,
    - material (concrete, PVC),
    - spatial location (latitude and longitude with a minimum accuracy of +/-30 feet,
    - physical condition,
    - indicators of potential non-stormwater discharges (including presence or evidence of suspect flow and sensory observations such as odor, color, turbidity, floatables, or oil sheen).
  2. If an outfall/interconnection is inaccessible or submerged, the permittee shall proceed to the first accessible upstream manhole or structure for the observation and sampling and report the location with the screening results.
  3. If no flow is observed, but evidence of illicit flow exists, the permittee shall revisit the outfall during dry weather within one week of the initial observation, if practicable, to perform a second dry weather screening and sample any observed flow (proceed as in iv. below).
  4. Where dry weather flow is found at an outfall/interconnection, at least one (1) sample shall be collected, and:
    - a) Samples shall be analyzed at a minimum for:
      - ammonia,
      - chlorine,
      - conductivity,
      - salinity,
      - *E. coli* (freshwater receiving water) or enterococcus (saline or brackish receiving water),
      - surfactants (such as MBAS),
      - temperature, and

- pollutants of concern<sup>5</sup>
  - b) All analyses with the exception of indicator bacteria and pollutants of concern can be performed with field test kits or field instrumentation and are not subject to 40 CFR part 136 requirements. Sampling for bacteria and pollutants of concern shall be conducted using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Sampling for ammonia and surfactants must use sufficiently sensitive methods to detect those parameters at or below the threshold indicator concentrations of 0.5 mg/L for ammonia and 0.25 mg/L for surfactants. Sampling for residual chlorine must use a method with a detection limit of 0.02 mg/L or 20 ug/L.
  - iv. The permittee may rely on screening conducted under the MS4-2003 permit, pursuant to an EPA enforcement action, or by the state or EPA to the extent that it meets the requirements of part 2.3.4.7.b.iii.4. All data shall be reported in each annual report. Permittees that have conducted substantially equivalent monitoring to that required by part 2.3.4.7.b as part of an EPA enforcement action can request an exemption from the requirements of part 2.3.4.7.b by submitting a written request to EPA and retaining exemption approval from EPA as part of the SWMP. Until the permittee receives formal written approval of the exemption from part 2.3.4.7.b from EPA the permittee remains subject to all requirements of part 2.3.4.7.b.
  - v. The permittee shall submit all screening data used in compliance with this part in its Annual Report.
- c. Follow-up ranking of outfalls and interconnections:
  - i. The permittee's outfall and interconnection ranking (2.3.4.7.a) shall be updated to reprioritize outfalls and interconnections based on information gathered during dry weather screening (part 2.3.4.7.b).
  - ii. Outfalls/interconnections where relevant information was found indicating sewer input to the MS4 or sampling results indicating sewer input<sup>6</sup> shall be considered highly likely to contain illicit discharges from sanitary sources, and such outfalls/interconnections shall be ranked at the top of the High Priority Outfalls category for investigation. At this time, permittees may choose to rank other outfalls and interconnections based on any new information from the dry weather screening.
  - iii. The ranking can be updated continuously as dry weather screening information becomes available, but shall be completed within three (3) years of the effective date of the permit.

#### 2.3.4.8. Catchment Investigations

The permittee shall develop a systematic procedure to investigate each catchment associated with an

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<sup>5</sup> Where the discharge is directly into a water quality limited water or a water subject to an approved TMDL as indicated in Appendix F; the sample shall be analyzed for the pollutant(s) of concern identified as the cause of the impairment as specified in Appendix G

<sup>6</sup> Likely sewer input indicators are any of the following:

- Olfactory or visual evidence of sewage,
- Ammonia  $\geq$  0.5 mg/L, surfactants  $\geq$  0.25 mg/L, and bacteria levels greater than the water quality criteria applicable to the receiving water, or
- Ammonia  $\geq$  0.5 mg/L, surfactants  $\geq$  0.25 mg/L, and detectable levels of chlorine.



outfall or interconnection within their MS4 system.

a. Timelines:

- A written catchment investigation procedure shall be developed within 18 months of the permit effective date in accordance with the requirements of part 2.3.4.8.b below.
- Investigations of catchments associated with Problem Outfalls shall begin no later than two (2) years from the permit effective date.
- Investigations of catchments associated with High and Low Priority Outfalls shall follow the ranking of outfalls updated in part 2.3.4.7.c.
- Investigations of catchments associated with Problem Outfalls shall be completed within seven (7) years of the permit effective date
- Investigations of catchments where any information gathered on the outfall/interconnection identifies sewer input<sup>7</sup> shall be completed within seven (7) years of the permit effective date.
- Investigations of catchments associated with all High- and Low-Priority Outfalls shall be completed within ten (10) years of the permit effective date.

\*For the purposes of these milestones, an individual catchment investigation will be considered complete if all relevant procedures in part 2.3.4.8.c. and 2.3.4.8.d. below have been completed.

b. A written catchment investigation procedure shall be developed that:

- i. **Identifies maps, historic plans and records, and other sources of data**, including but not limited to plans related to the construction of the storm drain and of sanitary sewers, prior work performed on the storm drains or sanitary sewers, board of health or other municipal data on septic system failures or required upgrades, and complaint records related to SSOs, sanitary sewer surcharges, and septic system breakouts. These data sources will be used in identifying system vulnerability factors within each catchment.
- ii. **Includes a manhole inspection methodology** that shall describe a storm drain network investigation that involves systematically and progressively observing, sampling (as required below) and evaluating key junction manholes (see definition in Appendix A) in the MS4 to determine the approximate location of suspected illicit discharges or SSOs. The manhole inspection methodology may either start from the outfall and work up the system or start from the upper parts of the catchment and work down the system or be a combination of both practices. Either method must, at a minimum, include an investigation of each key junction manhole within the MS4, even where no evidence of an illicit discharge is observed at the outfall. The manhole inspection methodology must describe the method the permittee will use. The manhole inspection methodology shall include procedures for dry and wet weather investigations.
- iii. **Establishes procedures to isolate and confirm sources of illicit discharges** where manhole investigations or other physical evidence or screening has identified that MS4 alignments are influenced by illicit discharges or SSOs. These shall include isolation of the drainage area for implementation of more detailed investigations, inspection of additional manholes along the alignment to refine the location of potential contaminant sources, and methods such as sandbagging key junction manhole inlets, targeted internal plumbing inspections, dye testing,

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<sup>7</sup> Likely sewer input indicators are any of the following:

- Olfactory or visual evidence of sewage,
- Ammonia  $\geq 0.5$  mg/L, surfactants  $\geq 0.25$  mg/L, and bacteria levels greater than the water quality criteria applicable to the receiving water, or
- Ammonia  $\geq 0.5$  mg/L, surfactants  $\geq 0.25$  mg/L, and detectable levels of chlorine.

video inspections, or smoke testing to isolate and confirm the sources.

c. Requirements for each catchment investigation associated with an outfall/interconnection:

- i. For each catchment being investigated, the permittee shall review relevant mapping and historic plans and records gathered in accordance with Part 2.3.4.8.b.i. This review shall be used to identify areas within the catchment with higher potential for illicit connections. The permittee shall identify and record the presence of any of the following specific **System Vulnerability Factors (SVFs)**:
- History of SSOs, including, but not limited to, those resulting from wet weather, high water table, or fat/oil/grease blockages;
  - Common or twin-invert manholes serving storm and sanitary sewer alignments;
  - Common trench construction serving both storm and sanitary sewer alignments;
  - Crossings of storm and sanitary sewer alignments where the sanitary system is shallower than the storm drain system;
  - Sanitary sewer alignments known or suspected to have been constructed with an underdrain system;
  - Inadequate sanitary sewer level of service (LOS) resulting in regular surcharging, customer back-ups, or frequent customer complaints;
  - Areas formerly served by combined sewer systems;
  - Sanitary sewer infrastructure defects such as leaking service laterals, cracked, broken, or offset sanitary infrastructure, directly piped connections between storm drain and sanitary sewer infrastructure, or other vulnerability factors identified through Inflow/Infiltration Analyses, Sanitary Sewer Evaluation Surveys, or other infrastructure investigations.

EPA recommends the permittee include the following in their consideration of System Vulnerability Factors:

- Sewer pump/lift stations, siphons, or known sanitary sewer restrictions where power/equipment failures or blockages could readily result in SSOs;
- Any sanitary sewer and storm drain infrastructure greater than 40 years old;
- Widespread code-required septic system upgrades required at property transfers (indicative of inadequate soils, water table separation, or other physical constraints of the area rather than poor owner maintenance);
- History of multiple Board of Health actions addressing widespread septic system failures (indicative of inadequate soils, water table separation, or other physical constraints of the area rather than poor owner maintenance);

The permittee shall document the presence or absence of System Vulnerability Factors for each catchment, retain this documentation as part of its IDDE program, and report this information in Annual Reports. Catchments with a minimum of one (1) System Vulnerability Factor are subject to wet weather sampling requirements of part 2.3.4.8.c.ii.2.

- ii. For each catchment, the permittee must inspect key junction manholes and gather catchment information on the locations of MS4 pipes, manholes, and the extent of the contributing catchment.

1. For all catchments

- a) Infrastructure information shall be incorporated into the permittee's mapping required at part 2.3.4.5; the permittee will refine their catchment delineation based on the field investigation where appropriate.

- b) The SVF inventory for the catchment will be updated based on information obtained during the inspection, including common (twin invert) manholes, directly piped connections between storm drains and sanitary sewer infrastructure, common weir walls, sanitary sewer underdrain connections and other structural vulnerabilities where sanitary discharges could enter the storm drain system during wet weather.
    - 1) **Where a minimum of one (1) SVF is identified based on previous information or the investigation, a wet weather investigation must be conducted at the associated outfall (see below).**
  - c) During dry weather, key junction manholes<sup>8</sup> shall be opened and inspected systematically for visual and olfactory evidence of illicit connections (e.g., excrement, toilet paper, gray filamentous bacterial growth, or sanitary products present).
    - 1) If flow is observed, the permittee shall sample the flow at a minimum for ammonia, chlorine and surfactants and can use field kits for these analyses.
    - 2) Where sampling results or visual or olfactory evidence indicate potential illicit discharges or SSOs, the area draining to the junction manhole shall be flagged for further upstream investigation.
  - d) Key junction and subsequent manhole investigations will proceed until the location of suspected illicit discharges or SSOs can be isolated to a pipe segment between two manholes. If no evidence of an illicit discharge is found, catchment investigations will be considered complete upon completion of key junction manhole sampling.
2. For all catchments with a minimum of one (1) SVF identified
- a) The permittee shall meet the requirements above for dry weather screening
  - b) The permittee shall inspect and sample under wet weather conditions to the extent necessary to determine whether wet weather-induced high flows in sanitary sewers or high groundwater in areas served by septic systems result in discharges of sanitary flow to the MS4.
    - 1) The permittee shall conduct at least one wet weather screening and sampling at the outfall that includes the same parameters required during dry weather screening, part 2.3.4.7.b.iii.4.
    - 2) Wet weather sampling and screening shall proceed during or after a storm event of sufficient depth or intensity to produce a stormwater discharge. EPA strongly recommends sampling during the spring (March through June) when groundwater levels are relatively high.
    - 3) The permit does not require a minimum rainfall event prior to wet weather screening. However, permittees may incorporate provisions that assist in targeting such discharges, including avoiding sampling during the initial period of discharge (“first flush”) and/or identifying minimum storm event intensities likely to trigger sanitary sewer interconnections.
  - c) This sampling can be done upon completion of any dry weather investigation but must be completed before the catchment investigation is marked as complete.
- iii. All data collected as part of the dry and wet weather catchment investigations shall be recorded and reported in each annual report.

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<sup>8</sup> Where catchments do not contain junction manholes, the dry weather screening and sampling shall be considered as meeting the manhole inspection requirement. In these catchments, dry weather screenings that indicate potential presence of illicit discharges shall be further investigated pursuant to part 2.3.4.8.d. Investigations in these catchments may be considered complete where dry weather screening reveals no flow; no evidence of illicit discharges or SSOs is indicated through sampling results or visual or olfactory means; and no wet weather System Vulnerability Factors are identified.

d. Identification/Confirmation of illicit source

Where the source of an illicit discharge has been approximated between two manholes in the permittee's MS4, the permittee shall isolate and identify/confirm the source of the illicit discharge using more detailed methods identified in their written procedure (2.3.4.8.b.iii). For outfalls that contained evidence of an illicit discharge, catchment investigations will be considered complete upon confirmation of all illicit sources.

e. Illicit discharge removal

When the specific source of an illicit discharge is identified, the permittee shall exercise its authority as necessary to require its removal pursuant to part 2.3.4.2 or 2.3.4.3.

i. For each confirmed source the permittee shall include in the annual report the following information:

- the location of the discharge and its source(s);
- a description of the discharge;
- the method of discovery;
- date of discovery;
- date of elimination, mitigation or enforcement action OR planned corrective measures and a schedule for completing the illicit discharge removal; and
- estimate of the volume of flow removed.

ii. Within one year of removal of all identified illicit discharges within a catchment area, confirmatory outfall or interconnection screening shall be conducted. The confirmatory screening shall be conducted in dry weather unless System Vulnerability Factors have been identified, in which case both dry weather and wet weather confirmatory screening shall be conducted. If confirmatory screening indicates evidence of additional illicit discharges, the catchment shall be scheduled for additional investigation.

2.3.4.9. Indicators of IDDE Program Progress

The permittee shall define or describe indicators for tracking program success and evaluate and report on the overall effectiveness of the IDDE program in each annual report. At a minimum the permittee shall document in each annual report:

- the number of SSOs and illicit discharges identified and removed,
- the number and percent of total outfall catchments served by the MS4 evaluated using the catchment investigation procedure,
- all dry weather and wet weather screening and sampling results and
- the volume of sewage removed

2.3.4.10 Ongoing Screening

Upon completion of all catchment investigations pursuant to part 2.3.4.8.c and illicit discharge removal and confirmation (if necessary) pursuant to paragraph 2.3.4.8.e, each outfall or interconnection shall be reprioritized for screening in accordance with part 2.3.4.7.a and scheduled for ongoing screening once every five years. Ongoing screening shall consist of dry weather screening and sampling consistent with part 2.3.4.7.b; wet weather screening and sampling shall also be required at outfalls where wet weather screening was required due to SVFs and shall be conducted in accordance with part 2.3.4.8.c.ii. All sampling results shall be reported in the permittee's annual report.

#### 2.3.4.11 Training

The permittee shall, at a minimum, annually provide training to employees involved in IDDE program about the program, including how to recognize illicit discharges and SSOs. The permittee shall report on the frequency and type of employee training in the annual report.

### 2.3.5. Construction Site Stormwater Runoff Control

Objective: The objective of an effective construction stormwater runoff control program is to minimize or eliminate erosion and maintain sediment on site so that it is not transported in stormwater and allowed to discharge to a water of the U.S through the permittee's MS4. The construction site stormwater runoff control program required by this permit is a separate and distinct program from EPA's stormwater construction permit program.

(<http://cfpub1.epa.gov/npdes/stormwater/cgp.cfm>)

- a. Permittees shall implement and enforce a program to reduce pollutants in any stormwater runoff discharged to the MS4 from all construction activities that result in a land disturbance of greater than or equal to one acre within the regulated area. The permittee's program shall include disturbances less than one acre if that disturbance is part of a larger common plan of development or sale that would disturb one or more acres. Permittees authorized under the MS4-2003 permit shall continue to implement and enforce their existing program and modify as necessary to meet the requirements of this part.
- b. The permittee does not need to apply its construction program requirements to projects that receive a waiver from EPA under the provisions of 40 CFR § 122.26(b) (15) (i).
- c. The permittee shall develop and implement a construction site runoff control program that includes the elements in Paragraphs i. through v. of this part:
  - i. An ordinance or regulatory mechanism that requires the use of sediment and erosion control practices at construction sites. In addition to addressing sediment and erosion control, the ordinance must include controls for other wastes on construction sites such as demolition debris, litter and sanitary wastes. Development of an ordinance or other regulatory mechanism was a requirement of the MS4-2003 permit (See part II.B.4 and part IV.B.4).The ordinance or other regulatory mechanism required by the MS4-2003 permit shall have been effective by May 1, 2008.
  - ii. Written (hardcopy or electronic) procedures for site inspections and enforcement of sediment and erosion control measures. If not already existing, these procedures shall be completed within one (1) year from the effective date of the permit. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program shall provide that the permittee may, to the extent authorized by law, impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities shall be documented in the SWMP.
  - iii. Requirements for construction site operators performing land disturbance activities within the MS4 jurisdiction that result in stormwater discharges to the MS4 to implement a sediment and erosion control program that includes BMPs appropriate for the conditions at the construction site. The program may include references to BMP

design standards in state manuals, such as the Massachusetts Stormwater Handbook<sup>9</sup>, or design standards developed by the MS4. EPA supports and encourages the use of design standards in local programs. Examples of appropriate sediment and erosion control measures for construction sites include local requirements to:

1. Minimize the amount of disturbed area and protect natural resources;
  2. Stabilize sites when projects are complete or operations have temporarily ceased;
  3. Protect slopes on the construction site;
  4. Protect all storm drain inlets and armor all newly constructed outlets;
  5. Use perimeter controls at the site;
  6. Stabilize construction site entrances and exits to prevent off-site tracking;
  7. Inspect stormwater controls at consistent intervals.
- iv. Requirements for construction site operators within the MS4 jurisdiction to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These wastes may not be discharged to the MS4.
- v. Written procedures for site plan review and inspection and enforcement. If not already existing, the procedures for site plan review and inspection and enforcement shall be completed within one (1) year from the effective date of the permit. The site plan review procedure shall include a pre-construction review by the permittee of the site design, the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development. The review procedure shall incorporate procedures for the consideration of potential water quality impacts, and procedures for the receipt and consideration of information submitted by the public. The site plan review procedure shall also include evaluation of opportunities for use of low impact design and green infrastructure. When the opportunity exists, the permittee shall encourage project proponents to incorporate these practices into the site design. The procedures for site inspections conducted by the permittee shall include the requirement that inspections occur during construction of BMPs as well as after construction of BMPs to ensure they are working as described in the approved plans, clearly defined procedures for inspections including qualifications necessary to perform the inspections, the use of mandated inspection forms if appropriate, and procedure for tracking the number of site reviews, inspections, and enforcement actions. This tracking information shall be included as part of each annual report required by part 4.4.

#### **2.3.6. Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management)**

Objective: The objective of this control measure is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites. For the purposes of this part (2.3.6.), the following definitions apply:

**site** is defined as the area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover (e.g. repaving not covered by 2.3.6.a.ii.4.d.)

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<sup>9</sup> The handbook is available at: <http://www.mass.gov/dep/water/laws/policies.htm#storm>

**new development** is defined as any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

**redevelopment** is defined as any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

- a. Permittees shall develop, implement, and enforce a program to address post-construction stormwater runoff from all new development and redevelopment sites that disturb one or more acres and discharge into the permittees MS4 at a minimum. Permittees authorized under the MS4-2003 permit shall continue to implement and enforce their program and modify as necessary to meet the requirements of this part.
  - i. The permittee's new development/ redevelopment program shall include sites less than one acre if the site is part of a larger common plan of development or redevelopment which disturbs one or more acre.
  - ii. The permittee shall develop or modify, as appropriate, an ordinance or other regulatory mechanism within two (2) years of the effective date of the permit to contain provisions that are at least as stringent as the following:
    1. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.
    2. The design of treatment and infiltration practices should follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook, as amended, or other federally or State approved<sup>10</sup> BMP design guidance.
    3. Stormwater management systems on new development sites shall be designed to:
      - a) Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;
      - b) Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard 2<sup>11</sup>;
      - c) Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard 3<sup>12</sup>;
      - d) Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook in accordance with Massachusetts Stormwater Handbook Standard 5;
      - e) Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6<sup>13</sup>;

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<sup>10</sup> State approved includes any state in the United States, including, but not limited to, approved guidance by the Commonwealth of Massachusetts

<sup>11</sup> Requirement necessary for Section 401 water quality certification by Massachusetts

<sup>12</sup> Requirement necessary for Section 401 water quality certification by Massachusetts

<sup>13</sup> Requirement necessary for Section 401 water quality certification by Massachusetts

- f) Implement long term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and
- g) Require that all stormwater management systems be designed to:
  - 1) Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site AND/OR
  - 2) Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site<sup>14</sup> AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site<sup>14</sup>. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved<sup>15</sup> BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

#### 4. Redevelopment Requirements

- a) Stormwater management systems on Redevelopment sites shall meet the following sections of part 2.3.6.a.ii.3 to the maximum extent feasible:
  - 1) Part 2.3.6.a.ii.3(a) (Massachusetts Stormwater Standard 1);
  - 2) Part 2.3.6.a.ii.3(b) (Massachusetts Stormwater Standard 2);
  - 3) Part 2.3.6.a.ii.3(c) (Massachusetts Stormwater Standard 3); and
  - 4) The pretreatment and structural best management practices requirements of 2.3.6.a.ii.3(d) and 2.3.6.a.ii.3(e) (Massachusetts Stormwater Standards 5 and 6).
- b) Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:
  - 1) Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR
  - 2) Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1 where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.
- c) Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site

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<sup>14</sup> The required removal percentage is not required for each storm, it is the average removal over a year that is required

<sup>15</sup> See footnote 14



- to meet the equivalent retention or pollutant removal requirements in part 2.3.6.a.ii.4(b).
- d) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from part 2.3.6.a.ii.4(a), part 2.3.6.a.ii.4(b) and part 2.3.6.a.ii.4(c). Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of part 2.3.6.a.ii.4(a) – (c) fully.
- iii. The permittee shall require, at a minimum, the submission of as-built drawings no later than two (2) years after completion of construction projects. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management). The new development/redevelopment program shall have procedures to ensure adequate long-term operation and maintenance of stormwater management practices that are put in place after the completion of a construction project. These procedures may include the use of dedicated funds or escrow accounts for development projects or the acceptance of ownership by the permittee of all privately owned BMPs. These procedures may also include the development of maintenance contracts between the owner of the BMP and the permittee. Alternatively, these procedures may include the submission of an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. The procedures to require submission of as-built drawings and ensure long term operation and maintenance shall be a part of the SWMP. The permittee shall report in the annual report on the measures that the permittee has utilized to meet this requirement.
- b. Within four (4) years of the effective date of this permit, the permittee shall develop a report assessing current street design and parking lot guidelines and other local requirements that affect the creation of impervious cover. This assessment shall be used to provide information to allow the permittee to determine if changes to design standards for streets and parking lots can be made to support low impact design options. If the assessment indicates that changes can be made, the assessment shall include recommendations and proposed schedules to incorporate policies and standards into relevant documents and procedures to minimize impervious cover attributable to parking areas and street designs. The permittee shall implement all recommendations, in accordance with the schedules, contained in the assessment. The local planning board and local transportation board should be involved in this assessment. This assessment shall be part of the SWMP. The permittee shall report in each annual report on the status of this assessment including any planned or completed changes to local regulations and guidelines.
- c. Within four (4) years from the effective date of the permit, the permittee shall develop a report assessing existing local regulations to determine the feasibility of making, at a minimum, the following practices allowable when appropriate site conditions exist:
- i. Green roofs;
  - ii. Infiltration practices such as rain gardens, curb extensions, planter gardens, porous and pervious pavements, and other designs to manage stormwater using landscaping and structured or augmented soils; and

- iii. Water harvesting devices such as rain barrels and cisterns, and the use of stormwater for non-potable uses.

The assessment should indicate if the practices are allowed in the MS4 jurisdiction and under what circumstances are they allowed. If the practices are not allowed, the permittee shall determine what hinders the use of these practices, what changes in local regulations may be made to make them allowable, and provide a schedule for implementation of recommendations. The permittee shall implement all recommendations, in accordance with the schedules, contained in the assessment. The permittee shall report in each annual report on its findings and progress towards making the practices allowable. (Information available at:

<http://www.epa.gov/region1/npdes/stormwater/assets/pdf/AddressingBarrier2LID.pdf> and <http://www.mapc.org/resources/low-impact-dev-toolkit/local-codes-lid>)

- d. Four (4) years from the effective date of this permit, the permittee shall identify a minimum of 5 permittee-owned properties that could potentially be modified or retrofitted with BMPs designed to reduce the frequency, volume, and pollutant loads of stormwater discharges to and from its MS4 through the reduction of impervious area. Properties and infrastructure for consideration shall include those with the potential for reduction of on-site impervious area (IA) as well as those that could provide reduction of off-site IA. At a minimum, the permittee shall consider municipal properties with significant impervious cover (including parking lots, buildings, and maintenance yards) that could be modified or retrofitted. MS4 infrastructure to be considered includes existing street right-of-ways, outfalls and conventional stormwater conveyances and controls (including swales and detention practices) that could be readily modified or retrofitted to provide reduction in frequency, volume or pollutant loads of such discharges through reduction of impervious cover.

In determining the potential for modifying or retrofitting particular properties, the permittee shall consider factors such as access for maintenance purposes; subsurface geology; depth to water table; proximity to aquifers and subsurface infrastructure including sanitary sewers and septic systems; and opportunities for public use and education. In determining its priority ranking, the permittee shall consider factors such as schedules for planned capital improvements to storm and sanitary sewer infrastructure and paving projects; current storm sewer level of service; and control of discharges to water quality limited waters, first or second order streams, public swimming beaches, drinking water supply sources and shellfish growing areas.

Beginning with the fifth year annual report and in each subsequent annual report, the permittee shall identify additional permittee owned sites and infrastructure that could be retrofitted such that the permittee maintains a minimum of 5 sites in their inventory, until such a time as when the permittee has less than 5 sites remaining. In addition, the permittee shall report on all properties that have been modified or retrofitted with BMPs to mitigate IA that were inventoried in accordance with this part. The permittee may also include in its annual report non-MS4 owned property that has been modified or retrofitted with BMPs to mitigate IA.

### **2.3.7. Good House Keeping and Pollution Prevention for Permittee Owned Operations**

Objective: The permittee shall implement an operations and maintenance program for permittee-owned operations that has a goal of preventing or reducing pollutant runoff and protecting water quality from all permittee-owned operations.

#### **a. Operations and Maintenance Programs**

- i. Within two (2) years from the effective date of the permit, the permittee shall develop, if not already developed, written (hardcopy or electronic) operations and maintenance

procedures for the municipal activities listed below in part 2.3.7.a.ii. These written procedures shall be included as part of the SWMP.

- ii. Within two (2) year of the effective date of this permit, the permittee shall develop an inventory of all permittee owned facilities within the categories listed below. The permittee shall review this inventory annually and update as necessary.
  1. Parks and open space: Establish procedures to address the proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction. Evaluate lawn maintenance and landscaping activities to ensure practices are protective of water quality. Protective practices include reduced mowing frequencies, proper disposal of lawn clippings, and use of alternative landscaping materials (e.g., drought resistant planting). Establish pet waste handling collection and disposal locations at all parks and open space where pets are permitted, including the placing of proper signage concerning the proper collection and disposal of pet waste. Establish procedures to address waterfowl congregation areas where appropriate to reduce waterfowl droppings from entering the MS4. Establish procedures for management of trash containers at parks and open space (scheduled cleanings; sufficient number). Establish procedures to address erosion or poor vegetative cover when the permittee becomes aware of it; especially if the erosion is within 50 feet of a surface water.
  2. Buildings and facilities where pollutants are exposed to stormwater runoff: This includes schools (to the extent they are permittee-owned or operated), town offices, police, and fire stations, municipal pools and parking garages and other permittee-owned or operated buildings or facilities. Evaluate the use, storage, and disposal of petroleum products and other potential stormwater pollutants. Provide employee training as necessary so that those responsible for handling these products know proper procedures. Ensure that Spill Prevention Plans are in place, if applicable, and coordinate with the fire department as necessary. Develop management procedures for dumpsters and other waste management equipment. Sweep parking lots and keep areas surrounding the facilities clean to reduce runoff of pollutants.
  3. Vehicles and Equipment: Establish procedures for the storage of permittee vehicles. Vehicles with fluid leaks shall be stored indoors or containment shall be provided until repaired. Evaluate fueling areas owned or operated by the permittee. If possible, place fueling areas under cover in order to minimize exposure. Establish procedures to ensure that vehicle wash waters are not discharged to the municipal storm sewer system or to surface waters. This permit does not authorize such discharges.
- iii. Infrastructure Operations and Maintenance
  1. The permittee shall establish within two (2) year of the effective date of the permit a written (hardcopy or electronic) program detailing the activities and procedures the permittee will implement so that the MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4. If the permittee has an existing program to maintain its MS4 infrastructure

in a timely manner to reduce or eliminate the discharge of pollutants from the MS4, the permittee shall document the program in the SWMP.

2. The permittee shall optimize routine inspections, cleaning and maintenance of catch basins such that the following conditions are met:
  - Prioritize inspection and maintenance for catch basins located near construction activities (roadway construction, residential, commercial, or industrial development or redevelopment). Clean catch basins in such areas more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings.
  - Establish a schedule with a goal that the frequency of routine cleaning will ensure that no catch basin at anytime will be more than 50 percent full.
  - If a catch basin sump is more than 50 percent full during two consecutive routine inspections/cleaning events, the permittee shall document that finding, investigate the contributing drainage area for sources of excessive sediment loading, and to the extent practicable, abate contributing sources. The permittee shall describe any actions taken in its annual report.
  - For the purposes of this part, an excessive sediment or debris loading is a catch basin sump more than 50 percent full. A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.
  - The permittee shall document in the SWMP and in the first annual report its plan for optimizing catch basin cleaning, inspection plans, or its schedule for gathering information to develop the optimization plan. Documentation shall include metrics and other information used to reach the determination that the established plan for cleaning and maintenance is optimal for the MS4. The permittee shall keep a log of catch basins cleaned or inspected.
  - The permittee shall report in each annual report the total number of catch basins, number inspected, number cleaned, and the total volume or mass of material removed from all catch basins.
3. The permittee shall establish and implement procedures for sweeping and/or cleaning streets, and permittee-owned parking lots. All streets with the exception of rural uncurbed roads with no catch basins or high speed limited access highways shall be swept and/or cleaned a minimum of once per year in the spring (following winter activities such as sanding). The procedures shall also include more frequent sweeping of targeted areas determined by the permittee on the basis of pollutant load reduction potential, based on inspections, pollutant loads, catch basin cleaning or inspection results, land use, water quality limited or TMDL waters or other relevant factors as determined by the permittee. The permittee shall report in each annual report the number of miles cleaned or the volume or mass of material removed.

For rural uncurbed roadways with no catch basins and limited access highways, the permittee shall either meet the minimum frequencies above, or develop and implement an inspection, documentation and targeted sweeping plan within two (2) years of the effective date of the permit, and submit such plan with its year one annual report.

4. The permittee shall ensure proper storage of catch basin cleanings and street sweepings prior to disposal or reuse such that they do not discharge to receiving waters. These materials should be managed in compliance with current MassDEP policies:
    - For catch basins cleanings:  
<http://www.mass.gov/eea/agencies/massdep/recycle/regulations/management-of-catch-basin-cleanings.html>
    - For street sweepings:  
<http://www.mass.gov/eea/docs/dep/recycle/laws/stsweep.pdf>.
  5. The permittee shall establish and implement procedures for winter road maintenance including the use and storage of salt and sand; minimize the use of sodium chloride and other salts, and evaluate opportunities for use of alternative materials; and ensure that snow disposal activities do not result in disposal of snow into waters of the United States. For purposes of this MS4 Permit, salt shall mean any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.
  6. The permittee shall establish and implement inspection and maintenance frequencies and procedures for all stormwater treatment structures such as water quality swales, retention/detention basins, infiltration structures, proprietary treatment devices or other similar structures. All permittee-owned stormwater treatment structures (excluding catch basins) shall be inspected annually at a minimum.
- iv. The permittee shall report in the annual report on the status of the inventory required by this part and any subsequent updates; the status of the O&M programs for the permittee-owned facilities and activities in part 2.3.7.a.ii; and the maintenance activities associated with each.
  - v. The permittee shall keep a written (hardcopy or electronic) record of all required activities including but not limited to maintenance activities, inspections and training required by part 2.3.7.a. The permittee shall maintain, consistent with part 4.2.a, all records associated with maintenance and inspection activities required by part 2.3.7.a.

b. Stormwater Pollution Prevention Plan (SWPPP)

The permittee shall develop and fully implement a SWPPP for each of the following permittee-owned or operated facilities: maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater as determined by the permittee. If facilities are located at the same property, the permittee may develop one SWPPP for the entire property. The SWPPP is a separate and different document from the SWMP required in part 1.10. A SWPPP does not need to be developed for a facility if the permittee has either developed a SWPPP or received a no exposure certification for the discharge under the Multi-Sector General Permit or the discharge is authorized under another NPDES permit.

- i. No later than two (2) years from the effective date of the permit, the permittee shall develop and implement a written (hardcopy or electronic) SWPPP for the facilities

described above. The SWPPP shall be signed in accordance with the signatory requirements of Appendix B – Subparagraph 11.

ii. The SWPPP shall contain the following elements:

1. Pollution Prevention Team

Identify the staff on the team, by name and title. If the position is unstaffed, the title of the position should be included and the SWPPP updated when the position is filled. The role of the team is to develop, implement, maintain, and revise, as necessary, the SWPPP for the facility.

2. Description of the facility and identification of potential pollutant sources

The SWPPP shall include a map of the facility and a description of the activities that occur at the facility. The map shall show the location of the stormwater outfalls, receiving waters, and any structural controls. Identify all activities that occur at the facility and the potential pollutants associated with each activity including the location of any floor drains. These may be included as part of the inventory required by part 2.3.7.a.

3. Identification of stormwater controls

The permittee shall select, design, install, and implement the control measures detailed in paragraph 4 below to prevent or reduce the discharge of pollutants from the permittee owned facility.

The selection, design, installation, and implementation of the control measures shall be in accordance with good engineering practices and manufacturer's specifications. The permittee shall also take all reasonable steps to control or address the quality of discharges from the site that may not originate at the facility.

If the discharge from the facility is to a water quality limited water and the facility has the potential to discharge the pollutant identified as causing the water quality limitation, the permittee shall identify the control measures that will be used to address this pollutant at the facility so that the discharge does not cause or contribute to a violation of a water quality standard.

4. The SWPPP shall include the following management practices:

- a) Minimize or Prevent Exposure: The permittee shall to the extent practicable either locate materials and activities inside, or protect them with storm-resistant coverings in order to prevent exposure to rain, snow, snowmelt and runoff (although significant enlargement of impervious surface area is not recommended). Materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged directly or indirectly to surface waters or to the MS4 or if discharges are authorized under another NPDES permit.
- b) Good Housekeeping: The permittee shall keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals. Ensure that trash containers are closed when not in use, keep storage areas well swept and free from leaking or damaged containers; and store leaking vehicles needing repair indoors.

- c) Preventative Maintenance: The permittee shall regularly inspect, test, maintain, and repair all equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater to receiving waters. Inspections shall occur at a minimum once per quarter.
- d) Spill Prevention and Response: The permittee shall minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, the permittee shall have procedures that include:
- Preventive measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.
  - Response procedures that include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing, and cleaning up leaks, spills and other releases. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR section 264 and 40 CFR section 265. Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the Pollution Prevention Team; and
  - Contact information for individuals and agencies that shall be notified in the event of a leak, spill, or other release. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under 40 CFR section 110, 40 CFR section 117, or 40 CFR section 302, occurs during a 24-hour period, the permittee shall notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR section 110, 40 CFR section 117, and 40 CFR section 302 as soon as the permittee has knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency, public health or drinking water supply agencies, and owners of public drinking water supplies. Contact information shall be in locations that are readily accessible and available.
- e) Erosion and Sediment Control: The permittee shall use structural and non-structural control measures at the facility to stabilize and contain runoff from exposed areas and to minimize or eliminate onsite erosion and sedimentation. Efforts to achieve this may include the use of flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion.

- f) Management of Runoff: The permittee shall manage stormwater runoff from the facility to prevent or reduce the discharge of pollutants. This may include management practices which divert runoff from areas that are potential sources of pollutants, contain runoff in such areas, or reuse, infiltrate or treat stormwater to reduce the discharge of pollutants.
- g) Salt Storage Piles or Piles Containing Salt: For storage piles of salt or piles containing salt used for deicing or other purposes (including maintenance of paved surfaces) for which the discharge during precipitation events discharges to the permittee's MS4, any other storm sewer system, or to a Water of the US, the permittee shall prevent exposure of the storage pile to precipitation by enclosing or covering the storage piles. Such piles shall be enclosed or covered within two (2) years of the permit effective date. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. The permittee is encouraged to store piles in such a manner as not to impact surface water resources, ground water resources, recharge areas, and wells.
- h) Employee Training: The permittee shall regularly train employees who work in areas where materials or activities are exposed to stormwater, or who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel), including all members of the Pollution Prevention Team. Training shall cover both the specific components and scope of the SWPPP and the control measures required under this part, including spill response, good housekeeping, material management practices, any best management practice operation and maintenance, etc. EPA recommends annual training.

The permittee shall document the following information for each training:

- The training date, title and training duration;
  - List of municipal attendees;
  - Subjects covered during training
- i) Maintenance of Control Measures: The permittee shall maintain all control measures, required by this permit in effective operating condition. The permittee shall keep documentation onsite that describes procedures and a regular schedule for preventative maintenance of all control measures and discussions of back-up practices in place should a runoff event occur while a control measure is off-line. Nonstructural control measures shall also be diligently maintained (e.g., spill response supplies available, personnel trained).

iii. The permittee shall conduct the following inspections:

- 1. Site Inspections: Inspect all areas that are exposed to stormwater and all stormwater control measures. Inspections shall be conducted at least once each calendar quarter. More frequent inspections may be required if significant activities are exposed to stormwater. Inspections shall be performed when the



facility is in operation. At least one of the quarterly inspections shall occur during a period when a stormwater discharge is occurring.

The permittee shall document the following information for each facility inspection:

- The inspection date and time;
- The name of the inspector;
- Weather information and a description of any discharge occurring at the time of the inspection;
- Identification of any previously unidentified discharges from the site;
- Any control measures needing maintenance or repair;
- Any failed control measures that need replacement.
- Any SWPPP changes required as a result of the inspection.

If during the inspections, or any other time, the permittee identifies control measures that need repair or are not operating effectively, the permittee shall repair or replace them before the next anticipated storm event if possible, or as soon as practicable following that storm event. In the interim, the permittee shall have back-up measures in place.

The permittee shall report the findings from the Site Inspections in the annual report.

- iv. The permittee must keep a written (hardcopy or electronic) record of all required activities including but not limited to maintenance, inspections, and training required by part 2.3.7.b. The permittee shall maintain all records associated with the development and implementation of the SWPPP required by this part consistent with the requirements of part 4.2.

### **3.0. Additional Requirements for Discharges to Surface Drinking Water Supplies and Their Tributaries**

- a. Permittees which discharge to public surface drinking water supply sources (Class A and Class B surface waters used for drinking water) or their tributaries should consider these waters a priority in the implementation of the SWMP.
- b. Permittees should provide pretreatment and spill control measures to stormwater discharges to public drinking water supply sources or their tributaries to the extent feasible.
- c. Direct discharges to Class A waters should be avoided to the extent feasible.

### **4.0. Program Evaluation, Record Keeping, and Reporting**

#### **4.1. Program Evaluation**

- a. The permittee shall annually self-evaluate its compliance with the terms and conditions of this permit and submit each self-evaluation in the Annual Report. The permittee shall also maintain the annual evaluation documentation as part of the SWMP.

## MA MS4 General Permit

b. The permittee shall evaluate the appropriateness of the selected BMPs in achieving the objectives of each control measure and the defined measurable goals. Where a BMP is found to be ineffective the permittee shall change BMPs in accordance with the provisions below. In addition, permittees may augment or change BMPs at any time following the provisions below:

- Changes adding (but not subtracting or replacing) components or controls may be made at any time.
- Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP may be made as long as the basis for the changes is documented in the SWMP by, at a minimum:
  - An analysis of why the BMP is ineffective or infeasible;
  - Expectations on the effectiveness of the replacement BMP; and
  - An analysis of why the replacement BMP is expected to achieve the defined goals of the BMP to be replaced.

The permittee shall indicate BMP modifications along with a brief explanation of the modification in each Annual Report.

c. EPA or MassDEP may require the permittee to add, modify, repair, replace or change BMPs or other measures described in the annual reports as needed:

- To address impacts to receiving water quality caused or contributed to by discharges from the MS4; or
- To satisfy conditions of this permit

Any changes requested by EPA or MassDEP will be in writing and will set forth the schedule for the permittee to develop the changes and will offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification.

### 4.2. Record Keeping

- a. The permittee shall keep all records required by this permit for a period of at least five years. EPA may extend this period at any time. Records include information used in the development of any written (hardcopy or electronic) program required by this permit, any monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges; maintenance records; inspection records; and data used in the development of the notice of intent, SWMP, SWPPP, and annual reports. This list provides examples of records that should be maintained, but is not all inclusive.
- b. Records other than those required to be included in the annual report, part 4.4, shall be submitted only when requested by the EPA or the MassDEP.
- c. The permittee shall make the records relating to this permit, including the written (hardcopy or electronic) stormwater management program, available to the public. The public may view the records during normal business hours. The permittee may charge a reasonable fee for copying requests. The permittee is encouraged to satisfy this requirement by posting records online.

### 4.3. Outfall Monitoring Reporting

## MA MS4 General Permit

- a. The permittee shall monitor and sample its outfalls at a minimum through sampling and testing at the frequency and locations required in connection with IDDE screening under part 2.3.4.7.b. and 2.3.4.8.c.ii.2. The monitoring program may also include additional outfall and interconnection monitoring as determined by the permittee in connection with assessment of SWMP effectiveness pursuant to part 4.1; evaluation of discharges to water quality limited waters pursuant to part 2.2; assessment of BMP effectiveness pursuant to part 2.2 or 2.3; or otherwise.
- b. The permittee shall document all monitoring results each year in the annual report. The report shall include the date, outfall or interconnection identifier, location, weather conditions at time of sampling, precipitation in previous 48 hours, field screening parameter results, and results of all analyses. The annual report shall include all of this information and data for the current reporting period and for the entire permit period.
- c. The permittee shall also include in the annual report results from any other stormwater or receiving water quality monitoring or studies conducted during the reporting period where that data is being used by the permittee to inform permit compliance or program effectiveness. If such monitoring or studies were conducted on behalf of the permittee, or if monitoring or studies conducted by other entities were reported to the permittee, a brief description of the type of information gathered or received shall be included in the annual report(s) covering the time period(s) the information was received.

### 4.4. Annual Reports

- a. The permittee shall submit annual reports each year of the permit term. The reporting period will be a one year period commencing on the permit effective date, and subsequent anniversaries thereof, except that the first annual report under this permit shall also cover the period from May 1, [year of final permit effective date] to the permit effective date. The annual report is due ninety days from the close of each reporting period.
- b. The annual reports shall contain the following information:
  - i. A self-assessment review of compliance with the permit terms and conditions.
  - ii. An assessment of the appropriateness of the selected BMPs.
  - iii. The status of any plans or activities required by part 2.1 and/ or part 2.2, including:
    - Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response including all items required by part 2.1.1;
    - For discharges subject to TMDL related requirements, identification of specific BMPs used to address the pollutant identified as the cause of impairment and assessment of the BMPs effectiveness at controlling the pollutant (part 2.2.1. and Appendix F) and any deliverables required by Appendix F;
    - For discharges to water quality limited waters a description of each BMP required by Appendix H and any deliverables required by Appendix H.
  - iv. An assessment of the progress towards achieving the measurable goals and objectives of each control measure in part 2.3 including:

## MA MS4 General Permit

- Evaluation of the public education program including a description of the targeted messages for each audience; method of distribution and dates of distribution; methods used to evaluate the program; and any changes to the program.
  - Description of the activities used to promote public participation including documentation of compliance with state public notice regulations.
  - Description of the activities related to implementation of the IDDE program including: status of the map; status and results of the illicit discharge potential ranking and assessment; identification of problem catchments; status of all protocols described in part 2.3.4.(program responsibilities and systematic procedure); number and identifier of catchments evaluated; number and identifier of outfalls screened; number of illicit discharges located; number of illicit discharges removed; gallons of flow removed; identification of tracking indicators and measures of progress based on those indicators; and employee training.
  - Evaluation of the construction runoff management including number of project plans reviewed; number of inspections; and number of enforcement actions.
  - Evaluation of stormwater management for new development and redevelopment including status of ordinance development (2.3.6.a.ii.), review and status of the street design assessment(2.3.6.b.), assessments to barriers to green infrastructure (2.3.6.c), and retrofit inventory status (2.3.6.d.)
  - Status of the O&M Programs required by part 2.3.7.a.
  - Status of SWPPP required by part 2.3.7.b. including inspection results.
  - Any additional reporting requirements in part 3.0.
- v. All outfall screening and monitoring data collected by or on behalf of the permittee during the reporting period and cumulative for the permit term, including but not limited to all data collected pursuant to part 2.3.4. The permittee shall also provide a description of any additional monitoring data received by the permittee during the reporting period.
- vi. Description of activities for the next reporting cycle.
- vii. Description of any changes in identified BMPs or measurable goals.
- viii. Description of activities undertaken by any entity contracted for achieving any measurable goal or implementing any control measure.
- c. Reports shall be submitted to EPA at the following address:

United State Environmental Protection Agency  
Stormwater and Construction Permits Section (OEP06-1)  
Five Post Office Square, Suite 100  
Boston, MA 02109

Massachusetts Department of Environmental Protection  
One Winter Street – 5th Floor  
Boston, MA 02108  
ATTN: Frederick Civian

Or submitted electronically to EPA at the following email address: [stormwater.reports@epa.gov](mailto:stormwater.reports@epa.gov). After December 21, 2020 all Annual Reports must be submitted electronically.

## **5.0. Non-Traditional MS4s**

Non-traditional MS4s are MS4s owned and operated by the Commonwealth of Massachusetts, counties or other public agencies within the Commonwealth of Massachusetts, and properties owned and operated by the United States (Federal Facilities) within the Commonwealth of Massachusetts. This part addresses all non-traditional MS4s except MS4s that are owned or operated by transportation agencies, which are addressed in part 6.0 below.

### **5.1. Requirements for Non-Traditional MS4s**

All requirements and conditions of parts 1 – 4 above apply to all Non-traditional MS4s, except as specifically provided below:

#### **5.1.1. Public education**

For the purpose of this permit, the audiences for a Non-traditional MS4 include the employees, clients and customers (including students at education MS4s), visitors to the property, tenants, long term contractors and any other contractors working at the facility where the MS4 is located. The permittee may use some of the educational topics included in part 2.3.2.d. as appropriate, or may focus on topics specific to the MS4. The permittee shall document the educational topics for each target audience in the SWMP and annual reports.

#### **5.1.2. Ordinances and regulatory mechanisms**

Some Non-traditional MS4s may not have authority to enact an ordinance, by-law, or other regulatory mechanisms. MS4s without the authority to enact an ordinance shall ensure that written policies or procedures are in place to address the requirements of part 2.3.4.5., part 2.3.4.6 and part 2.3.6.a.

#### **5.1.3. Assessment of Regulations**

Non-traditional MS4s do not need to meet the requirements of part 2.3.6.c.

#### **5.1.4. New Dischargers**

New MS4 facilities are subject to additional water quality-based requirements if they fall within the definition of “new discharger” under 40 CFR § 122.2: “A new discharger is any building, structure, facility or installation (a) from which there is or may be a ‘discharge of pollutants’ (b) that did not commence the ‘discharge of pollutants’ at a particular ‘site’ prior to August 13, 1979; (c) which is not a ‘new source’; and (d) which never received a finally effective NPDES permit for discharges at that ‘site.’ The term “site” is defined in § 122.2 to mean “the land or water area where any ‘facility or activity’ is physically located or conducted including adjacent land used in connection with the facility or activity.”

Consistent with these definitions, a Non-traditional MS4 is a “new discharger” if it discharges stormwater from a new facility with an entirely new separate storm sewer system that is not

physically located on the same or adjacent land as an existing facility and associated system operated by the same MS4.

Any Non-traditional MS4 facility that is a “new discharger” and discharges to a waterbody listed in category 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) due to nutrients (Total Nitrogen or Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease (Petroleum Hydrocarbons or Oil and Grease), or discharges to a waterbody with an approved TMDL for any of those pollutants, is not eligible for coverage under this permit and shall apply for an individual permit.

Any Non-traditional MS4 facility that is a “new discharger” and discharges to a waterbody that is in attainment is subject to Massachusetts antidegradation regulations at 314 CMR 4.04. The permittee shall comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for new discharges where appropriate<sup>16</sup>. Any authorization of new discharges by MassDEP shall be incorporated into the permittee's SWMP. If an applicable MassDEP approval specifies additional conditions or requirements, then those requirements are incorporated into this permit by reference. The permittee must comply with all such requirements.

## **6.0 Requirements for MS4s Owned or Operated by Transportation Agencies**

This part applies to all MS4s owned or operated by any state or federal transportation agency (except Massachusetts Department of Transportation –MassDOT- Highway Division, which is subject to a separate individual permit). All requirements and conditions of this permit apply with the following exceptions:

### **6.1 Public education**

For the purpose of this permit, the audiences for a transportation agency education program include the general public (users of the roadways), employees, and any contractors working at the location. The permittee may use some of the educational topics included in part 2.3.2.d. as appropriate, or may focus on topics specific to the agency. The permittee shall document the educational topics for each target audience.

### **6.2 Ordinances and regulatory mechanisms**

The transportation agency may not have authority to enact an ordinance, by-law or other regulatory mechanisms. The agency shall ensure that written agency policies or procedures are in place to address the requirements of part 2.3.4.5., part 2.3.4.6 and part 2.3.6.a.

### **6.3 Assessment of regulations**

Non-traditional MS4s do not need to meet the requirements of part 2.3.6.c.

### **6.4 New Dischargers**

New MS4 facilities are subject to additional water quality-based requirements if they fall within the definition of “new dischargers” under 40 CFR § 122.2: “A new discharger is any building, structure, facility or installation (a) from which there is or may be a ‘discharge of pollutants’ (b) that did not commence the ‘discharge of pollutants’ at a particular ‘site’ prior to August 13, 1979; (c) which is not a ‘new source’; and (d) which never received a finally effective NPDES permit for discharges at that ‘site.’ The term “site” is defined

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<sup>16</sup> Contact MassDEP for guidance on compliance with 314 CMR 4.04

## MA MS4 General Permit

in § 122.2 to mean "the land or water area where any 'facility or activity' is physically located or conducted including adjacent land used in connection with the facility or activity."

Consistent with these definitions, a new transportation MS4 is a "new discharger" if it discharges stormwater from a new facility with an entirely new separate storm sewer system that is not physically located on the same or adjacent land as an existing facility and associated system operated by the same MS4.

Any transportation MS4 facility that is a "new discharger" and discharges to a waterbody listed as impaired in category 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) due to nutrients (Total Nitrogen or Total Phosphorus), metals (Cadmium, Copper, Iron, Lead or Zinc), solids (TSS or Turbidity), bacteria/pathogens (E. Coli, Enterococcus or Fecal Coliform), chloride (Chloride) or oil and grease (Petroleum Hydrocarbons or Oil and Grease), or discharges to a waterbody with an approved TMDL for any of those pollutants, is not eligible for coverage under this permit and shall apply for an individual permit.

Any transportation MS4 facility that is a "new discharger" and discharges to a waterbody that is in attainment is subject to Massachusetts antidegradation regulations at 314 CMR 4.04. The permittee shall comply with the provisions of 314 CMR 4.04 including information submittal requirements and obtaining authorization for new discharges where appropriate<sup>17</sup>. Any authorization of new discharges by MassDEP shall be incorporated into the permittee's SWMP. If an applicable MassDEP approval specifies additional conditions or requirements, then those requirements are incorporated into this permit by reference. The permittee must comply with all such requirements.

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<sup>17</sup> Contact MassDEP for guidance on compliance with 314 CMR 4.04

## **Appendix A**

### **Definitions, Abbreviations and Acronyms**

#### **Definitions**

**Best Management Practices (BMPs)** - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Common Plan of Development** - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

**Control Measure** - refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

**Director** - a Regional Administrator of the Environmental Protection Agency or an authorized representative.

**Discharge** - when used without qualification, means the "discharge of a pollutant."

**Discharge of a pollutant** - any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man; or discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

**Discharge-related activities** - activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

**Disturbance** - action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.



**Existing Discharger** – an operator applying for coverage under this permit for discharges covered previously under an NPDES general or individual permit.

**Facility or Activity** - any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

**Federal Facility** – Any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

**Illicit Discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

**Impaired Water** – A water is impaired if it does not meet one or more of its designated use(s). For purposes of this permit, “impaired” refers to categories 4 and 5 of the five-part categorization approach used for classifying the water quality standards attainment status for water segments under the TMDL program. Impaired waters compilations are also sometimes referred to as “303(d) lists.” Category 5 waters are impaired because at least one designated use is not being supported or is threatened and a TMDL is needed. Category 4 waters indicate that at least one designated use is not being supported but a TMDL is not needed (4a indicates that a TMDL has been approved or established by EPA; 4b indicates other required control measures are expected in result in the attainment of water quality standards in a reasonable period of time; and 4c indicates that the non-attainment of the water quality standard is the result of pollution (e.g. habitat) and is not caused by a pollutant). See *USEPA’s 2006 Integrated Report Guidance, July 29, 2005* for more detail on the five part categorization of waters [under EPA National TMDL Guidance <http://www.epa.gov/owow/tmdl/policy.html>]).

**Impervious Surface**- 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 non porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

**Industrial Activity** - the ten categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity,” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

**Industrial Stormwater** - stormwater runoff associated with the definition of “stormwater discharges associated with industrial activity.”

**Interconnection** – the point (excluding sheet flow over impervious surfaces) where the permittee’s MS4 discharges to another MS4 or other storm sewer system, through which the discharge is eventually conveyed to a water of the United States. Interconnections shall be treated similarly to outfalls throughout the permit.

**Junction Manhole** - For the purposes of this permit, a junction manhole is a manhole or structure with two or more inlets accepting flow from two or more MS4 alignments. Manholes with inlets solely from private storm drains, individual catch basins, or both are not considered junction manholes for these purposes.

**Key Junction Manhole** - For the purposes of this permit, key junction manholes are those junction manholes that can represent one or more junction manholes without compromising adequate implementation of the illicit discharge program. Adequate implementation of the illicit discharge program would not be compromised if the exclusion of a particular junction manhole as a key junction manhole would not affect the permittee's ability to determine the possible presence of an upstream illicit discharge. A permittee may exclude a junction manhole located upstream from another located in the immediate vicinity or that is serving a drainage alignment with no potential for illicit connections.

**Municipal Separate Storm Sewer** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**Municipal Separate Storm Sewer System (MS4)** - means all separate storm sewers that are defined as "large" or "medium" or "small" municipal storm sewer systems pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7), or designated under paragraph 40 126.26(a) (1)(v). For the purposes of this permit "MS4" may also refer to the permittee with jurisdiction over the sewer system.

**New Development** – any construction activities or land alteration resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover. (see part 2.3.6. of the permit)

**New Discharger** – For the purposes of this permit, a new discharger is an entity that discharges stormwater from a new facility with an entirely new separate storm sewer system that is not physically located on the same or adjacent land as an existing facility and associated system operated by the same MS4.

**New Source** - any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- S after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- S after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

**New Source Performance Standards (NSPS)** – Technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

**No exposure** - all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

**One Lane Width** – The width of the travel lane for a roadway. Lane width does not include shoulders, curbs, and on-street parking areas.

**Outfall Catchment** – The land area draining to a single outfall or interconnection. The extent of an outfall’s catchment is determined not only by localized topography and impervious cover but also by the location of drainage structures and the connectivity of MS4 pipes.

**Owner or operator** - the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

**Person** - an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

**Point source** - any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant** - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

**Pollutant of concern** – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a State's 303(d) list.

**Redevelopment** – for the purposes of part 2.3.6., any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1

acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

**Reportable Quantity Release** – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 177, and 302 for complete definitions and reportable quantities for which notification is required.

**Runoff coefficient** - the fraction of total rainfall that will appear at the conveyance as runoff.

**Significant materials** - includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

**Site** – for the purposes of part 2.3.6., the area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover (e.g. repaving not covered by 2.3.6.a.ii.4.d.)

**Small Municipal Separate Storm Sewer System** – all separate storm sewer systems that are (i) owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district, or drainage district, or similar entity or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, and (ii) not defined as “large” or “medium” municipal separate storm sewer system pursuant to paragraphs 40 CFR 122.26 (b)(4) and (b)(7), or designated under paragraph 40 126.26(a) (1)(v). This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings.

**Small MS4** – means a small municipal separate storm sewer system.

**Stormwater** - stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater Discharges Associated with Construction Activity** - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial

stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

**Stormwater Discharges Associated with Industrial Activity** - the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in Appendix D of this permit. The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v).

**Total Maximum Daily Loads (TMDLs)** - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

**Urbanized Area** – US Census designated area comprised of a densely settled core of census tracts and/or census blocks that meet minimum population density requirements, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. For the purposes of this permit, Urbanized Areas as defined by any Census since 2000 remain subject to stormwater regulation even if there is a change in the reach of the Urbanized Area because of a change in more recent Census data.

**Water Quality Limited Water** – for the purposes of this permit, a water quality limited water is any waterbody that does not meet applicable water quality standards, including but not limited to waters listed in categories 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b).

**Water Quality Standards** - A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt WQS to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)).

#### **ABBREVIATIONS AND ACRONYMS**

BMP – Best Management Practice

BPJ – Best Professional Judgment

CGP – Construction General Permit

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

DCIA – Directly Connected Impervious Area

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

USFWS – U. S. Fish and Wildlife Service

IA – Impervious Area

IDDE – Illicit Discharge Detection and Elimination

LA – Load Allocations

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit

NHPA – National Historic Preservation Act

NMFS – U. S. National Marine Fisheries Service

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

NRHP – National Register of Historic Places

NSPS – New Source Performance Standard

NTU – Nephelometric Turbidity Unit

PCP – Phosphorus Control Plan (pertaining to Charles River Watershed phosphorus

TMDL requirements only – Appendix F Part A.I)

LPCP – Lake Phosphorus Control Plan (pertaining to Lake or pond phosphorus TMDL requirements only – Appendix F Part A.II)

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SHPO – State Historic Preservation Officer

SIC – Standard Industrial Classification

SPCC – Spill Prevention, Control, and Countermeasure

SWMP – Stormwater Management Program

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

## Appendix B

### Standard Permit Conditions

#### Standard Permit Conditions

Standard permit conditions in Appendix B are consistent with the general permit provisions required under 40 CFR 122.41.

#### B.1. Duty To Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- B. Penalties for Violations of Permit Conditions: The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.
  1. *Criminal Penalties.*
    - a. *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
    - b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a



second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

- c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 and can fined up to \$2,000,000 for second or subsequent convictions.
  - d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
2. *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$32,500 per day for each violation).
  3. *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

- 3.1. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500).
- 3.2. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

## **B.2. Duty to Reapply**

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit.

## **B.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## **B.4. Duty to Mitigate**

You must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

## **B.5. Proper Operation and Maintenance**

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit, including the requirements of your SWPPP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

## **B.6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**B.7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privileges.

**B.8. Duty to Provide Information**

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information which EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA upon request, copies of records required to be kept by this permit.

**B.9. Inspection and Entry**

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

- A. Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**B.10. Monitoring and Records**

- A. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- B. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time.
- C. Records of monitoring information must include:
  1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed

4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- D. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

### **B.11. Signatory Requirements**

- A. All applications, including NOIs, must be signed as follows:
1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

- B. All reports, including SWPPPs, inspection reports, annual reports, monitoring reports, reports on training and other information required by this permit must be signed by a person described in Appendix B, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in Appendix B, Subsection 11.A;
  2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.
- C. Changes to Authorization. If an authorization under Appendix B, Subsection 11.B is no longer accurate because a different operator has responsibility for the overall operation of the industrial facility, a new NOI satisfying the requirements of Subsection 11.B must be submitted to EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Any person signing documents required under the terms of this permit must include the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
- E. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

**B.12. Reporting Requirements**

- A. Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
  2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1).
- B. Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Transfers. This permit is not transferable to any person except after notice to EPA. EPA may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)
- D. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
1. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms (paper or electronic) provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.
  2. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.
  3. Calculations for all limitations which require averaging of measurements must use an arithmetic mean and non-detected results must be incorporated in calculations as the limit of quantitation for the analysis.
- E. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
- F. Twenty-four hour reporting.
1. You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours

from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
    - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
    - b. Any upset which exceeds any effluent limitation in the permit
    - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by EPA in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
  3. EPA may waive the written report on a case-by-case basis for reports under Appendix B, Subsection 12.F.2 if the oral report has been received within 24 hours.
- G. Other noncompliance. You must report all instances of noncompliance not reported under Appendix B, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix B, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

### **B.13. Bypass**

- A. Definitions.
1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
  2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential

maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix B, Subsections 13.C and 13.D.

C. Notice.

1. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix B, Subsection 12.F (24-hour notice).

D. Prohibition of bypass.

1. Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. You submitted notices as required under Appendix B, Subsection 13.C.
2. EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix B, Subsection 13.D.1.

#### **B.14. Upset**

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.



- C. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that you can identify the cause(s) of the upset;
  2. The permitted facility was at the time being properly operated; and
  3. You submitted notice of the upset as required in Appendix B, Subsection 12.F.2.b (24 hour notice).
  4. You complied with any remedial measures required under Appendix B, Subsection 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, has the burden of proof.

## APPENDIX C ENDANGERED SPECIES GUIDANCE

### A. Background

In order to meet its obligations under the Clean Water Act and the Endangered Species Act (ESA), and to promote the goals of those Acts, the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this general permit do not adversely affect endangered and threatened species or critical habitat. Applicants applying for permit coverage must assess the impacts of their stormwater discharges and discharge-related activities on federally listed endangered and threatened species (“listed species”) and designated critical habitat (“critical habitat”) to ensure that those goals are met. Prior to obtaining general permit coverage, applicants must meet the ESA eligibility provisions of this permit by following the steps in this Appendix<sup>1</sup>.

Applicants also have an independent ESA obligation to ensure that their activities do not result in any prohibited “take” of listed species<sup>2</sup>. The term “Take” is used in the ESA to include harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. “Harm” is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering. “Harass” is defined as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Many of the measures required in this general permit and in these instructions to protect species may also assist in ensuring that the applicant’s activities do not result in a prohibited take of species in violation of section 9 of the ESA. If the applicant has plans or activities in an area where endangered and threatened species are located, they may wish to ensure that they are protected from potential take liability under ESA section 9 by obtaining an ESA section 10 permit or by requesting formal consultation under ESA section 7. Applicants that are unsure whether to pursue a section 10 permit or a section 7 consultation for takings protection should confer with the appropriate United States Fish and Wildlife Service (USFWS) office or the National Marine Fisheries Service (NMFS), (jointly the Services).

Currently, there are 20 species of concern for applicants applying for permit coverage, namely the Dwarf wedgemussel (*Alasmidonta heterodon*), Northeastern bulrush (*Scirpus ancistrochaetus*), Sandplain gerardia (*Agalinis acuta*), Piping Plover (*Charadrius melodus*), Roseate Tern (*Sterna dougallii*), Northern Red-bellied cooter (*Pseudemys rubriventis*), Bog Turtle (*Glyptemys muhlenbergii*), Small whorled Pogonia (*Isotria medeoloides*), Puritan tiger beetle (*Cicindela puritana*), American burying beetle (*Nicrophorus americanus*), Northeastern beach tiger beetle (*Cicindela dorsalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose Sturgeon (*Acipenser brevirostrum*), North Atlantic Right Whale (*Eubalaena glacialis*), Humpback Whale (*Megaptera novaengliae*), Fin Whale (*Balaenoptera physalus*), Kemp’s Ridley Sea Turtle (*Lepidochelys kempii*), Loggerhead Sea Turtle (*Caretta caretta*), Leatherback Sea Turtle (*Dermochelys coriacea*), and the Green Turtle (*Chelonia*

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<sup>1</sup> EPA strongly encourages applicants to begin this process at the earliest possible stage to ensure the notification requirements for general permit coverage are complete upon Notice of Intent (NOI) submission.

<sup>2</sup> Section 9 of the ESA prohibits any person from “taking” a listed species (e.g. harassing or harming it) unless: (1) the taking is authorized through an “incidental take statement” as part of completion of formal consultation according to ESA section 7; (2) where an incidental take permit is obtained under ESA section 10 (which requires the development of a habitat conversion plan; or (3) where otherwise authorized or exempted under the ESA. This prohibition applies to all entities including private individuals, businesses, and governments.

*mydas*). The Atlantic Sturgeon, Shortnose Sturgeon, North Atlantic Right Whale, Humpback Whale, Fin Whale, Loggerhead Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle and Green Turtle are listed under the jurisdiction of NMFS. The Dwarf wedgemussel, Northeastern bulrush, Sandplain gerardia, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Small whorled Pogonia, Roseate Tern, Puritan tiger beetle, Northeastern beach tiger beetle, Northern Long-eared Bat and American burying beetle are listed under the jurisdiction of the U.S. Fish and Wildlife Service.

Any applicant seeking coverage under this general permit, must consult with the Services where appropriate. When listed species are present, permit coverage is only available if EPA determines, or the applicant determines and EPA concurs, that the discharge or discharge related activities will have "no affect" on the listed species or critical habitat, or the applicant or EPA determines that the discharge or discharge related activities are "not likely to adversely affect" listed species or critical habitat and formal or informal consultation with the Services has been concluded and results in written concurrence by the Services that the discharge is "not likely to adversely affect" an endangered or threatened species or critical habitat.

EPA may designate the applicants as non-Federal representatives for the general permit for the purpose of carrying out formal or informal consultation with the Services (See 50 CFR §402.08 and §402.13). By terms of this permit, EPA has automatically designated operators as non-Federal representatives for the purpose of conducting formal or informal consultation with the U.S. Fish and Wildlife Service. EPA has not designated operators as non-Federal representatives for the purpose of conducting formal or informal consultation with the National Marine Fisheries Service. EPA has determined that discharges from MS4s are not likely to adversely affect listed species or critical habitat under the jurisdiction of the National Marine Fisheries Service. EPA has initiated informal consultation with the National Marine Fisheries Service on behalf of all permittees and no further action is required by permittees in order to fulfill ESA requirements of this permit related to species under the jurisdiction of NMFS

#### B. The U.S. Fish and Wildlife Service ESA Eligibility Process

Before submitting a notice of intent (NOI) for coverage by this permit, applicants must determine whether they meet the ESA eligibility criteria by following the steps in Section B of this Appendix. Applicants that cannot meet the eligibility criteria in Section B must apply for an individual permit.

The USFWS ESA eligibility requirements of this permit relating to the Dwarf wedgemussel, Northeastern bulrush, Sandplain gerardia, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Small whorled Pogonia, Roseate Tern, Puritan tiger beetle, Northeastern beach tiger beetle, Northern Long-eared Bat and American burying beetle may be satisfied by documenting that one of the following criteria has been met:

USFWS Criterion A: No endangered or threatened species or critical habitat are in proximity to the stormwater discharges or discharge related activities.

USFWS Criterion B: In the course of formal or informal consultation with the Fish and Wildlife Service, under section 7 of the ESA, the consultation resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by USFWS on a finding that the stormwater discharges and

discharge related activities are “not likely to adversely affect” listed species or critical habitat (informal consultation).

USFWS Criterion C: Using the best scientific and commercial data available, the effect of the stormwater discharge and discharge related activities on listed species and critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the applicant and affirmed by EPA, that the stormwater discharges and discharge related activities will have “no affect” on any federally threatened or endangered listed species or designated critical habitat under the jurisdiction of the USFWS.

#### 1. The Steps to Determine if the USFWS ESA Eligibility Criteria Can Be Met

To determine eligibility, you must assess the potential effects of your known stormwater discharges and discharge related activities on listed species or critical habitat, PRIOR to completing and submitting a Notice of Intent (NOI). You must follow the steps outlined below and document the results of your eligibility determination.

#### **Step 1 – Determine if you can meet USFWS Criterion A**

USFWS Criterion A: You can certify eligibility, according to USFWS Criterion A, for coverage by this permit if, upon completing the Information, Planning, and Conservation (IPaC) online system process, you printed and saved the preliminary determination which indicated that federally listed species or designated critical habitats are not present in the action area. See Attachment 1 to Appendix C for instructions on how to use IPaC.

*If you have met USFWS Criterion A skip to Step # 4.*

*If you have not met USFWS Criterion A, go to Step # 2.*

#### **Step 2 – Determine if You Can Meet Eligibility USFWS Criteria B**

USFWS Criterion B: You can certify eligibility according to USFWS Criteria B for coverage by this permit if you answer “Yes” to **all** of the following questions:

- 1) Does your action area contain one or more of the following species: Sandplain gerardia, Small whorled Pogonia, American burying beetle, Dwarf wedgemussel, Northeastern bulrush, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Roseate Tern, Puritan tiger beetle, and Northeastern beach tiger beetle?  
AND
- 2) Did your assessment of the discharge and discharge related activities indicate that the discharge or discharge related activities “may affect” or are “not likely to adversely affect” listed species or critical habitat?  
AND
- 3) Did you contact the USFWS and did the formal or informal consultation result in either a “no jeopardy” opinion by the USFWS (for formal consultation) or concurrence by the

USFWS that your activities would be “not likely to adversely affect” listed species or critical habitat (for informal consultation)?

AND

- 4) Do you agree to implement all measures upon which the consultation was conditioned?
- 5) Do you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the NOI that you will re-initiate informal or formal consultation with USFWS as necessary?

Use the guidance below Step 3 to understand effects determination and to answer these questions.

*If you answered “Yes” to all four questions above, you have met eligibility USFWS Criteria B. Skip to Step 4.*

*If you answered “No” to any of the four questions above, go to Step 3.*

### **Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C**

USFWS Criterion C: You can certify eligibility according to USFWS Criterion C for coverage by this permit if you answer “Yes” to both of the following question:

- 1) Does your action area contain one or more of the following species: Northern Long-eared Bat, Sandplain gerardia, Small whorled Pogonia and/or American burying beetle and **does not** contain one any following species: Dwarf wedgemussel, Northeastern bulrush, Piping Plover, Northern Red-bellied cooter, Bog Turtle, Roseate Tern, Puritan tiger beetle, and Northeastern beach tiger beetle?<sup>3</sup>
- OR
- 2) Did the assessment of your discharge and discharge related activities and indicate that there would be “no affect” on listed species or critical habitat and EPA provided concurrence with your determination?
- 3) Do you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the NOI that you will to conduct an endangered species screening for the proposed site and contact the USFWS if you determine that the new activity “may affect” or is “not likely to adversely affect” listed species or critical habitat under the jurisdiction of the USFWS.

Use the guidance below to understand effects determination and to answer these questions.

*If you answered “Yes” to both the question above, you have met eligibility USFWS Criterion C. Go to Step 4.*

*If you answered “No” to either of the questions above, you are not eligible for coverage by this permit. You must submit an application for an individual permit for your stormwater discharges. (See 40 CFR 122.21).*

### **USFWS Effects Determination Guidance:**

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If you are unable to certify eligibility under USFWS Criterion A, you must assess whether your stormwater discharges and discharge-related activities “may affect”, will have “no affect” or are “not likely to adversely affect” listed species or critical habitat. “Discharge-related activities” include: activities which cause, contribute to, or result in point source stormwater pollutant discharges; and measures to provide treatment for stormwater discharges including the siting, construction and operational procedures to control, reduce or prevent water pollution. Please be aware that no protection from incidental take liability is provided under this criterion.

The scope of effects to consider will vary with each system. If you are having difficulty in determining whether your system is likely to cause adverse effects to a listed species or critical habitat, you should contact the USFWS for assistance. In order to complete the determination of effects it may be necessary to follow the formal or informal consultation procedures in section 7 of the ESA.

Upon completion of your assessment, document the results of your effects determination. If your results indicate that stormwater discharges or discharge related activities will have “no affect” on threatened or endangered species or critical habitat and EPA concurs with your determination, you are eligible under USFWS Criterion C of this Appendix. Your determination may be based on measures that you implement to avoid, eliminate, or minimized adverse effects.

*If the determination is “May affect” or “not likely to adversely affect”* you must contact the USFWS to discuss your findings and measures you could implement to avoid, eliminate, or minimize adverse effects. If you and the USFWS reach agreement on measures to avoid adverse effects, you are eligible under USFWS Criterion B. Any terms and/or conditions to protect listed species and critical habitat that you relied on in order to complete an adverse effects determination, must be incorporated into your Storm Water Management Program (required by this permit) and implemented in order to maintain permit eligibility.

*If endangered species issues cannot be resolved:* If you cannot reach agreement with the USFWS on measures to avoid or eliminate adverse effects then you are not eligible for coverage under this permit. You must seek coverage under an individual permit.

Effects from stormwater discharges and discharge-related activities which could pose an adverse effect include:

- *Hydrological:* Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- *Habitat:* Excavation, site development, grading and other surface disturbance activities, including the installation or placement of treatment equipment may adversely affect listed species or their habitat. Stormwater from the small MS4 may inundate a listed species habitat.

- *Toxicity*: In some cases, pollutants in the stormwater may have toxic effects on listed species.

#### **Step 4 - Document Results of the Eligibility Determination**

Once the USFWS ESA eligibility requirements have been met, you shall include documentation of USFWS ESA eligibility in the Storm Water Management Program required by the permit. Documentation for the various eligibility criteria are as follows:

- USFWS Criterion A: A copy of the IPaC generated preliminary determination letter indicating that no listed species or critical habitat is present within your action area. You shall also include a statement on how you determined that no listed species or critical habitat are in proximity to your stormwater system or discharges.
- USFWS Criterion B: A dated copy of the USFWS letter of concurrence on a finding of “no jeopardy” (for formal consultation) or “not likely to adversely affect” (for informal consultation) regarding the ESA section 7 consultation.
- USFWS Criterion C: A dated copy of the EPA concurrence with the operator’s determination that the stormwater discharges and discharge-related activities will have “no affect” on listed species or critical habitat.

#### **C. Submittal of Notice of Intent**

Once the ESA eligibility requirements of Part C of this Appendix have been met you may submit the Notice of Intent indicating which Criterion you have met to be eligible for permit coverage. Signature and submittal of the NOI constitutes your certification, under penalty of law, of eligibility for permit coverage under 40 CFR 122.21.

#### **D. Duty to Implement Terms and Conditions upon which Eligibility was Determined**

You must comply with any terms and conditions imposed under the ESA eligibility requirements to ensure that your stormwater discharges and discharge related activities do not pose adverse effects or jeopardy to listed species and/or critical habitat. You must incorporate such terms and conditions into your Storm Water Management Program as required by this permit. If the ESA eligibility requirements of this permit cannot be met, then you may not receive coverage under this permit and must apply for an individual permit.

#### **E. Services Information**

United States Fish and Wildlife Service Office

National websites for Endangered Species Information:

Endangered Species home page: <http://endangered.fws.gov>

ESA Section 7 Consultations: <http://endangered.fws.gov/consultation/index.html>

Information, Planning, and Conservation System (IPAC): <http://ecos.fws.gov/ipac/>

U.S. FWS – Region 5  
Supervisor

New England Field Office  
U.S. Fish and Wildlife Services  
70 Commercial Street, Suite 300  
Concord, NH 03301

#### Natural Heritage Network

The Natural Heritage Network comprises 75 independent heritage program organizations located in all 50 states, 10 Canadian provinces, and 12 countries and territories located throughout Latin America and the Caribbean. These programs gather, manage, and distribute detailed information about the biological diversity found within their jurisdictions. Developers, businesses, and public agencies use natural heritage information to comply with environmental laws and to improve the environmental sensitivity of economic development projects. Local governments use the information to aid in land use planning.

The Natural Heritage Network is overseen by NatureServe, the Network's parent organization, and is accessible on-line at: [http://www.natureserve.org/nhp/us\\_programs.htm](http://www.natureserve.org/nhp/us_programs.htm), which provides websites and other access to a large number of specific biodiversity centers.



## U.S. Fish and Wildlife IPaC system instructions

Use the following protocol to determine if any federally listed species or designated critical habitats under USFWS jurisdiction exist in your action area:

Enter your project specific information into the “Initial Project Scoping” feature of the Information, Planning, and Conservation (IPaC) system mapping tool, which can be found at the following location:

<http://ecos.fws.gov/ipac/>

- a. Indicate the action area<sup>1</sup> for the MS4 by either:
  - a. Drawing the boundary on the map or by uploading a shapefile. Select “Continue”
  
- c. Click on the “SEE RESOURCE LIST” button and on the next screen you can export a trust resources list. This will provide a list of natural resources of concern, which will include an Endangered Species Act Species list. You may also request an official species list under “REGULATORY DOCUMENTS” Save copies and retain for your records

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<sup>1</sup> The action area is defined by regulation as all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action (50 CFR §402.02). This analysis is not limited to the "footprint" of the action nor is it limited by the Federal agency's authority. Rather, it is a biological determination of the reach of the proposed action on listed species. Subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take are based upon the action area.

The documentation used by a Federal action agency to initiate consultation should contain a description of the action area as defined in the Services' regulations and explained in the Services' consultation handbook. If the Services determine that the action area as defined by the action agency is incorrect, the Services should discuss their rationale with the agency or applicant, as appropriate. Reaching agreement on the description of the action area is desirable but ultimately the Services can only consult when an action area is defined properly under the regulations.

For storm water discharges or discharge related activities, the action area should encompass the following:

- The immediate vicinity of, or nearby, the point of discharge into receiving waters.
- The path or immediate area through which or over which storm water flows from the municipality to the point of discharge into the receiving water. This includes areas in the receiving water downstream from the point of discharge.
- Areas that may be impacted by construction or repair activities. This extends as far as effects related to noise (from construction equipment, power tools, etc.) and light (if work is performed at night) may reach.

The action area will vary with the size and location of the outfall pipe, the nature and quantity of the storm water discharges, and the type of receiving waters, among other factors.

## **Appendix D**

### **National Historic Preservation Act Guidance**

#### **Background**

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of Federal “undertakings” on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. The term federal “undertaking” is defined in the NHPA regulations to include a project, activity, or program of a federal agency including those carried out by or on behalf of a federal agency, those carried out with federal financial assistance, and those requiring a federal permit, license or approval. See 36 CFR 800.16(y). Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. See 36 CFR 800.16(1).

EPA’s issuance of a National Pollutant Discharge Elimination System (NPDES) General Permit is a federal undertaking within the meaning of the NHPA regulations and EPA has determined that the activities to be carried out under the general permit require review and consideration, in order to be in compliance with the federal historic preservation laws and regulations. Although individual submissions for authorization under the general permit do not constitute separate federal undertakings, the screening processes provides an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the permit. To address any issues relating to historic properties in connection with the issuance of this permit, EPA has included a screening process for applicants to identify whether properties listed or eligible for listing on the National Register of Historic Places are within the path of their discharges or discharge-related activities (including treatment systems or any BMPs relating to the discharge or treatment process) covered by this permit.

Applicants seeking authorization under this general permit must comply with applicable, State, Tribal, and local laws concerning the protection of historic properties and places and may be required to coordinate with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) and others regarding effects of their discharges on historic properties.

#### **Activities with No Potential to Have an Effect on Historic Properties**

A determination that a federal undertaking has no potential to have an effect on historic properties fulfills an agency’s obligations under NHPA. EPA has reason to believe that the vast majority of activities authorized under this general permit will have no potential effects on historic properties. This permit typically authorizes discharges from existing facilities and requires control of the pollutants discharged from the facility. EPA does not anticipate effects on historic properties from the pollutants in the authorized discharges. Thus, to the extent EPA’s issuance of this general permit authorizes discharges of such constituents, confined to existing channels, outfalls or natural drainage areas, the permitting action does not have the potential to cause effects on historical properties.

In addition, the overwhelming majority of sources covered under this permit will be facilities that are seeking renewal of previous permit authorization. These existing dischargers should have already addressed NHPA issues in the previous general permit as they were required to certify that they were either not affecting historic properties or they had obtained written agreement from

the applicable SHPO or THPO regarding methods of mitigating potential impacts. To the extent this permit authorizes renewal of prior coverage without relevant changes in operations the discharge has no potential to have an effect on historic properties.

### **Activities with Potential to Have an Effect on Historic Properties**

EPA believes this permit may have some potential to have an effect on historic properties the applicant undertakes the construction and/or installation of control measures that involve subsurface disturbance that involves less than 1 acre of land. (Ground disturbances of 1 acre or more require coverage under the Construction General Permit.) Where there is disturbance of land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. Therefore, if the applicant is establishing new or altering existing control measures to manage their discharge that will involve subsurface ground disturbance of less than 1 acre, they will need to ensure (1) that historic properties will not be impacted by their activities or (2) that they are in compliance with a written agreement with the SHPO, THPO, or other tribal representative that outlines all measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties.

### ***Examples of Control Measures Which Involve Subsurface Disturbance***

The type of control measures that are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch basins, drainage inlets
- Ponds, bioretention areas
- Ditches, trenches, channels, swales
- Culverts, pipes
- Land manipulation; contouring, sloping, and grading
- Perimeter Drains
- Installation of manufactured treatment devices

EPA cautions applicants that this list is non-inclusive. Other control measures that involve earth disturbing activities that are not on this list must also be examined for the potential to affect historic properties.

### **Certification**

Upon completion of this screening process the applicant shall certify eligibility for this permit using one of the following criteria on their Notice of Intent for permit coverage:

**Criterion A:** The discharges do not have the potential to cause effects on historic properties.

**Criterion B:** A historic survey was conducted. The survey concluded that no historic properties are present. Discharges do not have the potential to cause effects on historic properties.

**Criterion C:** The discharges and discharge related activities have the potential to have an effect on historic properties, and the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (TPHO), or other tribal representative that outlines measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties.

Authorization under the general permit is available only if the applicant certifies and documents permit eligibility using one of the eligibility criteria listed above. Small MS4s that cannot meet any of the eligibility criteria in above must apply for an individual permit.

### Screening Process

Applicants or their consultant need to answer the questions and follow the appropriate procedures below to assist EPA in compliance with 36 CFR 800.

**Question 1:** Is the facility an existing facility authorized by the previous permit or a new facility and the applicant is not undertaking any activity involving subsurface land disturbance less than an acre?

*YES* - The applicant should certify that fact in writing and file the statement with the EPA. This certification must be maintained as part of the records associated with the permit.

**The applicant should certify eligibility for this permit using Criterion A on their Notice of Intent for permit coverage.** The applicant does not need to contact the state Historic Commission. Based on that statement, EPA will document that the project has “no potential to cause effects” (36 CFR 800.3(a)(1)). There are no further obligations under the Section 106 regulations.

*NO*- Go to Question 2.

**Question 2:** Is the property listed in the National Register of Historic Places or have prior surveys or disturbances revealed the existence of a historic property or artifacts?

*NO* - The applicant should certify that fact in writing and file the statement with the EPA. This certification must be maintained as part of the records associated with the permit.

**The applicant should certify eligibility for this permit using Criterion B on their Notice of Intent for permit coverage.** The applicant does not need to contact the state Historic Commission. Based on that statement, EPA will document that the project has “no potential to cause effects” (36 CFR 800.3(a)(1)). There are no further obligations under the Section 106 regulations.

*YES* - The applicant or their consultant should prepare a complete information submittal to the SHPO. The submittal consists of:

- Completed Project Notification Form- forms available at <http://www.sec.state.ma.us/mhc/mhcform/formidx.htm>;

- USGS map section with the actual project boundaries clearly indicated; and
- Scaled project plans showing existing and proposed conditions.

(1) Please note that the SHPO does not accept email for review. Please mail a paper copy of your submittal (Certified Mail, Return Receipt Requested) or deliver a paper copy of your submittal (and obtain a receipt) to:

State Historic Preservation Officer  
Massachusetts Historical Commission  
220 Morrissey Blvd.  
Boston MA 02125.

(2) Provide a copy of your submittal and the proof of MHC delivery showing the date MHC received your submittal to:

NPDES Permit Branch Chief  
US EPA Region 1 (OEP06-1)  
5 Post Office Square, Suite 100  
Boston MA 02109-3912.

The SHPO will comment within thirty (30) days of receipt of complete submittals, and may ask for additional information. Consultation, as appropriate, will include EPA, the SHPO and other consulting parties (which includes the applicant). The steps in the federal regulations (36 CFR 800.2 to 800.6, etc.) will proceed as necessary to conclude the Section 106 review for the undertaking. **The applicant should certify eligibility for this permit using Criterion C on their Notice of Intent for permit coverage.**

# Notice of Intent (NOI) for coverage under Small MS4 General Permit

## Part I: General Conditions

### General Information

Name of Municipality or Organization:  State

EPA NPDES Permit Number:

### Primary MS4 Program Manager Contact Information

Name:  Title:

Street Address Line 1

Street Address Line 2

City  State  Zip Code

Email:  Phone Number:

Fax Number:

### Other Information

Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

Stormwater Management Program (SWMP) Location (web address or physical location):

### Eligibility Determination

Endangered Species Act (ESA) Determination Complete?  Eligibility Criteria (check all that apply):  A  B  C  D  E  F

National Historic Preservation Act (NHPA) Determination Complete?  Eligibility Criteria (check all that apply):  A  B  C  D

### MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete?  If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY):

Web address where MS4 map is published:

*If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)*

### Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?:  Effective Date or Estimated Date of Adoption (MM/DD/YY):

Construction/Erosion and Sediment Control (ESC) Authority Adopted?:  Effective Date or Estimated Date of Adoption (MM/DD/YY):

Post- Construction Stormwater Management Adopted?:  Effective Date or Estimated Date of Adoption (MM/DD/YY):

## Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

### Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, any impairments.

For Massachusetts list of impaired waters click here: [Massachusetts 2010 List of Impaired Waters](http://www.mass.gov/dep/water/resources/10list6.pdf) <http://www.mass.gov/dep/water/resources/10list6.pdf>

For New Hampshire list of impaired waters click here: [New Hampshire Final 303\(d\) Materials](http://des.nh.gov/organization/divisions/water/wmb/swqa/2010/index.htm): <http://des.nh.gov/organization/divisions/water/wmb/swqa/2010/index.htm>

Source of pollutants column should be completed with a preliminary source evaluation of pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with Section 2.2.2a of the permit

Waterbody segment that receives flow from the MS4	Number of outfalls into receiving water segment	Pollutant list (select one at a time to add)	Click impairment at left to add, or at right to remove	Pollutant(s) causing impairment, if applicable (select one at a time to remove)
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	

		<p>Chlorophyll-a                  Dissolved oxygen saturation                  Escherichia coli                  Mercury                  Nitrogen (Total)                  Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a                  Dissolved oxygen saturation                  Escherichia coli                  Mercury                  Nitrogen (Total)                  Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a                  Dissolved oxygen saturation                  Escherichia coli                  Mercury                  Nitrogen (Total)                  Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a                  Dissolved oxygen saturation                  Escherichia coli                  Mercury                  Nitrogen (Total)                  Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a                  Dissolved oxygen saturation                  Escherichia coli                  Mercury                  Nitrogen (Total)                  Oxygen, Dissolved</p>	Add/Remove	
		<p>Chlorophyll-a                  Dissolved oxygen saturation                  Escherichia coli                  Mercury                  Nitrogen (Total)</p>	Add/Remove	



		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	
		Chlorophyll-a Dissolved oxygen saturation Escherichia coli Mercury Nitrogen (Total) Oxygen, Dissolved	Add/Remove	

Click to lengthen table



# Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

## Part III: Stormwater Management Program Summary

### MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description (enter your own text to override the drop down menu)	Responsible Department/ Parties	Additional Description/ Measurable Goal	Beginning Year of BMP implemen tation
Public Review	SWMP Review			
Public Participation				

## Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

### Part III: Stormwater Management Program Summary

#### MCM 3: Illicit Discharge Detection and Elimination (IDDE)

<b>BMP Categorization</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
SSO inventory			Develop SSO inventory within 1 year of effective date of permit
Storm sewer system map			Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit
Written IDDE program development			Complete within 1.5 years of the effective date of permit
Implement IDDE Program			Implement catchment investigations according to program and permit conditions
Employee Training			Train annually
Conduct dry weather screening			Conduct in accordance with outfall screening procedure and permit conditions
Conduct wet weather screening			Conduct in accordance with outfall screening procedure and permit conditions
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<input type="text"/>		<input type="text"/>	
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# Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

## Part III: Stormwater Management Program Summary

### MCM 4: Construction Site Stormwater Runoff Control

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/ Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP implementation</b>
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures		Complete by the end of Year 1	
Site plan review	Complete written procedures of site plan review and begin implementation		Complete by the end of Year 1	
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program			
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.			

## Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

### Part III: Stormwater Management Program Summary

#### MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/ Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP implementation</b>
As-built plans for on-site stormwater control	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP.		Require submission of as-built plans for completed projects	
Inventory and priority ranking of MS4-owned properties that may be retrofitted with BMPs	Conduct detailed inventory of MS4 owned properties and rank for retrofit potential		Complete 4 years after permit effective date	
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist		Complete 4 years after permit effective date	
Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.		Complete 4 years after permit effective date	
Ensure any stormwater controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality.	Adoption, amendment or modification of a regulatory mechanism to meet permit requirements		Complete 2 years after permit effective date	



# Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

## Part III: Stormwater Management Program Summary

### MCM 6: Municipal Good Housekeeping and Pollution Prevention

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/ Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP implementation</b>
Create written O&M procedures for parks and open spaces, buildings and facilities, and vehicles and equipment			Complete 2 years after permit effective date	
Inventory all permittee-owned parks and open spaces, buildings and facilities (including their storm drains), and vehicles and equipment			Complete 2 years after permit effective date	
Establish and implement program for repair and rehabilitation of MS4 infrastructure			Complete 2 years after permit effective date	
Stormwater Pollution Prevention Plan (SWPPP) for maintenance garages, transfer stations and other waste-handling facilities			Complete 2 years after permit effective date	
Catch Basin Cleaning				
Street Sweeping Program				
Road Salt use optimization program				





Use the drop-down menus to select the Pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

Actions for meeting Requirements Related to water Quality Limited Waters

Part III: Stormwater Management Program Summary

**Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)**

<b>Pollutant</b>	<b>Waterbody ID(s)</b>	<b>Action Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)
▼		▼	▼
▼		▼	▼
▼		▼	▼
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▼		▼	▼

# Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)

## Part IV: Notes and additional information

Use the space below to provide any additional information about your MS4 program

Click to add text

**Notice of Intent (NOI) for coverage under Small MS4 General Permit (continued)****Part V: Certification**

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Name:

Title:

Signature Field

Date:

**NOI Submission**

Please submit the form electronically via email using the "submit by Email" button below or send in a CD with your completed NOI. You may also print and submit via mail at the address below if you choose not to submit electronically. Outfall map required in Part I of the NOI (if applicable) can be submitted electronically as an email attachment OR as a paper copy.

**Permittees that choose to submit their NOI electronically by email or by mailing a CD with the completed NOI form to EPA, will be able to download a partially filled Year 1 Annual Report at a later date from EPA.**

Submit by Email

Submit by email using this button. Or, send an email with attachments to: [stormwater.reports@epa.gov](mailto:stormwater.reports@epa.gov)

Save

Save NOI for your records

**EPA Submittal Address:**

United States Environmental Protection Agency  
5 Post Office Square - Suite 100  
Mail Code - OEP06-1  
Boston, Massachusetts 02109-3912  
ATTN: Newton Tedder

**State Submittal Address**

Massachusetts Department of Environmental Protection  
One Winter Street - 5th Floor  
Boston, MA 02108  
ATTN: Fred Civian

**APPENDIX F**  
Requirements for Discharges to Impaired Waters with an Approved TMDL

**Table of Contents**

- A. Requirements for Discharges to Impaired Waters with an Approved MassDEP In State TMDL .....2
  - I. Charles River Watershed Phosphorus TMDL Requirements .....2
  - II. Lake and Pond Phosphorus TMDL Requirements ..... 18
  - III. Bacteria and Pathogen TMDL Requirements .....27
  - IV. Cape Cod Nitrogen TMDL Requirements .....40
  - V. Assabet River Phosphorus TMDL Requirements .....44
- B. Requirements for Discharges to Impaired Waters with an Approved Out of State TMDL .....47
  - I. Nitrogen TMDL Requirements .....47
  - II. Phosphorus TMDL Requirements .....51
  - III. Bacteria and Pathogen TMDL Requirements .....55
  - IV. Metals TMDL Requirements .....58
- C. Requirements for Discharges to Impaired Waters with a Regional TMDL .....61
  - I. The “Northeast Regional Mercury TMDL (2007)” .....61

Attachment 1 – Method To Calculate Baseline Watershed Phosphorus Load For Lake And Pond Phosphorus TMDLs (Applicable To part II Of Appendix F Only) And Method To Calculate Increases in Phosphorus Load due to Development

Attachment 2 – Phosphorus Reduction Credits For Selected Enhanced Non-Structural BMPs

Attachment 3 - Phosphorus Reduction Credits For Selected Structural BMPs

**A. Requirements for Discharges to Impaired Waters with an Approved MassDEP In State TMDL**

**I. Charles River Watershed Phosphorus TMDL Requirements**

On October 17, 2007, EPA approved the *Final TMDL for Nutrients in the Lower Charles River Basin* (Lower Charles TMDL)<sup>1</sup> and on June 10, 2011 EPA approved the *Total Maximum Daily Load for Nutrients in the Upper/Middle Charles River* (Upper/Middle Charles TMDL)<sup>2</sup>. The following phosphorus reduction requirements address phosphorus in MS4 discharges.

1. To address the discharge of phosphorus from its MS4, the permittee shall develop a Phosphorus Control Plan (PCP) designed to reduce the amount of phosphorus in stormwater (SW) discharges from its MS4 to the Charles River and its tributaries. The PCP shall be completed in phases and the permittee shall add it as an attachment to its written SWMP upon completion and report in annual reports pursuant to part 4.4 of the Permit on its progress toward achieving its Phosphorus Reduction Requirement. The PCP shall be developed and fully implemented as soon as possible but no later than 20 years after the permit effective date in accordance with the phases and schedule outlined below. Each Phase shall contain the elements required of each phase as described in parts a. through c below. The timing of each phase over 20 years from the permit effective date is:

1-5 years after permit effective date	5-10 years after permit effective date	10-15 years after permit effective date	15-20 years after permit effective date
Create Phase 1 Plan	Implement Phase 1 Plan		
	Create Phase 2 Plan	Implement Phase 2 Plan	
		Create Phase 3 Plan	Implement Phase 3 Plan

**a. Phase 1**

- 1) The permittee shall complete a written Phase 1 plan of the PCP five years after the permit effective date and fully implement the Phase 1 plan of the PCP as soon as possible but no longer than 10 years after the permit effective date.
- 2) The Phase 1 plan of the PCP shall contain the following elements and has the following required milestones:

Item Number	Phase 1 of the PCP Component and Milestones	Completion Date
1-1	Legal analysis	2 years after permit effective date

<sup>1</sup> Massachusetts Department of Environmental Protection. 2007. *Final TMDL for Nutrients in the Lower Charles River Basin*. CN 301.1

<sup>2</sup> Massachusetts Department of Environmental Protection. 2011. *Total Maximum Daily Load for Nutrients in the Upper/Middle Charles River Basin, Massachusetts*. CN 272.0

1-2	Funding source assessment.	3 years after permit effective date
1-3	Define scope of PCP (PCP Area) Baseline Phosphorus Load and Phosphorus Reduction Requirement and Allowable Phosphorus Load	4 years after permit effective date
1-4	Description of Phase 1 planned nonstructural controls	5 years after permit effective date
1-5	Description of Phase 1 planned structural controls	5 years after permit effective date
1-6	Description of Operation and Maintenance program for structural controls	5 years after permit effective date
1-7	Phase 1 implementation schedule	5 years after permit effective date
1-8	Estimated cost for implementing Phase 1 of the PCP	5 years after permit effective date
1-9	Complete Written Phase 1 PCP	5 years after permit effective date
1-10	Full implementation of nonstructural controls	6 years after permit effective date
1-11	Performance Evaluation	6, and 7 years after permit effective date
1-12	<p>1. Performance Evaluation.</p> <p>2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(<math>P_{allow}</math>) plus the applicable Phosphorus Reduction Requirement (<math>P_{RR}</math>) multiplied by 0.80</p> $P_{exp} \leq P_{allow} + (P_{RR} \times 0.80)$	8 years after permit effective date
1-13	Performance Evaluation	9 years after permit effective date
1-14	<p>1. Performance Evaluation.</p> <p>2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(<math>P_{allow}</math>) plus the applicable Phosphorus Reduction Requirement (<math>P_{RR}</math>) multiplied by 0.75</p>	10 years after permit effective date

	$P_{exp} \leq P_{allow} + (P_{RR} \times 0.75)$	
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**Table F-1: Phase 1 of the PCP components and Milestones**

3) Description of Phase 1 PCP Components

Legal Analysis- The permittee shall develop and implement an analysis that identifies existing regulatory mechanisms available to the MS4 such as by-laws and ordinances, and describes any changes to regulatory mechanisms that may be necessary to effectively implement the entire PCP. This may include the creation or amendment of financial and regulatory authorities. The permittee shall adopt necessary regulatory changes by the end of the permit term.

Funding source assessment – The permittee shall describe known and anticipated funding mechanisms (e.g. general funding, enterprise funding, stormwater utilities) that will be used to fund PCP implementation. The permittee shall describe the steps it will take to implement its funding plan. This may include but is not limited to conceptual development, outreach to affected parties, and development of legal authorities.

Scope of the PCP, Baseline Phosphorus Load ( $P_{base}$ ), Phosphorus Reduction Requirement ( $P_{RR}$ ) and Allowable Phosphorus Load ( $P_{allow}$ ) - The permittee shall indicate the area in which it plans to implement the PCP. The permittee must choose one of the following: (1) to implement its PCP in the entire area within its jurisdiction (for municipalities this would be the municipal boundary) within the Charles River Watershed; or (2) to implement its PCP only in the urbanized area portion of the permittee’s jurisdiction within the Charles River Watershed. The implementation area selected by the permittee is known as the “PCP Area” for that permittee. Table F-2<sup>3</sup> and Table F-3<sup>4</sup> list the permittees subject to phosphorus reduction requirements along with the estimated Baseline Phosphorus Loads in mass/yr, the calculated Allowable Stormwater Phosphorus Load in mass/yr, the Stormwater Phosphorus Reduction Requirement in mass/yr and the respective percent reductions necessary. The two tables contain different reduction requirements for each permittee based on the PCP Area they choose (see above). If the permittee chooses to implement the PCP in its entire jurisdiction, the permittee may demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural and non-structural controls on discharges that occur outside the regulated area. If the permittee chooses to implement the PCP in its regulated area only, the permittee must demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural

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<sup>3</sup> The estimated Baseline Phosphorus Load, Allowable Phosphorus Load, Phosphorus Reduction Requirement and percent reductions presented in Table F-2 apply to the entire watershed land area that drains to the Charles River and its tributaries within the permittee’s jurisdiction.

<sup>4</sup> The estimated Baseline Phosphorus Load, Allowable Phosphorus Load, Phosphorus Reduction Requirement and percent reductions presented in Table F-3 apply only to the urbanized area portion of the permittee’s jurisdiction that drains to the Charles River or its tributaries.



and non-structural controls on discharges that occur within the regulated area only.

The permittee shall select the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load that corresponds to the PCP Area selected. The selected Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load will be used to determine compliance with PCP milestones of this Phase and Phase 2 and Phase 3. If the permittee chooses to implement its PCP in all areas within its jurisdiction within the Charles River Watershed, then the permittee shall use Table F-2 to determine the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load for its PCP Area. If the permittee chooses to implement its PCP only within the regulated area within the Charles River Watershed, then the permittee shall use Table F-3 to determine the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load for its PCP Area.

The Permittee may submit more accurate land use data from 2005, which is the year chosen as the baseline land use for the purposes of permit compliance, for EPA to recalculate baseline phosphorus stormwater loads for use in future permit reissuances. Updated land use maps, land areas, characteristics, and MS4 area and catchment delineations shall be submitted to EPA along with the year 4 annual report in electronic GIS data layer form for consideration for future permit requirements<sup>5</sup>. Until such a time as future permit requirements reflect information submitted in the year 4 annual report, the permittee shall use the Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load Table F-2 (if its PCP Area is the permittee's entire jurisdiction) or Table F-3 (if its PCP Area is the regulated area only) to calculate compliance with milestones for Phase 1, 2, and 3 of the PCP.

Description of Phase 1 planned non-structural controls – The permittee shall describe the non-structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-1. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation in units of mass/yr. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F.

Description of Phase 1 planned structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of structural phosphorus controls during Phase 1. The ranking shall be developed through the use of available

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<sup>5</sup> This submission is optional and needs only be done if the permittee has more accurate land use information from 2005 than information provided by MassGIS (<http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/lus2005.html>, retrieved 10/1/2013) or the permittee has updated MS4 drainage area characteristics and the permittee would like to update the Baseline Phosphorus Load.

screening and monitoring results collected during the permit term either by the permittee or another entity and the mapping required pursuant to part 2.3.4.6 of the Permit. The permittee shall also include in this priority ranking a detailed assessment of site suitability for potential phosphorus control measures based on soil types and other factors. The permittee shall coordinate this activity with the requirements of part 2.3.6.8.b of the Permit. A description and the results of this priority ranking shall be included in Phase 1 of the PCP. The permittee shall describe the structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-1. The description of structural controls shall include the planned and existing measures, the areas where the measures will be implemented or are currently implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party may be included in a municipal PCP. Annual phosphorus reductions from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F.

Description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 1 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Phase 1 Implementation Schedule – A schedule for implementation of all planned Phase 1 BMPs, including, as appropriate: obtaining funding, training, purchasing, construction, inspections, monitoring, operation and maintenance activities, and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the Phase 1 Plan, and all non-structural BMPs shall be fully implemented within six years of the permit effective date. Structural BMPs shall be designed and constructed to ensure the permittee will comply with the 8 and 10 year phosphorus load milestones established in Table F-1. The Phase 1 plan shall be fully implemented as soon as possible, but no later than 10 years after the effective date of permit.

Estimated cost for implementing Phase 1 of the PCP – The permittee shall estimate the cost of implementing the Phase 1 non-structural and structural controls and associated Operation and Maintenance Program. This cost estimate can be used to assess the validity of the funding source assessment completed by year 3 after the permit effective date and to update funding sources as necessary to complete Phase 1.

Complete written Phase 1 Plan – The permittee must complete the written Phase 1 Plan of the PCP no later than 5 years after the permit effective date. The complete Phase 1 Plan shall include Phase 1 PCP item numbers 1-1 through 1-7 in Table F-1. The permittee shall make the Phase 1 Plan

available to the public for public comment during Phase 1 Plan development. EPA encourages the permittee to post the Phase I Plan online to facilitate public involvement.

Performance Evaluation –The permittee shall evaluate the effectiveness of the PCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs<sup>6</sup> and tracking increases resulting from development. Phosphorus reductions shall be calculated consistent with Attachment 2 to Appendix F (non-structural BMP performance) and Attachment 3 to Appendix F (structural BMP performance) for all BMPs implemented to date. Phosphorus export increases since 2005 due to development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus loading increases and reductions in unit of mass/yr shall be added or subtracted from the applicable Baseline Phosphorus Load given in Table F-2 or Table F-3 depending on the Scope of PCP chosen to estimate the yearly phosphorous export rate from the PCP Area. The permittee shall also include all information required in part I.2 of this Appendix in each performance evaluation. Performance evaluations will be included as part of each permittee’s annual report as required by part 4.4 of the Permit.

<b>Community Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed</b>				
<b>Community</b>	<b>Baseline Phosphorus Load, kg/yr</b>	<b>Stormwater Phosphorus Load Reduction Requirement kg/yr</b>	<b>Allowable Phosphorus Load, kg/yr</b>	<b>Stormwater Percent Reduction in Phosphorus Load (%)</b>
Arlington	106	57	49	53%
Ashland	67	23	44	34%
Bellingham	947	331	616	35%
Belmont	202	86	116	42%
Brookline	1,635	789	846	48%
Cambridge	512	263	249	51%
Dedham	805	325	480	40%
Dover	831	137	694	17%
Foxborough	2	0	2	0%
Franklin	2,344	818	1,526	35%

<sup>6</sup> In meeting its phosphorus reduction requirements a permittee may quantify phosphorus reductions by actions undertaken by another entity, except where those actions are credited to MassDOT or another permittee identified in Appendix F Table F-2 or F-3.

<b>Community Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed</b>				
<b>Community</b>	<b>Baseline Phosphorus Load, kg/yr</b>	<b>Stormwater Phosphorus Load Reduction Requirement kg/yr</b>	<b>Allowable Phosphorus Load, kg/yr</b>	<b>Stormwater Percent Reduction in Phosphorus Load (%)</b>
Holliston	1,543	395	1,148	26%
Hopedale	107	37	70	35%
Hopkinton	292	66	226	22%
Lexington	530	194	336	37%
Lincoln	593	101	492	17%
Medfield	955	277	678	29%
Medway	1,063	314	749	30%
Mendon	29	9	20	31%
Milford	1,611	663	948	41%
Millis	969	248	721	26%
Natick	1,108	385	723	35%
Needham	1,772	796	976	45%
Newton	3,884	1,941	1,943	50%
Norfolk	1,004	232	772	23%
Somerville	646	331	315	51%
Sherborn	846	131	715	16%
Walpole	159	28	131	18%
Waltham	2,901	1,461	1,400	50%
Watertown	1,127	582	545	52%
Wayland	46	15	31	33%
Wellesley	1,431	661	770	46%
Weston	1,174	281	893	24%
Westwood	376	114	262	30%
Wrentham	618	171	447	28%
Mass-DCR	421	91	330	22%

**Table F-2: Baseline Phosphorus Load, Phosphorus Reduction Requirement, Allowable Phosphorus Load and Percent Reduction in Phosphorus Load from Charles River Watershed. For use when PCP Area is chosen to be the entire community within the Charles River Watershed.**

<b>Urbanized Area Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed</b>				
<b>Community</b>	<b>Baseline Watershed Phosphorus Load, kg/yr</b>	<b>Stormwater Phosphorus Load Reduction Requirement, kg/yr</b>	<b>Allowable Phosphorus Load, kg/yr</b>	<b>Stormwater Percent Reduction in Phosphorus Load (%)</b>
Arlington	106	57	49	53%
Ashland	67	23	44	34%
Bellingham	801	291	510	36%
Belmont	202	86	116	42%
Brookline	1,635	789	846	48%
Cambridge	512	263	249	51%
Dedham	805	325	480	40%
Dover	282	54	228	19%
Foxborough	2	0	2	0%
Franklin	2,312	813	1,499	35%
Holliston	1,359	369	990	27%
Hopedale	107	37	70	35%
Hopkinton	280	65	215	23%
Lexington	525	193	332	37%
Lincoln	366	63	303	17%
Medfield	827	267	560	33%
Medway	1,037	305	732	29%
Mendon	10	5	5	50%
Milford	1,486	653	833	44%
Millis	501	159	342	32%
Natick	994	359	635	36%
Needham	1,771	795	976	45%
Newton	3,884	1,941	1,943	50%
Norfolk	1,001	231	770	23%
Somerville	646	331	315	51%
Sherborn	203	38	165	19%
Walpole	159	28	131	18%
Waltham	2,901	1,461	1,440	50%
Watertown	1,127	582	545	52%
Wayland	46	15	31	33%
Wellesley	1,431	661	770	46%

<b>Urbanized Area Annual Stormwater Phosphorus Load Reduction by Permittee, Charles River Watershed</b>				
<b>Community</b>	<b>Baseline Watershed Phosphorus Load, kg/yr</b>	<b>Stormwater Phosphorus Load Reduction Requirement, kg/yr</b>	<b>Allowable Phosphorus Load, kg/yr</b>	<b>Stormwater Percent Reduction in Phosphorus Load (%)</b>
Weston	1,174	281	893	24%
Westwood	346	108	238	31%
Wrentham	556	159	397	29%
Mass DCR	396	89	307	22%

**Table F-3: Baseline Phosphorus Load, Phosphorus Reduction Requirement, Allowable Phosphorus Load and Percent Reduction in Phosphorus Load from Charles River Watershed. For use when PCP Area is chosen to be only the urbanized area portion of a permittee’s jurisdiction within the Charles River Watershed.**

**b. Phase 2**

- 1) The permittee shall complete the Phase 2 Plan of the PCP 10 years after the permit effective date and fully implement the Phase 2 plan of the PCP as soon as possible but no longer than 15 years after the permit effective date.
- 2) The Phase 2 plan of the PCP shall be added to the Phase 1 Plan and contain the following elements and has the following required milestones:

<b>Item Number</b>	<b>Phase 2 of the PCP Component and Milestones</b>	<b>Completion Date</b>
2-1	Update Legal analysis	As necessary
2-2	Description of Phase 2 planned nonstructural controls	10 years after permit effective date
2-3	Description of Phase 2 planned structural controls	10 years after permit effective date
2-4	Updated description of Operation and Maintenance Program	10 years after permit effective date
2-5	Phase 2 implementation schedule	10 years after permit effective date
2-6	Estimated cost for implementing Phase 2 of the PCP	10 years after permit effective date

2-7	Complete written Phase 2 Plan	10 years after permit effective date
2-8	Performance Evaluation.	11, and 12 years after permit effective date
2-9	<ol style="list-style-type: none"> <li>Performance Evaluation.</li> <li>Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(<math>P_{allow}</math>) plus the applicable Phosphorus Reduction Requirement (<math>P_{RR}</math>) multiplied by 0.65  <math display="block">P_{exp} \leq P_{allow} + (P_{RR} \times 0.65)</math> </li> </ol>	13 years after permit effective date
2-10	Performance Evaluation	14 years after permit effective date
2-11	<ol style="list-style-type: none"> <li>Performance Evaluation.</li> <li>Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(<math>P_{allow}</math>) plus the applicable Phosphorus Reduction Requirement (<math>P_{RR}</math>) multiplied by 0.50  <math display="block">P_{exp} \leq P_{allow} + (P_{RR} \times 0.50)</math> </li> </ol>	15 years after permit effective date

**Table F-4: Phase 2 of the PCP components and Milestones**

3) Description of Phase 2 PCP Components

Updated Legal Analysis- The permittee shall update the legal analysis completed during Phase 1 of the PCP as necessary to include any new or augmented bylaws, ordinances or funding mechanisms the permittee has deemed necessary to implement the PCP. The permittee shall use experience gained during Phase 1 to inform the updated legal analysis. The permittee shall adopt necessary regulatory changes as soon as possible to implement the Phase 2 Plan.

Description of Phase 2 planned non-structural controls – The permittee shall describe the non-structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-4. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation in units of mass/yr. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F.

Description of planned Phase 2 structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of phosphorus control practices during Phase 2. The ranking shall build upon the ranking developed for Phase 1. The permittee shall describe the structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-4. The description of structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party<sup>7</sup> may be included in a municipal PCP. Annual phosphorus reductions from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F.

Updated description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1 and 2 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 2 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Phase 2 Implementation Schedule – A schedule for implementation of all planned Phase 2 BMPs, including, as appropriate: funding, training, purchasing, construction, inspections, monitoring, O&M activities and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the Phase 2 Plan. Structural BMPs shall be designed and constructed to ensure the permittee will comply with the 13 and 15 year milestones established in Table F-4. The Phase 2 plan shall be fully implemented as soon as possible, but no later than 15 years after the effective date of permit.

Estimated cost for implementing Phase 2 of the PCP – The permittee shall estimate the cost of implementing the Phase 2 non-structural and structural controls and associated Operation and Maintenance Program. This cost estimate can be used to plan for the full implementation of Phase 2.

Complete written Phase 2 Plan – The permittee must complete a written Phase 2 Plan of the PCP no later than 10 years after the permit effective date. The complete Phase 2 Plan shall include Phase 2 PCP item numbers 2-1 through 2-6 in Table F-4. The permittee shall make the Phase 2 Plan available to the public for public comment during Phase 2 plan development. EPA encourages the permittee to post the Phase 2 Plan online to facilitate public involvement.

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<sup>7</sup> See footnote 6



Performance Evaluation – The permittee shall evaluate the effectiveness of the PCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs<sup>8</sup> and tracking increases resulting from development. Phosphorus reductions shall be calculated consistent with Attachment 2 to Appendix F (non-structural BMP performance) and Attachment 3 to Appendix F (structural BMP performance) for all BMPs implemented to date. Phosphorus export increases due to development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus loading increases and reductions in unit of mass/yr shall be added or subtracted from the applicable Baseline Phosphorus Load given in Table F-2 or Table F-3 depending on the Scope of PCP chosen to estimate the yearly phosphorous export rate from the PCP Area. The permittee shall also include all information required in part I.2 of this Appendix in each performance evaluation. Performance evaluations will be included as part of each permittee’s annual report as required by part 4.4 of the Permit.

**c. Phase 3**

- 1) The permittee shall complete the Phase 3 Plan of the PCP 15 years after the permit effective date and fully implement the Phase 3 plan of the PCP as soon as possible but no longer than 20 years after the permit effective date.
- 2) The Phase 3 plan of the PCP shall be added to the Phase 1 Plan and the Phase 2 Plan to create the comprehensive PCP and contain the following elements and has the following required milestones:

<b>Item Number</b>	<b>Phase 3 of the PCP Component and Milestones</b>	<b>Completion Date</b>
3-1	Update Legal analysis	As necessary
3-2	Description of Phase 3 planned nonstructural controls	15 years after permit effective date
3-3	Description of Phase 3 planned structural controls	15 years after permit effective date
3-4	Updated description of Operation and Maintenance (O&M) Program	15 years after permit effective date
3-5	Phase 3 implementation schedule	15 years after permit effective date
3-6	Estimated cost for implementing Phase 3 of the PCP	15 years after permit effective date
3-7	Complete written Phase 3 Plan	15 years after permit effective date

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<sup>8</sup> See footnote 9

3-8	Performance Evaluation.	16, and 17 years after permit effective date
3-9	<ol style="list-style-type: none"> <li>Performance Evaluation.</li> <li>Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load (<math>P_{allow}</math>) plus the applicable Phosphorus Reduction Requirement (<math>P_{RR}</math>) multiplied by 0.30  <math display="block">P_{exp} \leq P_{allow} + (P_{RR} \times 0.30)</math> </li> </ol>	18 years after permit effective date
3-10	Performance Evaluation	19 years after permit effective date
3-11	<ol style="list-style-type: none"> <li>Performance Evaluation.</li> <li>Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the PCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load (<math>P_{allow}</math>)  <math display="block">P_{exp} \leq P_{allow}</math> </li> </ol>	20 years after permit effective date

**Table F-5:Phase 3 of the PCP components and Milestones**

3) Description of Phase 3 PCP Components

Updated Legal Analysis- The permittee shall update the legal analysis completed during Phase 1 and Phase 2 of the PCP as necessary to include any new or augmented bylaws, ordinances or funding mechanisms the permittee has deemed necessary to implement the PCP. The permittee shall use experience gained during Phase 1 and Phase 2 to inform the updated legal analysis. The permittee shall adopt necessary regulatory changes as soon as possible to implement the Phase 3 Plan.

Description of Phase 3 planned non-structural controls – The permittee shall describe the non-structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-5. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation in units of mass/yr. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F.

Description of planned Phase 3 structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of phosphorus control practices during Phase 3. The ranking shall build upon the ranking developed for

Phase 1 and 2. The permittee shall describe the structural stormwater control measures necessary to support achievement of the phosphorus export milestones in Table F-5. The description of structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party may be included in a municipal PCP. Annual phosphorus reduction from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F.

Updated description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1, 2 and 3 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 3 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Phase 3 Implementation Schedule – A schedule for implementation of all planned Phase 3 BMPs, including, as appropriate: funding, training, purchasing, construction, inspections, monitoring, O&M activities and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the Phase 3 Plan. Structural BMPs shall be designed and constructed to ensure the permittee will comply with the 18 and 20 year milestones established in Table F-5. The Phase 3 plan shall be fully implemented as soon as possible, but no later than 20 years after the effective date of permit.

Estimated cost for implementing Phase 3 of the PCP – The permittee shall estimate the cost of implementing the Phase 3 non-structural and structural controls and associated Operation and Maintenance Program. This cost estimate can be used to plan for the full implementation of Phase 3.

Complete written Phase 3 Plan – The permittee must complete the written Phase 3 Plan of the PCP no later than 15 years after the permit effective date. The complete Phase 3 Plan shall include Phase 3 PCP item numbers 3-1 through 3-6 in Table F-5. The permittee shall make the Phase 3 Plan available to the public for public comment during Phase 3 Plan development. EPA encourages the permittee to post the Phase 3 Plan online to facilitate public involvement.

Performance Evaluation – The permittee shall evaluate the effectiveness of the PCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs<sup>9</sup> and tracking increases resulting from development. Phosphorus reductions shall be calculated consistent with Attachment 2 to Appendix F (non-structural BMP

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<sup>9</sup> See footnote 9

performance) and Attachment 3 to Appendix F (structural BMP performance) for all BMPs implemented to date. Phosphorus export increases due to development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus loading increases and reductions in unit of mass/yr shall be added or subtracted from the applicable Baseline Phosphorus Load given in Table F-2 or Table F-3 depending on the Scope of PCP chosen to estimate the yearly phosphorous export rate from the PCP Area. The permittee shall also include all information required in part I.2 of this Appendix in each performance evaluation. Performance evaluations will be included as part of each permittee’s annual report as required by part 4.4 of the Permit.

2. Reporting

Beginning 1 year after the permit effective date, the permittee shall include a progress report in each annual report on the planning and implementation of the PCP.

Beginning five (5) years after the permit effective date, the permittee shall include the following in each annual report submitted pursuant to part 4.4 of the Permit:

- a. All non-structural control measures implemented during the reporting year along with the phosphorus reduction in mass/yr ( $P_{NSred}$ ) calculated consistent with Attachment 2 to Appendix F
- b. Structural controls implemented during the reporting year and all previous years including:
  - a. Location information of structural BMPs (GPS coordinates or street address)
  - b. Phosphorus reduction from all structural BMPs implemented to date in mass/yr ( $P_{Sred}$ ) calculated consistent with Attachment 3 to Appendix F
  - c. Date of last completed maintenance and inspection for each Structural control
- c. Phosphorus load increases due to development over the previous reporting period and incurred since 2005 ( $P_{DEVinc}$ ) calculated consistent with Attachment 1 to Appendix F.
- d. Estimated yearly phosphorus export rate ( $P_{exp}$ ) from the PCP Area calculated using Equation 2. Equation 2 calculates the yearly phosphorus export rate by subtracting yearly phosphorus reductions through implemented nonstructural controls and structural controls to date from the Baseline Phosphorus Load and adding loading increases incurred through development to date. This equation shall be used to demonstrate compliance with the phosphorus reduction milestones required as part of each phase of the PCP.

$$P_{exp} \left( \frac{mass}{yr} \right) = P_{base} \left( \frac{mass}{yr} \right) - \left( P_{Sred} \left( \frac{mass}{yr} \right) + P_{NSred} \left( \frac{mass}{yr} \right) \right) + P_{DEVinc} \left( \frac{mass}{yr} \right)$$

**Equation 1. Equation used to calculate yearly phosphorus export rate from the chosen PCP Area.  $P_{exp}$ =Current phosphorus export rate from the PCP Area in mass/year.  $P_{base}$ =baseline phosphorus export rate from LPCP Area in mass/year.  $P_{Sred}$ = yearly phosphorus reduction from implemented structural controls in the PCP Area in mass/year.  $P_{NSred}$ = yearly phosphorus reduction from implemented non-structural controls in the PCP Area in mass/year.  $P_{DEVinc}$ = yearly phosphorus increase resulting from development since 2005 in the PCP Area in mass/year.**

- e. Certification that all structural BMPs are being inspected and maintained according to the O&M program specified as part of the PCP. The certification statement shall be:

*I certify under penalty of law that all source control and treatment Best Management Practices being claimed for phosphorus reduction credit have been inspected, maintained and repaired in accordance with manufacturer or design specification. I certify that, to the best of my knowledge, all Best Management Practices being claimed for a phosphorus reduction credit are performing as originally designed.*

- f. Certification that all municipally owned and maintained turf grass areas are being managed in accordance with Massachusetts Regulation 331 CMR 31 pertaining to proper use of fertilizers on turf grasses (see <http://www.mass.gov/courts/docs/lawlib/300-399cmr/330cmr31.pdf>).

3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.I.1. as follows.

- a. The permittee is relieved of its additional requirements as of the date when the following conditions are met:
  - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee's discharge based on wasteload allocations in the newly approved TMDL
- b. When the criteria in Appendix F part A.I.3.a. are met, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part A.I.1 as of that date and the permittee shall comply with the following:
  - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.I.1 to date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
  - ii. The permittee shall continue to implement all requirements of Appendix F part A.I.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications, and the reporting requirements of Appendix F part I.2. remain in place.

**II. Lake and Pond Phosphorus TMDL Requirements**

Between 1999 and 2010 EPA has approved 13 Lake TMDLs<sup>10</sup> completed by MassDEP covering 78 lakes and ponds within the Commonwealth of Massachusetts. Any permittee (traditional or non-traditional) that discharges to a waterbody segment in Table F-6 is subject to the requirements of this part.

1. Permittees that operate regulated MS4s (traditional and non-traditional) that discharge to the identified impaired waters or their tributaries must reduce phosphorus discharges to support achievement of phosphorus load reductions identified in the TMDLs. To address phosphorus, all permittees with a phosphorus reduction requirement greater than 0% shall develop a Lake Phosphorus Control Plan (LPCP) designed to reduce the amount of phosphorus in stormwater discharges from its MS4 to the impaired waterbody or its tributaries in accordance with the phosphorus load reduction requirements set forth in Table F-6 below. Permittees discharging to waterbodies in Table F-6 with an associated 0% Phosphorus Required Percent Reduction are subject to Appendix F part II.2.f and are relieved of the requirements of Appendix F part II.1.i through Appendix F part II.2.e Table F-6 identifies the primary municipalities<sup>11</sup> located within the watershed of the respective lake or pond and the percent phosphorus reductions necessary from urban stormwater sources. Any permittee (traditional or non-traditional) that discharges to a lake or pond listed in Table F-6 or its tributaries is subject to the same phosphorus percent reduction requirements associated with that lake or pond.

<b>Primary Municipality</b>	<b>Waterbody Name</b>	<b>Required Percent Reduction</b>
Auburn	Leesville Pond	31%
	Auburn Pond	24%
	Eddy Pond	0%
	Pondville Pond	8%
	Stoneville Pond	3%
Charlton	Buffumville Lake	28%
	Dresser Hill Pond	17%
	Gore Pond	14%
	Granite Reservoir	11%
	Jones Pond	13%
	Pierpoint Meadow Pond	27%
Dudley	Pikes Pond	38%
Dudley	Gore Pond	14%

<sup>10</sup> Final TMDLs for lakes and ponds in the Northern Blackstone River Watershed, Chicopee Basin, Connecticut Basin, French Basin, Millers Basin and Bare Hill Pond, Flint Pond, Indian Lake, Lake Boon, Leesville Pond, Salisbury Pond, White Island Pond, Quaboag Pond and Quacumquasit Pond can be found here: <http://www.mass.gov/eea/agencies/massdep/water/watersheds/total-maximum-daily-loads-tmdl.html>

<sup>11</sup> Primary municipalities indicate the municipality in which the majority of the lake or pond is located but does not necessarily indicate each municipality that has urbanized area that discharges to the lake or pond or its tributaries.

<b>Primary Municipality</b>	<b>Waterbody Name</b>	<b>Required Percent Reduction</b>
	Larner Pond	55%
	New Pond	56%
	Pierpoint Meadow Pond	27%
	Shepherd Pond	25%
	Tobins Pond	62%
	Wallis Pond	54%
	Gardner	Hilchey Pond
Parker Pond		47%
Bents Pond		52%
Ramsdall Pond		49%
Grafton	Flint Pond/Lake Quinsigamond	59%
Granby	Aldrich Lake East	0%
Hadley	Lake Warner	24%
Harvard	Bare Hill Pond	2%
Hudson	Lake Boon	28%
Leicester	Smiths Pond	30%
	Southwick Pond	64%
	Cedar Meadow Pond	17%
	Dutton Pond	23%
	Greenville Pond	14%
	Rochdale Pond	8%
Ludlow	Minechoag Pond	48%
Millbury	Brierly Pond	14%
	Dorothy Pond	1%
	Howe Reservoir	48%
Oxford	Buffumville Lake	28%
	Hudson Pond	37%
	Lowes Pond	51%
	McKinstry Pond	79%
	Robinson Pond	8%
	Texas Pond	21%
Shrewsbury	Flint Pond/Lake Quinsigamond	49%
	Jordan Pond	60%
	Mill Pond	43%
	Newton Pond	19%
	Shirley Street Pond	30%
Spencer	Quaboag Pond	29%

Primary Municipality	Waterbody Name	Required Percent Reduction
	Quacumquasit Pond	2%
	Jones Pond	13%
	Sugden Reservoir	31%
Springfield	Loon Pond	10%
	Long Pond	56%
	Mona Lake	57%
Stow	Lake Boon	28%
Templeton	Brazell Pond	62%
	Depot Pond	50%
	Bourn-Hadley Pond	49%
	Greenwood Pond 2	56%
Wilbraham	Spectacle Pond	45%
Winchendon	Lake Denison	22%
	Stoddard Pond	24%
	Whitney Pond	16%
	Whites Mill Pond	21%

**Table F-6: Phosphorus impaired Lakes or Ponds subject to a TMDL along with primary municipality and required percent reduction of phosphorus from urban stormwater sources**

- i. The LPCP shall be implemented in accordance with the following schedule and contain the following elements:
  - a. LPCP Implementation Schedule – The permittee shall complete its LPCP and fully implement all of the control measures in its LPCP as soon as possible but no later than 15 years after the effective date of the permit.
  - b. The LPCP shall be implemented in accordance with the following schedule and contain the following elements:

Number	LPCP Component and Milestones	Completion Date
1	Legal Analysis	2 years after permit effective date
2	Funding source assessment	3 years after permit effective date
3	Define LPCP scope (LPCP Area)	4 years after permit effective date
4	Calculate Baseline Phosphorus, Allowable Phosphorus Load and Phosphorus Reduction Requirement	4 years after permit effective date



5	Description of planned nonstructural and structural controls	5 years after permit effective date
6	Description of Operation and Maintenance (O&M) Program	5 years after permit effective date
7	Implementation schedule	5 years after permit effective date
8	Cost and Funding Source Assessment	5 years after permit effective date
9	Complete written LPCP	5 years after permit effective date
10	Full implementation of nonstructural controls.	6 years after permit effective date
11	Performance Evaluation.	6 and 7 years after permit effective date
12	<ol style="list-style-type: none"> <li>1. Performance Evaluation.</li> <li>2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(<math>P_{allow}</math>) plus the applicable Phosphorus Reduction Requirement (<math>P_{RR}</math>) multiplied by 0.80  <math display="block">P_{exp} \leq P_{allow} + (P_{RR} \times 0.80)</math> </li> </ol>	8 years after permit effective date
13	Performance Evaluation	9 years after permit effective date
14	<ol style="list-style-type: none"> <li>1. Performance Evaluation.</li> <li>2. Update LPCP</li> <li>3. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load(<math>P_{allow}</math>) plus the applicable Phosphorus Reduction Requirement (<math>P_{RR}</math>) multiplied by 0.60  <math display="block">P_{exp} \leq P_{allow} + (P_{RR} \times 0.60)</math>                     OR that the permittee has reduced their phosphorus export rate by 30kg/year (whichever is greater, unless full Phosphorus Reduction Requirement has been met)                 </li> </ol>	10years after permit effective date
15	Performance Evaluation	11 and 12 years after permit effective date
16	<ol style="list-style-type: none"> <li>1. Performance Evaluation.</li> <li>2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate (<math>P_{exp}</math>) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable</li> </ol>	13years after permit effective date

	Phosphorus Load( $P_{allow}$ ) plus the applicable Phosphorus Reduction Requirement ( $P_{RR}$ ) multiplied by 0.30 $P_{exp} \leq P_{allow} + (P_{RR} \times 0.30)$	
17	Performance Evaluation	14 years after permit effective date
18	1. Performance Evaluation. 2. Full implementation of all structural controls used to demonstrate that the total phosphorus export rate ( $P_{exp}$ ) from the LPCP Area in mass/yr is equal to or less than the applicable Allowable Phosphorus Load( $P_{allow}$ ) $P_{exp} \leq P_{allow}$	15 years after permit effective date

**Table F-7: LPCP components and milestones**

c. Description of LPCP Components:

Legal Analysis- The permittee shall develop and implement an analysis that identifies existing regulatory mechanisms available to the MS4 such as by-laws and ordinances and describes any changes to these regulatory mechanisms that may be necessary to effectively implement the LPCP. This may include the creation or amendment of financial and regulatory authorities. The permittee shall adopt necessary regulatory changes by the end of the permit term.

Scope of the LPCP (LPCP Area) - The permittee shall indicate the area in which the permittee plans to implement the LPCP, this area is known as the “LPCP Area”. The permittee must choose one of the following: 1) to implement its LPCP in the entire area within its jurisdiction discharging to the impaired waterbody (for a municipality this would be the municipal boundary) or 2) to implement its LPCP in only the urbanized area portion of its jurisdiction discharging to the impaired waterbody. If the permittee chooses to implement the LPCP in its entire jurisdiction discharging to the impaired waterbody, the permittee may demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural and non-structural controls on discharges that occur both inside and outside the urbanized area. If the permittee chooses to implement the LPCP in its urbanized area only discharging to the impaired waterbody, the permittee must demonstrate compliance with the Phosphorus Reduction Requirement and Allowable Phosphorus Load requirements applicable to it through structural and non-structural controls on discharges that occur within the urbanized area only.

Calculate Baseline Phosphorus Load ( $P_{base}$ ), Phosphorus Reduction Requirement ( $P_{RR}$ ) and Allowable Phosphorus Load ( $P_{allow}$ ) –Permittees shall calculate their numerical Allowable Phosphorus Load and Phosphorus Reduction Requirement in mass/yr by first estimating their Baseline Phosphorus Load in mass/yr from its LPCP Area consistent with the methodology in Attachment 1 to Appendix F, the baseline shall only be estimated using land use phosphorus export coefficients in Attachment 1 to Appendix F and not account for phosphorus reductions resulting from implemented structural BMPs completed to date. Table F-6 contains the

percent phosphorus reduction required from urban stormwater consistent with the TMDL of each impaired waterbody. The permittee shall apply the applicable required percent reduction in Table F-6 to the calculated Baseline Phosphorus Load to obtain the permittee specific Allowable Phosphorus Load. The Allowable Phosphorus Load shall then be subtracted from the Baseline Phosphorus Load to obtain the permittee specific Phosphorus Reduction Requirement in mass/yr.

Description of planned non-structural controls – The permittee shall describe the non-structural stormwater control measures to be implemented to support the achievement of the milestones in Table F-7. The description of non-structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions that are expected to result from their implementation. Annual phosphorus reduction from non-structural BMPs shall be calculated consistent with Attachment 2 to Appendix F. The permittee shall update the description of planned non-structural controls as needed to support the achievement of the milestones in Table F-7, including an update in the updated written LPCP 10 years after the permit effective date.

Description of planned structural controls – The permittee shall develop a priority ranking of areas and infrastructure within the municipality for potential implementation of phosphorus control practices. The ranking shall be developed through the use of available screening and monitoring results collected during the permit term either by the permittee or another entity and the mapping required pursuant to part 2.3.4.6 of the Permit. The permittee shall also include in this prioritization a detailed assessment of site suitability for potential phosphorus control measures based on soil types and other factors. The permittee shall coordinate this activity with the requirements of part 2.3.6.8.b of the Permit. A description and the result of this priority ranking shall be included in the LPCP. The permittee shall describe the structural stormwater control measures necessary to support achievement of the milestones in Table F-7. The description of structural controls shall include the planned measures, the areas where the measures will be implemented, and the annual phosphorus reductions in units of mass/yr that are expected to result from their implementation. Structural measures to be implemented by a third party may be included in the LPCP. Annual phosphorus reduction from structural BMPs shall be calculated consistent with Attachment 3 to Appendix F. The permittee shall update the description of planned structural controls as needed to support the achievement of the milestones in Table F-7, including an update in the updated written LPCP 10 years after the permit effective date.

Description of Operation and Maintenance (O&M) Program for all planned and existing structural BMPs – The permittee shall establish an Operation and Maintenance Program for all structural BMPs being claimed for phosphorus reduction credit as part of Phase 1 and 2 of the PCP. This includes BMPs implemented to date as well as BMPs to be implemented during Phase 2 of the PCP. The Operation and Maintenance Program shall become part of the PCP and include: (1) inspection and maintenance schedule for each BMP according to BMP design or manufacturer specification and (2) program or department responsible for BMP maintenance.

Implementation Schedule – An initial schedule for implementing the BMPs, including, as appropriate: funding, training, purchasing, construction, inspections, monitoring, O&M and other assessment and evaluation components of implementation. Implementation of planned BMPs must begin upon completion of the LPCP, and all non-structural BMPs shall be fully implemented within six years of the permit effective date. Where planned structural BMP retrofits or major drainage infrastructure projects are expected to take additional time to construct, the permittee shall within four years of the effective date of the permit have a schedule for completion of construction consistent with the reduction requirements in Table F-7. The permittee shall complete the implementation of its LPCP as soon as possible or at a minimum in accordance with the milestones set forth in Table F-7. The implementation schedule shall be updated as needed to support the achievement of the milestones in Table F-7, including an update in the updated written LPCP 10 years after the permit effective date.

Cost and funding source assessment – The permittee shall estimate the cost for implementing its LPCP and describe known and anticipated funding mechanisms. The permittee shall describe the steps it will take to implement its funding plan. This may include but is not limited to conceptual development, outreach to affected parties, and development of legal authorities.

Complete written LPCP – The permittee must complete the written LPCP 5 years after permit effective date. The complete LPCP shall include item numbers 1-8 in Table F-7. The permittee shall make the LPCP available to the public for public comment during the LPCP development. EPA encourages the permittee to post the LPCP online to facilitate public involvement. The LPCP shall be updated as needed with an update 10 years after the permit effective date at a minimum to reflect changes in BMP implementation to support achievement of the phosphorus export milestones in Table F-7. The updated LPCP shall build upon the original LPCP and include additional or new BMPs the permittee will use to support the achievement of the milestones in Table F-7.

Performance Evaluation – The permittee shall evaluate the effectiveness of the LPCP by tracking the phosphorus reductions achieved through implementation of structural and non-structural BMPs<sup>12</sup> and tracking increases in phosphorus loading from the LPCP Area beginning six years after the effective date of the permit. Phosphorus reductions shall be calculated consistent with Attachment 2 (non-structural BMP performance), Attachment 3 (structural BMP performance) and Attachment 1 (reductions through land use change), to Appendix F for all BMPs implemented to date<sup>13</sup>. Phosphorus load increases resulting from development shall be calculated consistent with Attachment 1 to Appendix F. Phosphorus

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<sup>12</sup> In meeting its phosphorus reduction requirements a permittee may quantify phosphorus reductions by actions undertaken by another entity, except where those actions are credited to MassDOT or another permittee identified in Appendix F Table F-7

<sup>13</sup> Annual phosphorus reductions from structural BMPs installed in the LPCP Area prior to the effective date of this permit shall be calculated consistent with Attachment 3 to Appendix F. Phosphorus Reduction Credit for previously installed BMPs will only be given if the Permittee demonstrates that the BMP is performing up to design specifications and certifies that the BMP is properly maintained and inspected according to manufacturer design or specifications. This certification shall be part of the annual performance evaluation during the year credit is claimed for the previously installed BMP.

loading increases and reductions in units of mass/yr shall be added or subtracted from the calculated Baseline Phosphorus Load to estimate the yearly phosphorous export rate from the LPCP Area in mass/yr. The permittee shall also include all information required in part II.2 of this Appendix in each performance evaluation.

2. Reporting

Beginning 1 year after the permit effective date, the permittee shall include a progress report in each annual report on the planning and implementation of the LPCP.

Beginning five (5) years after the permit effective date, the permittee shall include the following in each annual report submitted pursuant to part 4.4 of the Permit:

- a. All non-structural control measures implemented during the reporting year along with the phosphorus reduction in mass/yr ( $P_{NSred}$ ) calculated consistent with Attachment 2 to Appendix F
- b. Structural controls implemented during the reporting year and all previous years including:
  - a. Location information of structural BMPs (GPS coordinates or street address)
  - b. Phosphorus reduction from all structural BMPs implemented to date in mass/yr ( $P_{Sred}$ ) calculated consistent with Attachment 3 to Appendix F
  - c. Date of last completed maintenance for each Structural control
- c. Phosphorus load increases due to development over the previous reporting period and incurred to date ( $P_{DEVinc}$ ) calculated consistent with Attachment 1 to Appendix F.
- d. Estimated yearly phosphorus export rate ( $P_{exp}$ ) from the LPCP Area calculated using Equation 2. Equation 2 calculates the yearly phosphorus export rate by subtracting yearly phosphorus reductions through implemented nonstructural controls and structural controls to date from the Baseline Phosphorus Load and adding loading increases incurred through development to date. This equation shall be used to demonstrate compliance with the phosphorus reduction milestones required as part of each phase of the LPCP.

$$P_{exp} \left( \frac{\text{mass}}{\text{yr}} \right) = P_{base} \left( \frac{\text{mass}}{\text{yr}} \right) - \left( P_{Sred} \left( \frac{\text{mass}}{\text{yr}} \right) + P_{NSred} \left( \frac{\text{mass}}{\text{yr}} \right) \right) + P_{DEVinc} \left( \frac{\text{mass}}{\text{yr}} \right)$$

**Equation 2. Equation used to calculate yearly phosphorus export rate from the chosen LPCP Area.  $P_{exp}$ =Current phosphorus export rate from the LPCP Area in mass/year.  $P_{base}$ =baseline phosphorus export rate from LPCP Area in mass/year.  $P_{Sred}$ = yearly phosphorus reduction from implemented structural controls in the LPCP Area in mass/year.  $P_{NSred}$ = yearly phosphorus reduction from implemented non-structural controls in the LPCP Area in mass/year. Area in mass/year.  $P_{DEVinc}$ = yearly phosphorus increase resulting from development since the year baseline loading was calculated in the LPCP Area in mass/year.**

- e. Certification that all structural BMPs are being inspected and maintained according to the O&M program specified as part of the PCP. The certification statement shall be:

*I certify under penalty of law that all source control and treatment Best Management Practices being claimed for phosphorus reduction credit have been inspected, maintained and repaired in accordance with manufacturer or design specification. I certify that, to the best of my knowledge, all Best Management*

*Practices being claimed for a phosphorus reduction credit are performing as originally designed.*

- f. Certification that all municipally owned and maintained turf grass areas are being managed in accordance with Massachusetts Regulation 331 CMR 31 pertaining to proper use of fertilizers on turf grasses (see <http://www.mass.gov/courts/docs/lawlib/300-399cmr/330cmr31.pdf>).
3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.II.1. as follows:
    - a. The permittee is relieved of its additional requirements as of the date when the following conditions are met:
      - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee's discharge based on wasteload allocations in the newly approved TMDL
    - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any additional remaining requirements of Appendix F part A.II.1 as of that date and the permittee shall comply with the following:
      - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.II.1 to date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
      - ii. The permittee shall continue to implement all requirements of Appendix F part A.I.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications, and the reporting requirements of Appendix F part A.II.2. remain in place.

**III. Bacteria and Pathogen TMDL Requirements**

There are currently approved 16 approved bacteria (fecal coliform bacteria) or mixed pathogen (fecal coliform, E. coli, and/or enterococcus bacteria) TMDLs for certain waterbodies in Massachusetts.<sup>14</sup> Any permittee (traditional or non-traditional) that discharges to a waterbody segment in Table F-8 is subject to the requirements of this part.

1. Traditional and non-traditional MS4s operating in the municipalities listed in Table F-8 and/or that discharge to a waterbody listed on Table F-8 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:

- a. Enhanced BMPs

- i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:

1. part 2.3.3. Public Education: The permittee shall supplement its Residential program with an annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee or its agents shall disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. Education materials shall describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance. The permittee shall also provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.IV, A.V, B.I, B.II and B.III where appropriate.
2. part 2.3.4 Illicit Discharge: Catchments draining to any waterbody impaired for bacteria or pathogens shall be designated either Problem Catchments or HIGH priority in implementation of the IDDE program.

<b>Primary Municipality</b>	<b>Segment ID</b>	<b>Waterbody Name</b>	<b>Indicator Organism</b>
Abington	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
Abington	MA62-33	Shumatuscant River	Escherichia Coli (E. Coli)
Acushnet	MA95-31	Acushnet River	Escherichia Coli (E. Coli)
Acushnet	MA95-32	Acushnet River	Escherichia Coli (E. Coli)
Acushnet	MA95-33	Acushnet River	Fecal Coliform

<sup>14</sup> Final bacteria or pathogen TMDLs can be found here: <http://www.mass.gov/eea/agencies/massdep/water/watersheds/total-maximum-daily-loads-tmdls.html>

Andover	MA83-04	Rogers Brook	Fecal Coliform
Andover	MA83-15	Unnamed Tributary	Fecal Coliform
Andover	MA83-18	Shawsheen River	Fecal Coliform
Andover	MA83-19	Shawsheen River	Fecal Coliform
Avon	MA62-07	Trout Brook	Escherichia Coli (E. Coli)
Barnstable	MA96-01	Barnstable Harbor	Fecal Coliform
Barnstable	MA96-02	Bumps River	Fecal Coliform
Barnstable	MA96-04	Centerville River	Fecal Coliform
Barnstable	MA96-05	Hyannis Harbor	Fecal Coliform
Barnstable	MA96-06	Maraspin Creek	Fecal Coliform
Barnstable	MA96-07	Prince Cove	Fecal Coliform
Barnstable	MA96-08	Shoestring Bay	Fecal Coliform
Barnstable	MA96-36	Lewis Bay	Fecal Coliform
Barnstable	MA96-37	Mill Creek	Fecal Coliform
Barnstable	MA96-63	Cotuit Bay	Fecal Coliform
Barnstable	MA96-64	Seapuit River	Fecal Coliform
Barnstable	MA96-66	North Bay	Fecal Coliform
Barnstable	MA96-81	Snows Creek	Fecal Coliform
Barnstable	MA96-82	Hyannis Inner Harbor	Fecal Coliform
Barnstable	MA96-92	Santuit River	Fecal Coliform
Barnstable	MA96-93	Halls Creek	Fecal Coliform
Barnstable	MA96-94	Stewarts Creek	Fecal Coliform
Bedford	MA83-01	Shawsheen River	Fecal Coliform
Bedford	MA83-05	Elm Brook	Fecal Coliform
Bedford	MA83-06	Vine Brook	Fecal Coliform
Bedford	MA83-08	Shawsheen River	Fecal Coliform
Bedford	MA83-10	Kiln Brook	Fecal Coliform
Bedford	MA83-14	Spring Brook	Fecal Coliform
Bedford	MA83-17	Shawsheen River	Fecal Coliform
Bellingham	MA72-03	Charles River	Pathogens
Bellingham	MA72-04	Charles River	Pathogens
Belmont	MA72-28	Beaver Brook	Pathogens
Berkley	MA62-02	Taunton River	Fecal Coliform
Berkley	MA62-03	Taunton River	Fecal Coliform
Berkley	MA62-20	Assonet River	Fecal Coliform
Beverly	MA93-08	Bass River	Fecal Coliform
Beverly	MA93-09	Danvers River	Fecal Coliform
Beverly	MA93-20	Beverly Harbor	Fecal Coliform
Beverly	MA93-25	Salem Sound	Fecal Coliform
Billerica	MA83-14	Spring Brook	Fecal Coliform
Billerica	MA83-17	Shawsheen River	Fecal Coliform



Billerica	MA83-18	Shawsheen River	Fecal Coliform
Bourne	MA95-01	Buttermilk Bay	Fecal Coliform
Bourne	MA95-14	Cape Cod Canal	Fecal Coliform
Bourne	MA95-15	Phinneys Harbor	Fecal Coliform
Bourne	MA95-16	Pocasset River	Fecal Coliform
Bourne	MA95-17	Pocasset Harbor	Fecal Coliform
Bourne	MA95-18	Red Brook Harbor	Fecal Coliform
Bourne	MA95-47	Back River	Fecal Coliform
Bourne	MA95-48	Eel Pond	Fecal Coliform
Brewster	MA96-09	Quivett Creek	Fecal Coliform
Brewster	MA96-27	Namskaket Creek	Fecal Coliform
Bridgewater	MA62-32	Matfield River	Escherichia Coli (E. Coli)
Brockton	MA62-05	Salisbury Plain River	Escherichia Coli (E. Coli)
Brockton	MA62-06	Salisbury Plain River	Escherichia Coli (E. Coli)
Brockton	MA62-07	Trout Brook	Escherichia Coli (E. Coli)
Brockton	MA62-08	Salisbury Brook	Escherichia Coli (E. Coli)
Brockton	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
Brookline	MA72-11	Muddy River	Pathogens
Burlington	MA83-06	Vine Brook	Fecal Coliform
Burlington	MA83-11	Long Meadow Brook	Fecal Coliform
Burlington	MA83-13	Sandy Brook	Fecal Coliform
Cambridge	MA72-36	Charles River	Pathogens
Cambridge	MA72-38	Charles River	Pathogens
Canton	MA73-01	Neponset River	Fecal Coliform
Canton	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Canton	MA73-02	Neponset River	Fecal Coliform
Canton	MA73-05	East Branch	Fecal Coliform
Canton	MA73-20	Beaver Meadow Brook	Fecal Coliform
Canton	MA73-22	Pequid Brook	Fecal Coliform
Canton	MA73-25	Pecunit Brook	Escherichia Coli (E. Coli)
Canton	MA73-27	Ponkapog Brook	Fecal Coliform
Chatham	MA96-11	Stage Harbor	Fecal Coliform
Chatham	MA96-41	Mill Creek	Fecal Coliform
Chatham	MA96-42	Taylors Pond	Fecal Coliform
Chatham	MA96-43	Harding Beach Pond	Fecal Coliform
Chatham	MA96-44	Bucks Creek	Fecal Coliform
Chatham	MA96-45	Oyster Pond	Fecal Coliform
Chatham	MA96-46	Oyster Pond River	Fecal Coliform
Chatham	MA96-49	Frost Fish Creek	Pathogens
Chatham	MA96-50	Ryder Cove	Fecal Coliform
Chatham	MA96-51	Muddy Creek	Pathogens

Chatham	MA96-79	Cockle Cove Creek	Fecal Coliform
Chatham	MA96-79	Cockle Cove Creek	Enterococcus Bacteria
Cohasset	MA94-01	Cohasset Harbor	Fecal Coliform
Cohasset	MA94-19	The Gulf	Fecal Coliform
Cohasset	MA94-20	Little Harbor	Fecal Coliform
Cohasset	MA94-32	Cohasset Cove	Fecal Coliform
Concord	MA83-05	Elm Brook	Fecal Coliform
Danvers	MA93-01	Waters River	Fecal Coliform
Danvers	MA93-02	Crane Brook	Escherichia Coli (E. Coli)
Danvers	MA93-04	Porter River	Fecal Coliform
Danvers	MA93-09	Danvers River	Fecal Coliform
Danvers	MA93-36	Frost Fish Brook	Escherichia Coli (E. Coli)
Danvers	MA93-41	Crane River	Fecal Coliform
Dartmouth	MA95-13	Buttonwood Brook	Escherichia Coli (E. Coli)
Dartmouth	MA95-34	Slocums River	Fecal Coliform
Dartmouth	MA95-38	Clarks Cove	Fecal Coliform
Dartmouth	MA95-39	Apponagansett Bay	Fecal Coliform
Dartmouth	MA95-40	East Branch Westport River	Escherichia Coli (E. Coli)
Dartmouth	MA95-62	Buzzards Bay	Fecal Coliform
Dedham	MA72-07	Charles River	Pathogens
Dedham	MA72-21	Rock Meadow Brook	Pathogens
Dedham	MA73-02	Neponset River	Fecal Coliform
Dennis	MA96-09	Quivett Creek	Fecal Coliform
Dennis	MA96-12	Bass River	Fecal Coliform
Dennis	MA96-13	Sesuit Creek	Fecal Coliform
Dennis	MA96-14	Swan Pond River	Fecal Coliform
Dennis	MA96-35	Chase Garden Creek	Fecal Coliform
Dighton	MA62-02	Taunton River	Fecal Coliform
Dighton	MA62-03	Taunton River	Fecal Coliform
Dighton	MA62-50	Broad Cove	Fecal Coliform
Dighton	MA62-51	Muddy Cove Brook	Fecal Coliform
Dighton	MA62-55	Segreganset River	Fecal Coliform
Dighton	MA62-56	Three Mile River	Escherichia Coli (E. Coli)
Dighton	MA62-57	Three Mile River	Fecal Coliform
Dover	MA72-05	Charles River	Pathogens
Dover	MA72-06	Charles River	Pathogens
Duxbury	MA94-15	Duxbury Bay	Fecal Coliform
Duxbury	MA94-30	Bluefish River	Fecal Coliform
East Bridgewater	MA62-06	Salisbury Plain River	Escherichia Coli (E. Coli)
East Bridgewater	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
East Bridgewater	MA62-32	Matfield River	Escherichia Coli (E. Coli)

East Bridgewater	MA62-33	Shumatuscacant River	Escherichia Coli (E. Coli)
East Bridgewater	MA62-38	Meadow Brook	Escherichia Coli (E. Coli)
Eastham	MA96-15	Boat Meadow River	Fecal Coliform
Eastham	MA96-16	Rock Harbor Creek	Fecal Coliform
Eastham	MA96-34	Wellfleet Harbor	Fecal Coliform
Eastham	MA96-68	Town Cove	Fecal Coliform
Essex	MA93-11	Essex River	Fecal Coliform
Essex	MA93-16	Essex Bay	Fecal Coliform
Essex	MA93-45	Alewife Brook	Escherichia Coli (E. Coli)
Essex	MA93-46	Alewife Brook	Fecal Coliform
Everett	MA93-51	Unnamed Tributary	Enterococcus Bacteria
Fairhaven	MA95-33	Acushnet River	Fecal Coliform
Fairhaven	MA95-42	New Bedford Inner Harbor	Fecal Coliform
Fairhaven	MA95-62	Buzzards Bay	Fecal Coliform
Fairhaven	MA95-63	Outer New Bedford Harbor	Fecal Coliform
Fairhaven	MA95-64	Little Bay	Fecal Coliform
Fairhaven	MA95-65	Nasketucket Bay	Fecal Coliform
Fall River	MA61-06	Mount Hope Bay	Fecal Coliform
Fall River	MA62-04	Taunton River	Fecal Coliform
Falmouth	MA95-20	Wild Harbor	Fecal Coliform
Falmouth	MA95-21	Herring Brook	Fecal Coliform
Falmouth	MA95-22	West Falmouth Harbor	Fecal Coliform
Falmouth	MA95-23	Great Sippewisset Creek	Fecal Coliform
Falmouth	MA95-24	Little Sippewisset Marsh	Fecal Coliform
Falmouth	MA95-25	Quissett Harbor	Fecal Coliform
Falmouth	MA95-46	Harbor Head	Fecal Coliform
Falmouth	MA96-17	Falmouth Inner Harbor	Fecal Coliform
Falmouth	MA96-18	Great Harbor	Fecal Coliform
Falmouth	MA96-19	Little Harbor	Fecal Coliform
Falmouth	MA96-20	Quashnet River	Fecal Coliform
Falmouth	MA96-21	Waquoit Bay	Fecal Coliform
Falmouth	MA96-53	Perch Pond	Fecal Coliform
Falmouth	MA96-54	Great Pond	Fecal Coliform
Falmouth	MA96-55	Green Pond	Fecal Coliform
Falmouth	MA96-56	Little Pond	Fecal Coliform
Falmouth	MA96-57	Bournes Pond	Fecal Coliform
Falmouth	MA96-58	Hamblin Pond	Fecal Coliform
Falmouth	MA96-62	Oyster Pond	Fecal Coliform
Foxborough	MA62-39	Rumford River	Escherichia Coli (E. Coli)
Foxborough	MA62-47	Wading River	Escherichia Coli (E. Coli)
Foxborough	MA73-01	Neponset River	Fecal Coliform

Foxborough	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Franklin	MA72-04	Charles River	Pathogens
Freetown	MA62-04	Taunton River	Fecal Coliform
Freetown	MA62-20	Assonet River	Fecal Coliform
Gloucester	MA93-12	Annisquam River	Fecal Coliform
Gloucester	MA93-16	Essex Bay	Fecal Coliform
Gloucester	MA93-18	Gloucester Harbor	Fecal Coliform
Gloucester	MA93-28	Mill River	Fecal Coliform
Hanover	MA94-05	North River	Fecal Coliform
Hanover	MA94-21	Drinkwater River	Escherichia Coli (E. Coli)
Hanover	MA94-24	Iron Mine Brook	Escherichia Coli (E. Coli)
Hanover	MA94-27	Third Herring Brook	Escherichia Coli (E. Coli)
Hanson	MA62-33	Shumatuscant River	Escherichia Coli (E. Coli)
Harwich	MA96-22	Herring River	Fecal Coliform
Harwich	MA96-23	Saquatucket Harbor	Fecal Coliform
Harwich	MA96-51	Muddy Creek	Pathogens
Holliston	MA72-16	Bogastow Brook	Pathogens
Hopedale	MA72-03	Charles River	Pathogens
Hopkinton	MA72-01	Charles River	Pathogens
Ipswich	MA93-16	Essex Bay	Fecal Coliform
Kingston	MA94-14	Jones River	Fecal Coliform
Kingston	MA94-15	Duxbury Bay	Fecal Coliform
Lawrence	MA83-19	Shawsheen River	Fecal Coliform
Lexington	MA72-28	Beaver Brook	Pathogens
Lexington	MA83-06	Vine Brook	Fecal Coliform
Lexington	MA83-10	Kiln Brook	Fecal Coliform
Lincoln	MA83-05	Elm Brook	Fecal Coliform
Lincoln	MA83-08	Shawsheen River	Fecal Coliform
Lynn	MA93-24	Nahant Bay	Fecal Coliform
Lynn	MA93-44	Saugus River	Fecal Coliform
Lynn	MA93-52	Lynn Harbor	Fecal Coliform
Lynnfield	MA93-30	Beaverdam Brook	Escherichia Coli (E. Coli)
Lynnfield	MA93-32	Hawkes Brook	Escherichia Coli (E. Coli)
Lynnfield	MA93-34	Saugus River	Escherichia Coli (E. Coli)
Lynnfield	MA93-35	Saugus River	Escherichia Coli (E. Coli)
Malden	MA93-51	Unnamed Tributary	Enterococcus Bacteria
Manchester	MA93-19	Manchester Harbor	Fecal Coliform
Manchester	MA93-25	Salem Sound	Fecal Coliform
Manchester	MA93-29	Cat Brook	Escherichia Coli (E. Coli)
Manchester	MA93-47	Causeway Brook	Escherichia Coli (E. Coli)
Mansfield	MA62-39	Rumford River	Escherichia Coli (E. Coli)

Mansfield	MA62-47	Wading River	Escherichia Coli (E. Coli)
Mansfield	MA62-49	Wading River	Escherichia Coli (E. Coli)
Marblehead	MA93-21	Salem Harbor	Fecal Coliform
Marblehead	MA93-22	Marblehead Harbor	Fecal Coliform
Marblehead	MA93-25	Salem Sound	Fecal Coliform
Marion	MA95-05	Weweantic River	Fecal Coliform
Marion	MA95-07	Sippican River	Fecal Coliform
Marion	MA95-08	Sippican Harbor	Fecal Coliform
Marion	MA95-09	Aucoot Cove	Fecal Coliform
Marion	MA95-56	Hammett Cove	Fecal Coliform
Marshfield	MA94-05	North River	Fecal Coliform
Marshfield	MA94-06	North River	Fecal Coliform
Marshfield	MA94-09	South River	Fecal Coliform
Marshfield	MA94-11	Green Harbor	Fecal Coliform
Mashpee	MA96-08	Shoestring Bay	Fecal Coliform
Mashpee	MA96-21	Waquoit Bay	Fecal Coliform
Mashpee	MA96-24	Mashpee River	Fecal Coliform
Mashpee	MA96-39	Popponeset Creek	Fecal Coliform
Mashpee	MA96-58	Hamblin Pond	Fecal Coliform
Mashpee	MA96-61	Little River	Fecal Coliform
Mashpee	MA96-92	Santuit River	Fecal Coliform
Mattapoisett	MA95-09	Aucoot Cove	Fecal Coliform
Mattapoisett	MA95-10	Hiller Cove	Fecal Coliform
Mattapoisett	MA95-35	Mattapoisett Harbor	Fecal Coliform
Mattapoisett	MA95-60	Mattapoisett River	Fecal Coliform
Mattapoisett	MA95-61	Eel Pond	Fecal Coliform
Mattapoisett	MA95-65	Nasketucket Bay	Fecal Coliform
Medfield	MA72-05	Charles River	Pathogens
Medfield	MA72-10	Stop River	Pathogens
Medfield	MA73-09	Mine Brook	Fecal Coliform
Medway	MA72-04	Charles River	Pathogens
Medway	MA72-05	Charles River	Pathogens
Melrose	MA93-48	Bennetts Pond Brook	Escherichia Coli (E. Coli)
Mendon	MA72-03	Charles River	Pathogens
Milford	MA72-01	Charles River	Pathogens
Millis	MA72-05	Charles River	Pathogens
Millis	MA72-16	Bogastow Brook	Pathogens
Milton	MA73-02	Neponset River	Fecal Coliform
Milton	MA73-03	Neponset River	Fecal Coliform
Milton	MA73-04	Neponset River	Fecal Coliform
Milton	MA73-26	Unquity Brook	Fecal Coliform

Milton	MA73-29	Pine Tree Brook	Fecal Coliform
Milton	MA73-30	Gulliver Creek	Fecal Coliform
Nahant	MA93-24	Nahant Bay	Fecal Coliform
Nahant	MA93-52	Lynn Harbor	Fecal Coliform
Nahant	MA93-53	Lynn Harbor	Fecal Coliform
Natick	MA72-05	Charles River	Pathogens
Natick	MA72-06	Charles River	Pathogens
Needham	MA72-06	Charles River	Pathogens
Needham	MA72-07	Charles River	Pathogens
Needham	MA72-18	Fuller Brook	Pathogens
Needham	MA72-21	Rock Meadow Brook	Pathogens
Needham	MA72-25	Rosemary Brook	Pathogens
New Bedford	MA95-13	Buttonwood Brook	Escherichia Coli (E. Coli)
New Bedford	MA95-33	Acushnet River	Fecal Coliform
New Bedford	MA95-38	Clarks Cove	Fecal Coliform
New Bedford	MA95-42	New Bedford Inner Harbor	Fecal Coliform
New Bedford	MA95-63	Outer New Bedford Harbor	Fecal Coliform
Newton	MA72-07	Charles River	Pathogens
Newton	MA72-23	Sawmill Brook	Pathogens
Newton	MA72-24	South Meadow Brook	Pathogens
Newton	MA72-29	Cheese Cake Brook	Pathogens
Newton	MA72-36	Charles River	Pathogens
Norfolk	MA72-05	Charles River	Pathogens
Norfolk	MA72-10	Stop River	Pathogens
North Andover	MA83-19	Shawsheen River	Fecal Coliform
Norton	MA62-49	Wading River	Escherichia Coli (E. Coli)
Norton	MA62-56	Three Mile River	Escherichia Coli (E. Coli)
Norwell	MA94-05	North River	Fecal Coliform
Norwell	MA94-27	Third Herring Brook	Escherichia Coli (E. Coli)
Norwell	MA94-31	Second Herring Brook	Fecal Coliform
Norwood	MA73-01	Neponset River	Fecal Coliform
Norwood	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Norwood	MA73-02	Neponset River	Fecal Coliform
Norwood	MA73-15	Germany Brook	Fecal Coliform
Norwood	MA73-16	Hawes Brook	Fecal Coliform
Norwood	MA73-17	Traphole Brook	Fecal Coliform
Norwood	MA73-24	Purgatory Brook	Fecal Coliform
Norwood	MA73-33	Unnamed Tributary	Escherichia Coli (E. Coli)
Orleans	MA96-16	Rock Harbor Creek	Fecal Coliform
Orleans	MA96-26	Little Namskaket Creek	Fecal Coliform
Orleans	MA96-27	Namskaket Creek	Fecal Coliform

Orleans	MA96-68	Town Cove	Fecal Coliform
Orleans	MA96-72	Paw Wah Pond	Fecal Coliform
Orleans	MA96-73	Pochet Neck	Fecal Coliform
Orleans	MA96-76	The River	Fecal Coliform
Orleans	MA96-78	Little Pleasant Bay	Fecal Coliform
Peabody	MA93-01	Waters River	Fecal Coliform
Peabody	MA93-05	Goldthwait Brook	Escherichia Coli (E. Coli)
Peabody	MA93-39	Proctor Brook	Escherichia Coli (E. Coli)
Pembroke	MA94-05	North River	Fecal Coliform
Plymouth	MA94-15	Duxbury Bay	Fecal Coliform
Plymouth	MA94-16	Plymouth Harbor	Fecal Coliform
Plymouth	MA94-34	Ellisville Harbor	Fecal Coliform
Raynham	MA62-02	Taunton River	Fecal Coliform
Rehoboth	MA53-03	Palmer River	Pathogens
Rehoboth	MA53-04	Palmer River	Pathogens
Rehoboth	MA53-05	Palmer River	Pathogens
Rehoboth	MA53-07	Palmer River - West Branch	Pathogens
Rehoboth	MA53-08	Palmer River - East Branch	Pathogens
Rehoboth	MA53-09	Rumney Marsh Brook	Pathogens
Rehoboth	MA53-10	Beaver Dam Brook	Pathogens
Rehoboth	MA53-11	Bad Luck Brook	Pathogens
Rehoboth	MA53-12	Fullers Brook	Pathogens
Rehoboth	MA53-13	Clear Run Brook	Pathogens
Rehoboth	MA53-14	Torrey Creek	Pathogens
Rehoboth	MA53-15	Old Swamp Brook	Pathogens
Rehoboth	MA53-16	Rocky Run	Pathogens
Revere	MA93-15	Pines River	Fecal Coliform
Revere	MA93-44	Saugus River	Fecal Coliform
Revere	MA93-51	Unnamed Tributary	Enterococcus Bacteria
Revere	MA93-52	Lynn Harbor	Fecal Coliform
Revere	MA93-53	Lynn Harbor	Fecal Coliform
Rockland	MA94-03	French Stream	Escherichia Coli (E. Coli)
Rockport	MA93-17	Rockport Harbor	Fecal Coliform
Salem	MA93-09	Danvers River	Fecal Coliform
Salem	MA93-20	Beverly Harbor	Fecal Coliform
Salem	MA93-21	Salem Harbor	Fecal Coliform
Salem	MA93-25	Salem Sound	Fecal Coliform
Salem	MA93-39	Proctor Brook	Escherichia Coli (E. Coli)
Salem	MA93-40	Proctor Brook	Enterococcus Bacteria
Salem	MA93-42	North River	Fecal Coliform
Sandwich	MA95-14	Cape Cod Canal	Fecal Coliform

Sandwich	MA96-30	Scorton Creek	Fecal Coliform
Sandwich	MA96-84	Old Harbor Creek	Fecal Coliform
Sandwich	MA96-85	Mill Creek	Fecal Coliform
Sandwich	MA96-86	Dock Creek	Fecal Coliform
Sandwich	MA96-87	Springhill Creek	Fecal Coliform
Saugus	MA93-15	Pines River	Fecal Coliform
Saugus	MA93-33	Hawkes Brook	Escherichia Coli (E. Coli)
Saugus	MA93-35	Saugus River	Escherichia Coli (E. Coli)
Saugus	MA93-43	Saugus River	Fecal Coliform
Saugus	MA93-44	Saugus River	Fecal Coliform
Saugus	MA93-48	Bennetts Pond Brook	Escherichia Coli (E. Coli)
Saugus	MA93-49	Shute Brook	Fecal Coliform
Saugus	MA93-50	Shute Brook	Escherichia Coli (E. Coli)
Scituate	MA94-01	Cohasset Harbor	Fecal Coliform
Scituate	MA94-02	Scituate Harbor	Fecal Coliform
Scituate	MA94-05	North River	Fecal Coliform
Scituate	MA94-06	North River	Fecal Coliform
Scituate	MA94-07	Herring River	Fecal Coliform
Scituate	MA94-09	South River	Fecal Coliform
Scituate	MA94-19	The Gulf	Fecal Coliform
Scituate	MA94-32	Cohasset Cove	Fecal Coliform
Scituate	MA94-33	Musquashcut Pond	Fecal Coliform
Seekonk	MA53-01	Runnins River	Fecal Coliform
Seekonk	MA53-12	Fullers Brook	Pathogens
Seekonk	MA53-13	Clear Run Brook	Pathogens
Seekonk	MA53-14	Torrey Creek	Pathogens
Sharon	MA62-39	Rumford River	Escherichia Coli (E. Coli)
Sharon	MA73-17	Traphole Brook	Fecal Coliform
Sharon	MA73-31	Unnamed Tributary	Fecal Coliform
Sherborn	MA72-05	Charles River	Pathogens
Somerset	MA61-01	Lee River	Fecal Coliform
Somerset	MA61-02	Lee River	Fecal Coliform
Somerset	MA61-06	Mount Hope Bay	Fecal Coliform
Somerset	MA62-03	Taunton River	Fecal Coliform
Somerset	MA62-04	Taunton River	Fecal Coliform
Somerset	MA62-50	Broad Cove	Fecal Coliform
Stoughton	MA73-20	Beaver Meadow Brook	Fecal Coliform
Stoughton	MA73-32	Unnamed Tributary	Escherichia Coli (E. Coli)
Swampscott	MA93-24	Nahant Bay	Fecal Coliform
Swansea	MA53-03	Palmer River	Pathogens
Swansea	MA53-06	Warren River Pond	Fecal Coliform



Swansea	MA53-16	Rocky Run	Pathogens
Swansea	MA61-01	Lee River	Fecal Coliform
Swansea	MA61-02	Lee River	Fecal Coliform
Swansea	MA61-04	Cole River	Fecal Coliform
Swansea	MA61-07	Mount Hope Bay	Fecal Coliform
Swansea	MA61-08	Kickemuit River	Pathogens
Taunton	MA62-02	Taunton River	Fecal Coliform
Taunton	MA62-56	Three Mile River	Escherichia Coli (E. Coli)
Taunton	MA62-57	Three Mile River	Fecal Coliform
Tewksbury	MA83-07	Strong Water Brook	Fecal Coliform
Tewksbury	MA83-15	Unnamed Tributary	Fecal Coliform
Tewksbury	MA83-18	Shawsheen River	Fecal Coliform
Wakefield	MA93-31	Mill River	Escherichia Coli (E. Coli)
Wakefield	MA93-34	Saugus River	Escherichia Coli (E. Coli)
Wakefield	MA93-35	Saugus River	Escherichia Coli (E. Coli)
Walpole	MA72-10	Stop River	Pathogens
Walpole	MA73-01	Neponset River	Fecal Coliform
Walpole	MA73-01	Neponset River	Escherichia Coli (E. Coli)
Walpole	MA73-06	School Meadow Brook	Fecal Coliform
Walpole	MA73-09	Mine Brook	Fecal Coliform
Walpole	MA73-17	Traphole Brook	Fecal Coliform
Waltham	MA72-07	Charles River	Pathogens
Waltham	MA72-28	Beaver Brook	Pathogens
Wareham	MA95-01	Buttermilk Bay	Fecal Coliform
Wareham	MA95-02	Onset Bay	Fecal Coliform
Wareham	MA95-03	Wareham River	Fecal Coliform
Wareham	MA95-05	Weweantic River	Fecal Coliform
Wareham	MA95-07	Sippican River	Fecal Coliform
Wareham	MA95-29	Agawam River	Fecal Coliform
Wareham	MA95-49	Broad Marsh River	Fecal Coliform
Wareham	MA95-50	Wankinco River	Fecal Coliform
Wareham	MA95-51	Crooked River	Fecal Coliform
Wareham	MA95-52	Cedar Island Creek	Fecal Coliform
Wareham	MA95-53	Beaverdam Creek	Fecal Coliform
Watertown	MA72-07	Charles River	Pathogens
Watertown	MA72-30	Unnamed Tributary	Pathogens
Watertown	MA72-32	Unnamed Tributary	Pathogens
Watertown	MA72-36	Charles River	Pathogens
Wellesley	MA72-06	Charles River	Pathogens
Wellesley	MA72-07	Charles River	Pathogens
Wellesley	MA72-18	Fuller Brook	Pathogens

Wellesley	MA72-25	Rosemary Brook	Pathogens
Wellfleet	MA96-32	Duck Creek	Fecal Coliform
Wellfleet	MA96-33	Herring River	Fecal Coliform
Wellfleet	MA96-34	Wellfleet Harbor	Fecal Coliform
West Bridgewater	MA62-06	Salisbury Plain River	Escherichia Coli (E. Coli)
Weston	MA72-07	Charles River	Pathogens
Westport	MA95-37	West Branch Westport River	Fecal Coliform
Westport	MA95-40	East Branch Westport River	Escherichia Coli (E. Coli)
Westport	MA95-41	East Branch Westport River	Fecal Coliform
Westport	MA95-44	Snell Creek	Escherichia Coli (E. Coli)
Westport	MA95-45	Snell Creek	Escherichia Coli (E. Coli)
Westport	MA95-54	Westport River	Fecal Coliform
Westport	MA95-58	Bread And Cheese Brook	Escherichia Coli (E. Coli)
Westport	MA95-59	Snell Creek	Fecal Coliform
Westwood	MA72-21	Rock Meadow Brook	Pathogens
Westwood	MA73-02	Neponset River	Fecal Coliform
Westwood	MA73-15	Germany Brook	Fecal Coliform
Westwood	MA73-24	Purgatory Brook	Fecal Coliform
Westwood	MA73-25	Pecunit Brook	Escherichia Coli (E. Coli)
Westwood	MA73-27	Ponkapog Brook	Fecal Coliform
Whitman	MA62-09	Beaver Brook	Escherichia Coli (E. Coli)
Whitman	MA62-33	Shumatuscasant River	Escherichia Coli (E. Coli)
Whitman	MA62-38	Meadow Brook	Escherichia Coli (E. Coli)
Wilmington	MA83-18	Shawsheen River	Fecal Coliform
Winthrop	MA93-53	Lynn Harbor	Fecal Coliform
Yarmouth	MA96-12	Bass River	Fecal Coliform
Yarmouth	MA96-35	Chase Garden Creek	Fecal Coliform
Yarmouth	MA96-36	Lewis Bay	Fecal Coliform
Yarmouth	MA96-37	Mill Creek	Fecal Coliform
Yarmouth	MA96-38	Parkers River	Fecal Coliform
Yarmouth	MA96-80	Mill Creek	Fecal Coliform
Yarmouth	MA96-82	Hyannis Inner Harbor	Fecal Coliform

**Table F-8: Bacteria or pathogens impaired waterbody names and segment IDs along with primary municipality and indicator organism identified by the applicable TMDL. The term primary municipality indicates the municipality in which the majority of the segment is located, but does not necessarily indicate each municipality that has regulated discharges to the waterbody segment.**

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.III.1. as follows:
  - a. The permittee is relieved of additional requirements as of the date when the following conditions are met:
    - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable to the receiving water

- that indicates that no additional stormwater controls for bacteria/pathogens are necessary for the permittee's discharge based on wasteload allocations in the newly approved TMDL
- b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any additional remaining requirements of Appendix F part A.III.1 as of that date and the permittee shall comply with the following:
    - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.III.1 to date to reduce bacteria/pathogens in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
    - ii. The permittee shall continue to implement all requirements of Appendix F part A.III.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

#### IV. Cape Cod Nitrogen TMDL Requirements

There are 19 approved TMDLs for nitrogen for various watersheds, ponds and bays on Cape Cod.<sup>15</sup> The following measures are needed to ensure that current nitrogen loads from MS4 stormwater discharged into the impaired waterbodies do not increase.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-9 or any other MS4 (traditional and non-traditional) that discharges to any waterbody listed in Table F-9 or their tributaries shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
  - a. Enhanced BMPs
    - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
      1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (April/May) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the Fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of nitrogen to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.V, B.I, B.II and B.III where appropriate.
      2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs to reduce nitrogen discharges.

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<sup>15</sup> Final nitrogen TMDLs for Cape Cod can be found here:

<http://www.mass.gov/eea/agencies/massdep/water/watersheds/total-maximum-daily-loads-tmdls.html>

3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: establish requirements for use of slow release fertilizers on permittee owned property currently using fertilizer, in addition to reducing and managing fertilizer use as provided in in part 2.3.7.1; establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two (2) times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

<b>Municipality</b>	<b>Waterbody Name</b>
Barnstable	Centerville River
Barnstable	Popponesset Bay
Barnstable	Shoestring Bay
Barnstable	Cotuit Bay
Barnstable	North Bay
Barnstable	Prince Cove
Barnstable	West Bay
Barnstable	Hyannis Inner Harbor
Barnstable	Lewis Bay
Bourne	Phinneys Harbor
Chatham	Crows Pond
Chatham	Bucks Creek
Chatham	Harding Beach Pond
Chatham	Mill Creek
Chatham	Mill Pond
Chatham	Oyster Pond
Chatham	Oyster Pond River
Chatham	Stage Harbor
Chatham	Taylor's Pond
Chatham	Frost Fish Creek
Chatham	Ryder Cove
Falmouth	Bournes Pond
Falmouth	Great Pond
Falmouth	Green Pond
Falmouth	Perch Pond
Falmouth	Little Pond
Falmouth	Oyster Pond
Falmouth	Quashnet River
Falmouth	Inner West Falmouth Harbor

<b>Municipality</b>	<b>Waterbody Name</b>
Falmouth	West Falmouth Harbor
Falmouth	Snug Harbor
Falmouth	Harbor Head
Harwich	Muddy Creek - Lower
Harwich	Muddy Creek - Upper
Harwich	Round Cove
Mashpee	Mashpee River
Mashpee	Great River
Mashpee	Hamblin Pond
Mashpee	Jehu Pond
Mashpee	Little River
Orleans	Areys Pond
Orleans	Little Pleasant Bay
Orleans	Namequoit River
Orleans	Paw Wah Pond
Orleans	Pleasant Bay
Orleans	Pochet Neck
Orleans	Quanset Pond
Yarmouth	Mill Creek
Yarmouth	Hyannis Inner Harbor
Yarmouth	Lewis Bay

**Table F-9: Waterbodies subject to a Cape Cod nitrogen TMDL and the primary municipalities**

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.IV.1. applicable to it when in compliance with this part.
  - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
    - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of nitrogen are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
  - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part A.IV.1 as of that date and the permittee shall comply with the following:
    - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.IV.1 to date to reduce nitrogen in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
    - ii. The permittee shall continue to implement all requirements of Appendix F part A.IV.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing

implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

## V. Assabet River Phosphorus TMDL Requirements

On September 23, 2004 EPA approved the *Assabet River Total Maximum Daily Load for Total Phosphorus*<sup>16</sup>. The following measures are needed to ensure that current phosphorus loads from MS4 stormwater discharged directly or indirectly via tributaries into the Assabet River do not increase.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-10 within the Assabet River Watershed shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
  - a. Enhanced BMPs
    - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
      1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (March/April) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release and phosphorous-free fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of phosphorous to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, B.I, B.II and B.III where appropriate.
      2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs that infiltrate stormwater where feasible.
      3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: Establish program to properly

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<sup>16</sup> Massachusetts Department of Environmental Protection, 2004. *Assabet River Total Maximum Daily Load for Total Phosphorus*. CN 201.0



manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

<b>Municipality</b>
Acton
Berlin
Bolton
Boxborough
Boylston
Carlisle
Clinton
Concord
Grafton
Harvard
Hudson
Littleton
Marlborough
Maynard
Northborough
Shrewsbury
Stow
Westborough
Westford

**Table F-10: Municipalities located in the Assabet River Watershed**

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part A.V.1. as follows.
  - a. The permittee is relieved of its additional requirements as of the date when following conditions are met:
    - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
  - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part A.V.1 as of that date and the permittee shall comply with the following:
    - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part A.V.1 to

date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs

- ii. The permittee shall continue to implement all requirements of Appendix F part A.V.1 required to be implemented prior to the date of the newly approved TMDL including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

## **B. Requirements for Discharges to Impaired Waters with an Approved Out of State TMDL**

### **I. Nitrogen TMDL Requirements**

Discharges from MS4s in Massachusetts to waters that are tributaries to the Long Island Sound, which has an approved TMDL for nitrogen<sup>17</sup>, are subject to the requirements of this part.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-11 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
  - a. Enhanced BMPs
    - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
      1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (April/May) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the Fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of nitrogen to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, A.V, B.II and B.III where appropriate.
      2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs to reduce nitrogen discharges.
      3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: establish requirements for use of

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<sup>17</sup> Connecticut Department of Environmental Protection. 2000. *A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound*

slow release fertilizers on permittee owned property currently using fertilizer, in addition to reducing and managing fertilizer use as provided in in part 2.3.7.1; establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two (2) times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Nitrogen Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Nitrogen Source Identification Report. The report shall include the following elements:
  1. Calculation of total urbanized area within the permittee's jurisdiction that is within the Connecticut River Watershed, the Housatonic River Watershed, or the Thames River Watershed, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
  2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
  3. Impervious area and DCIA for the target catchment
  4. Identification, delineation and prioritization of potential catchments with high nitrogen loading
  5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during re-development
- ii. The final Nitrogen Source Identification Report shall be submitted to EPA as part of the year 4 annual report.

c. Structural BMPs

- i. Within five years of the permit effective date, the permittee shall evaluate all properties identified as presenting retrofit opportunities or areas for structural BMP installation under permit part 2.3.6.d.ii. or identified in the Nitrogen Source Identification Report. The evaluation shall include:
  1. The next planned infrastructure, resurfacing or redevelopment activity planned for the property (if applicable) OR planned retrofit date;
  2. The estimated cost of redevelopment or retrofit BMPs; and
  3. The engineering and regulatory feasibility of redevelopment or retrofit BMPs.
- ii. The permittee shall provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual

report. The permittee shall plan and install a minimum of one structural BMP as a demonstration project within six years of the permit effective date. The demonstration project shall be installed targeting a catchment with high nitrogen load potential. The permittee shall install the remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report.

- iii. Any structural BMPs listed in Table 4-3 of Attachment 1 to Appendix H installed in the urbanized area by the permittee or its agents shall be tracked and the permittee shall estimate the nitrogen removal by the BMP consistent with Attachment 1 to Appendix H. The permittee shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated nitrogen removed in mass per year by the BMP in each annual report.

Adams	North Adams
Agawam	Northampton
Amherst	Oxford
Ashburnham	Palmer
Ashby	Paxton
Auburn	Pelham
Belchertown	Pittsfield
Charlton	Richmond
Cheshire	Russell
Chicopee	Rutland
Dalton	South Hadley
Douglas	Southampton
Dudley	Southbridge
East Longmeadow	Southwick
Easthampton	Spencer
Gardner	Springfield
Granby	Sturbridge
Hadley	Sutton
Hampden	Templeton
Hatfield	Ware
Hinsdale	Webster
Holyoke	West Springfield
Lanesborough	Westfield
Leicester	Westhampton
Lenox	Westminster
Longmeadow	Wilbraham
Ludlow	Williamsburg
Millbury	Winchendon

Monson	
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**Table F-11: Massachusetts municipalities in which MS4 discharges are within the Connecticut River Watershed, the Housatonic River Watershed, or the Thames River Watershed.**

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.I.1. as follows:
  - a. The permittee is relieved of its additional requirements as of the date when the following conditions are met:
    - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of nitrogen are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
  - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.I.1 as of that date and the permittee shall comply with the following:
    - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.I.1 to date to reduce nitrogen in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
    - ii. The permittee shall continue to implement all requirements of Appendix F part B.I.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

## II. Phosphorus TMDL Requirements

There are currently eight approved phosphorus TMDLs for certain waterbody segments in Rhode Island that identify urban stormwater discharges in Massachusetts as sources that are contributing phosphorus to the impaired segments. The TMDLs include the Kickemuit Reservoir, Upper Kickemuit River, Kickemuit River, Ten Mile River, Central Pond, Turner Reservoir, Lower Ten Mile River, and Omega Pond TMDLs<sup>18</sup>. Table F-12 lists municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing phosphorus to the impaired waterbody segments in Rhode Island, the impaired receiving water, and the approved TMDL name. Any permittee (traditional or non-traditional) that operates an MS4 in a municipality listed in Table F-12 and that discharges to a waterbody or tributary of a waterbody listed on Table F-12 is subject to the requirements of this part.

1. The operators of traditional and non-traditional MS4s located in municipalities listed in Table F-12 and that discharge to a waterbody or a tributary of a waterbody identified on Table F-12 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
  - a. Enhanced BMPs
    - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
      1. part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (March/April) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release and phosphorous-free fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of phosphorous to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, A.V, B.I, and B.III where appropriate.
      2. part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for

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<sup>18</sup> See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all RI TMDL documents. (retrieved 6/30/2014)

adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs that infiltrate stormwater where feasible.

3. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: Establish program to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Phosphorus Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Phosphorus Source Identification Report. The report shall include the following elements:
  1. Calculation of total urbanized area draining to the water quality limited receiving water segments or their tributaries, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
  2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
  3. Impervious area and DCIA for the target catchment
  4. Identification, delineation and prioritization of potential catchments with high phosphorus loading
  5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during re development, including the removal of impervious area of permittee owned properties
- ii. The phosphorus source identification report shall be submitted to EPA as part of the year 4 annual report.

c. Structural BMPs

- i. Within five years of the permit effective date, the permittee shall evaluate all permittee owned properties identified as presenting retrofit opportunities or areas for structural BMP installation under permit part 2.3.6.d.ii or identified in the Phosphorus Source Identification Report that are within the drainage area of the water quality limited water or its tributaries. The evaluation shall include:



1. The next planned infrastructure, resurfacing or redevelopment activity planned for the property (if applicable) OR planned retrofit date;
  2. The estimated cost of redevelopment or retrofit BMPs; and
  3. The engineering and regulatory feasibility of redevelopment or retrofit BMPs.
- ii. The permittee shall provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual report. The permittee shall plan and install a minimum of one structural BMP as a demonstration project within the drainage area of the water quality limited water or its tributaries within six years of the permit effective date. The demonstration project shall be installed targeting a catchment with high phosphorus load potential. The permittee shall install the remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report.
- iii. Any structural BMPs installed in the urbanized area by the permittee or its agents shall be tracked and the permittee shall estimate the phosphorus removal by the BMP consistent with Attachment 3 to Appendix F. The permittee shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated phosphorus removed in mass per year by the BMP in each annual report.

<b>Municipality</b>	<b>Receiving Water</b>	<b>TMDL Name</b>
Attleboro	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
North Attleborough	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Plainville	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Rehoboth	Upper Kikemuit River, Kickemuit River, Kickemuit Reservoir	Fecal Coliform and Total Phosphorus TMDLs:

Municipality	Receiving Water	TMDL Name
		Kickemuit Reservoir, Rhode Island (RI0007034L-01) Upper Kickemuit River (RI 0007034R-01) Kickemuit River (MA 61-08 2004)
Seekonk	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Omega Pond and Turner Reservoir	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Swansea	Upper Kikemuit River, Kickemuit River, Kickemuit Reservoir	Fecal Coliform and Total Phosphorus TMDLs: Kickemuit Reservoir, Rhode Island (RI0007034L-01) Upper Kickemuit River (RI 0007034R-01) Kickemuit River (MA 61-08 2004)

Table F-12: Municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing phosphorus to the impaired waterbody segments in Rhode Island, the impaired receiving water, and the approved TMDL name.

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.II.1. as follows:
  - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
    - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
  - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.II.1 as of that date and the permittee shall comply with the following:
    - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.II.1 to date to reduce phosphorus in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
    - ii. The permittee shall continue to implement all requirements of Appendix F part B.II.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

### III. Bacteria and Pathogen TMDL Requirements

There are currently six approved bacteria (fecal coliform bacteria) or pathogen (fecal coliform and/or enterococcus bacteria) TMDLs for certain waterbody segments in Rhode Island that identify urban stormwater discharges in Massachusetts as sources that are contributing bacteria or pathogens to the impaired segments. The TMDLs include the Kickemuit Reservoir, Upper Kickemuit River, Ten Mile River, Lower Ten Mile River and Omega Pond TMDLs<sup>19</sup> Table F-13 lists municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing bacteria or pathogens to the impaired waterbody segments in Rhode Island,, the impaired receiving water, and the approved TMDL name. Any permittee (traditional or non-traditional) that operates an MS4 in a municipality listed in Table F-13 and that discharges to a waterbody or a tributary of a waterbody listed on Table F-13 is subject to the requirements of this part.

- 1) Traditional and non-traditional MS4s operating in the municipalities identified in Table F-13 and that discharge to a waterbody or a tributary of a waterbody identified on Table F-13 shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below::
  - a. Enhanced BMPs
    - i. Enhancement of BMPs required by part 2.3 of the permit that shall be implemented during this permit term:
      1. part 2.3.3. Public Education: The permittee shall supplement its Residential program with an annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee or its agents shall disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. Education materials shall describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance. The permittee shall also provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens. All public education messages can be combined with requirements of Appendix H part I, II and III as well as Appendix F part A.III, A.IV, A.V, B.I, and B.II where appropriate.
      2. part 2.3.4 Illicit Discharge: Catchments draining to any waterbody impaired for bacteria or pathogens shall be designated either Problem Catchments or HIGH priority in implementation of the IDDE program.

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<sup>19</sup> See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all RI TMDL documents. (retrieved 6/30/2014)

<b>Municipality</b>	<b>Receiving Water</b>	<b>TMDL Name</b>
Attleboro	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
North Attleborough	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Plainville	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Rehoboth	Upper Kikemuit River, Kickemuit Reservoir	Fecal Coliform and Total Phosphorus TMDLs: Kickemuit Reservoir, Rhode Island (RI0007034L-01) Upper Kickemuit River (RI 0007034R-01) Kickemuit River (MA 61-08 2004)
Seekonk	Upper Ten Mile River, Lower Ten Mile River, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed

**Table F-13: Municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing bacteria or pathogens to the impaired waterbody segments in Rhode Island,, the impaired receiving water, and the approved TMDL name**

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.III.1. applicable to it when in compliance with this part.
  - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
    - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of bacteria/pathogens are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL
  - b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.III.1 as of that date and the permittee shall comply with the following:
    - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.III.1 to date to reduce bacteria/pathogens in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
    - ii. The permittee shall continue to implement all requirements of Appendix F part B.III.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation

of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

#### IV. Metals TMDL Requirements

There are currently five approved metals TMDL for a waterbody segment in Rhode Island that identifies urban stormwater discharges in Massachusetts as sources that are contributing metals (Cadmium, Lead, Aluminum, Iron) to the impaired segment. The TMDLs include the Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir and Omega Pond TMDLs.<sup>20</sup> Table F-14 lists municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing metals to the impaired waterbody segments in Rhode Island, the impaired receiving water, the approved TMDL name, and the pollutant of concern. Any permittee (traditional or non-traditional) that operates an MS4 in a municipality listed in Table F-14 and the discharge is to a waterbody or tributary of a waterbody listed on Table F-14 is subject to the requirements of this part.

- 1) Traditional and non-traditional MS4s operating in the municipalities identified in Table F-14 and that discharge to a waterbody or a tributary of a waterbody identified on Table F-14 shall identify and implement BMPs designed to reduce metals discharges from its MS4. To address metals discharges, each permittee shall comply with the following BMPs in addition to the requirements of part 2.3 of the Permit, as described below:
  - a. Enhanced BMPs
    - i. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:
      1. part 2.3.6, Stormwater Management in New Development and Redevelopment: stormwater management systems designed on commercial and industrial land use area draining to the water quality limited waterbody shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event. EPA also encourages the permittee to require any stormwater management system designed to infiltrate stormwater on commercial or industrial sites to provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration of the same volume of runoff to be infiltrated, prior to infiltration.
      2. part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: increased street sweeping frequency of all municipal owned streets and parking lots to a schedule determined by the permittee to target areas with potential for high pollutant loads. This may include, but is not limited to, increased street sweeping frequency in commercial areas and high density residential areas, or

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<sup>20</sup> See <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm> for all RI TMDL documents. (retrieved 6/30/2014)

drainage areas with a large amount of impervious area. Prioritize inspection and maintenance for catch basins to ensure that no sump shall be more than 50 percent full. Clean catch basins more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings. Each annual report shall include the street sweeping schedule determined by the permittee to target high pollutant loads.

<b>Municipality</b>	<b>Receiving Water</b>	<b>TMDL Name</b>
Attleboro	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
North Attleborough	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Plainville	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed
Seekonk	Upper Ten Mile River, Lower Ten Mile River, Central Pond, Turner Reservoir, Omega Pond	Total Maximum Daily Load Analysis For The Ten Mile River Watershed

**Table F-14: Municipalities in Massachusetts identified in the TMDLs as containing MS4s contributing metals to the impaired waterbody segments in Rhode Island, the impaired receiving water, the approved TMDL name, and the pollutant of concern.**

2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix F part B.IV.1. applicable to it when in compliance with this part.
  - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
    - i. The applicable TMDL has been modified, revised or withdrawn and EPA has approved a new TMDL applicable for the receiving water that indicates that no additional stormwater controls for the control of metals (Cadmium, Lead, Aluminum, Iron) are necessary for the permittee’s discharge based on wasteload allocations in the newly approved TMDL

- b. In such a case, the permittee shall document the date of the approved TMDL in its SWMP and is relieved of any remaining requirements of Appendix F part B.IV.1 as of that date and the permittee shall comply with the following:
  - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix F part B.IV.1 to date to reduce metals (Cadmium, Lead, Aluminum, Iron) in their discharges including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
  - ii. The permittee shall continue to implement all requirements of Appendix F part B.IV.1 required to be implemented prior to the date of the newly approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.



**C. Requirements for Discharges to Impaired Waters with a Regional TMDL****I. The “Northeast Regional Mercury TMDL (2007)”**

The Northeast Regional Mercury TMDL does not specify a wasteload allocation or other requirements either individually or categorically for the MS4 discharges and specifies that load reductions are to be achieved through reduction in atmospheric deposition sources. No requirements related to this TMDL are imposed on MS4 discharges under this part. However, if the permittee becomes aware, or EPA or MassDEP determines, that an MS4 discharge is causing or contributing to such impairment to an extent that cannot be explained by atmospheric deposition (e.g. chemical spill, acid landfill leachate or other sources), the permittee shall comply with the requirements of part 2.1.1.d and 2.3.4 of the permit.

## **ATTACHMENT 1 TO APPENDIX F**

### **Method to Calculate Baseline Phosphorus Load (Baseline), Phosphorus Reduction Requirements and Phosphorus load increases due to development ( $P_{DEVinc}$ )**

The methods and annual phosphorus load export rates presented in Attachments 1, 2 and 3 are for the purpose of measuring load reductions for various stormwater BMPs treating runoff from different site conditions (i.e. impervious or pervious) and land uses (e.g. commercial, industrial, residential). The estimates of annual phosphorus load and load reductions due to BMPs are intended for use by the permittee to measure compliance with its Phosphorus Reduction Requirement under the permit.

This attachment provides the method to calculate a baseline phosphorus load discharging in stormwater for the impaired municipalities subject to Lakes and Ponds TMDL. A complete list of municipalities subject to these TMDLs is presented in Appendix F, Table F-6. This method shall be used to calculate the following annual phosphorus loads:

- 1) Baseline Phosphorus Load for Permittees
- 2) Phosphorus Reduction Requirement

This attachment also provides the method to calculate stormwater phosphorus load increases due to development for the municipalities subject to the Charles River TMDL requirements and the Lakes & Ponds TMDL requirements:

- 3) Phosphorus Load Increases due to Development

The **Baseline Phosphorus Load** is a measure of the annual phosphorus load discharging in stormwater from the impervious and pervious areas of the impaired Lake Phosphorus Control Plan (LPCP) Area.

The **Baseline Phosphorus Pounds Reduction** referred to as the permittee's **Phosphorus Reduction Requirement** represents the required reduction in annual phosphorus load in stormwater to meet the WLA for the impaired watershed. The percent phosphorus reduction for each watershed (identified in Appendix F, Table F-6) is applied to the Baseline Phosphorus Load to calculate the Phosphorus Pounds Reduction.

The **Phosphorus load increases due to development ( $P_{DEVinc}$ )** is the stormwater phosphorus load increases due to development over the previous reporting period and incurred to date. Increases in stormwater phosphorus load from development will increase the permittee's baseline phosphorus load and therefore, the phosphorus reduction requirement.

Examples are provided to illustrate use of the methods. Table 1-1 below provides annual composite phosphorus load export rates (PLERs) by land use category for the Baseline Load and Phosphorus Reduction Requirement calculations. The permittee shall select the land use category that most closely represents the actual use of the watershed. For watersheds with institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial land use category for the purpose of calculating phosphorus loads. Table 1-2 provides annual PLERs by land use category for impervious and pervious areas. The permittee shall select the land use category that most closely represents the actual use of the watershed. For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value. If the HSG is not known, assume HSG C conditions for the phosphorus load export rate. For watersheds with

institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial/industrial land use category for the purpose of calculating phosphorus loads. Table 1-3 provides a crosswalk table of land use codes between Tables 1-1 and 1-2 and the codes used by MassGIS.

The composite PLERs in Table 1-1 to be used for calculating Baseline Phosphorus Load are based on the specified directly connected impervious area (DCIA). If the permittee determines through mapping and site investigations that the overall DCIA for the collective area for each land use category is different than the corresponding values in Table 1-1, then the permittee is encouraged to submit this information in its annual report and request EPA to recalculate the composite PLERs for the permittees to use in refining the Baseline Phosphorus Load calculation for the LPCP.

**(1) Baseline Phosphorus Load:** The permittee shall calculate the **Baseline Phosphorus Load** by the following procedure:

- 1) Determine the total area (acre) associated with the impaired watershed;
- 2) Sort the total area associated with the watershed into land use categories;
- 3) Calculate the annual phosphorus load associated with each land use category by multiplying the total area of land use by the appropriate land use-based composite phosphorus load export rate provided in Table 1-1; and
- 4) Determine the Baseline Phosphorus Load by summing the land use loads.

**Example 1-1 to determine Baseline Phosphorus Load:**

Watershed A is 18.0 acres, with 11.0 acres of industrial area (e.g. access drives, buildings, and parking lots), 3.0 acres of medium-density residential and 4.0 acres of unmanaged wooded area.

The **Baseline Phosphorus Load** = (Baseline P Load<sub>IND</sub>) + (Baseline P Load<sub>MDR</sub>) + (Baseline P Load<sub>FOR</sub>)

**Where:**

$$\begin{aligned} \text{Baseline P Load}_{\text{IND}} &= (\text{TA}_{\text{IND}}) \times (\text{PLER for industrial use (Table 1-1)}) \\ &= 11.0 \text{ acre} \times 1.27 \text{ lbs/acre/year} \\ &= 14.0 \text{ lbs P/year} \end{aligned}$$

$$\begin{aligned} \text{Baseline P Load}_{\text{MDR}} &= (\text{TA}_{\text{MDR}}) \times (\text{PLER for medium density residential (Table 1-1)}) \\ &= 3.0 \text{ acre} \times 0.49 \text{ lbs/acre/year} \\ &= 1.5 \text{ lbs P/year} \end{aligned}$$

$$\begin{aligned} \text{Baseline P Load}_{\text{FOR}} &= (\text{TA}_{\text{FOR}}) \times (\text{PLER for forest (Table 1-1)}) \\ &= 4.0 \text{ acre} \times 0.12 \text{ lbs/acre/year} \\ &= 0.5 \text{ lbs P/year} \end{aligned}$$

$$\begin{aligned} \text{Baseline Phosphorus Load} &= 14.0 \text{ lbs P/year} + 1.5 \text{ lbs P/year} + 0.5 \text{ lbs P/year} \\ &= \mathbf{16.0 \text{ lbs P/year}} \end{aligned}$$

**(2) Baseline Phosphorus Pounds Reduction (Phosphorus Reduction Requirement):** The Baselines Phosphorus Reduction requirement is the amount of reduction in annual phosphorus load (in pounds) that the permittee is required to achieve in the Watershed. The permittee shall calculate the **Phosphorus Reduction Requirement** by multiplying the **Baseline Phosphorus Load** by the applicable percent phosphorus reduction for that watershed specified in Table F-6 (Appendix F).

**Example 1-2 to determine Watershed Phosphorus Reduction Requirement:**  
 Table F-6 identifies Watershed A’s percent phosphorus reduction as 45%; therefore the Watershed Phosphorus Reduction Requirement is:

Phosphorus Reduction Requirement = (Baseline Phosphorus Load) x (0.45)  
 = (16.0 lbs P/year) x (0.45)  
 = **7.2 lbs P/year**

**(3) Phosphorus load increases due to development (P<sub>DEVinc</sub>):** To estimate the increases in stormwater phosphorus load due to development in the Watershed (either PCP or LPCP Area), the permittee will use the following procedure:

- 1) Determine the total area of development by land use category and calculate the baseline load from that area using the composite PLERs in Table 1-1;
- 2) Distribute the total development area into impervious and pervious subareas by land use category;
- 3) Calculate the phosphorus load due to development (P<sub>DEV</sub>) for each land use-based impervious and pervious subarea by multiplying the subarea by the appropriate phosphorus load export rate provided in Table 1-2; and
- 4) Determine the phosphorus load increase (P<sub>DEVinc</sub>) by subtracting the baseline phosphorus load from the increased phosphorus load due to development.

Note: If structural BMPs are installed as part of new development, the P<sub>DEVinc</sub> will be reduced by the amount of BMP load treated by that BMP as calculated in Attachment 3.

**Example 1-3 to determine Phosphorus Load Increases:** For the same 15.11 acre Watershed A as specified in Example 1-1, a permittee has tracked development in the LPCP Area in the last year that resulted in 1.5 acres of medium density residential area and 0.5 acres of forest land being converted to high density residential impervious area as detailed below. The undeveloped MDR area is pervious area, HSG C soil and the undeveloped forest area is pervious, HSG B soil.

Land Use Category	Baseline Area (acres)	P export rate (lbs P/acre/yr)*	Baseline area unchanged (acres)	P export rate (lbs P/acre/yr)**	Developed Area converted to HDR IA (acres)	P export rate (lbs P/acre/yr)**
Industrial	11.0	1.27	No change	--	No change	--
MDR	3.0	0.49	1.5	0.21	1.5	2.32

Forest	4.0	0.12	3.5	0.12	0.5	2.32
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\*From Table 1-1; \*\* From Table 1-2

The phosphorus load increase is calculated as:

$$\begin{aligned} \text{Baseline Load} &= (\text{Baseline P Load}_{\text{IND}}) + \\ &\quad (\text{Baseline P Load}_{\text{MDR}}) + \\ &\quad (\text{Baseline P Load}_{\text{FOR}}) \\ &= \mathbf{16.0 \text{ lb/year}} \text{ (determined in Example 1-1)} \end{aligned}$$

$$\begin{aligned} P_{\text{DEV}} &= (T_{\text{AIND}} \times \text{PLER}_{\text{IND}}) + (I_{\text{AHDR}} \times \text{PLER}_{\text{HDR}}) + (P_{\text{AMDR}} \times \text{PLER}_{\text{MDR}}) + (P_{\text{AFOR}} \times \\ &\quad \text{PLER}_{\text{FOR}}) \\ &= (11.0 \text{ acres} \times 1.27) + (2.0 \text{ acres} \times 2.32) + (1.5 \text{ acres} \times 0.21) + (3.5 \times \\ &\quad 0.12) \\ &= \mathbf{19.0 \text{ lbs P/year}} \end{aligned}$$

$$\begin{aligned} P_{\text{DEVinc}} &= P_{\text{DEV}} - \text{Baseline Load} \\ &= 19.0 - 16.0 \\ &= \mathbf{3.0 \text{ lbs/year}} \end{aligned}$$

**Table 1-1. Annual composite phosphorus load export rates**

Land Cover	Representative DCIA, %	Composite PLERs, lb/ac/yr	Composite PLERs, kg/ha/yr
Commercial	57	1.13	1.27
Industrial	67	1.27	1.42
High Density Residential	36	1.04	1.16
Medium Density Residential	16	0.49	0.55
Low Density Residential	11	0.30	0.34
Freeway	44	0.73	0.82
Open Space	8	0.26	0.29
Agriculture	0.4	0.45	0.50
Forest	0.1	0.12	0.13

**Table 1-2: Proposed average annual distinct P Load export rates for use in estimating P Load reduction credits the MA MS4 Permit**

Phosphorus Source Category by Land Use	Land Surface Cover	P Load Export Rate, lbs/acre/year	P Load Export Rate, kg/ha/yr
Commercial (Com) and Industrial (Ind)	Directly connected impervious	1.78	2.0
	Pervious	See* DevPERV	See* DevPERV
Multi-Family (MFR) and High-Density Residential (HDR)	Directly connected impervious	2.32	2.6
	Pervious	See* DevPERV	See* DevPERV
Medium -Density Residential (MDR)	Directly connected impervious	1.96	2.2
	Pervious	See* DevPERV	See* DevPERV
Low Density Residential (LDR) - "Rural"	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Highway (HWY)	Directly connected impervious	1.34	1.5
	Pervious	See* DevPERV	See* DevPERV
Forest (For)	Directly connected impervious	1.52	1.7
	Pervious	0.13	0.13
Open Land (Open)	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Agriculture (Ag)	Directly connected impervious	1.52	1.7
	Pervious	0.45	0.5
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group A	Pervious	0.03	0.03
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group B	Pervious	0.12	0.13
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C	Pervious	0.21	0.24
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C/D	Pervious	0.29	0.33
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group D	Pervious	0.37	0.41

**Table 1-3: Crosswalk of MassGIS land-use categories to land-use groups for P Load Calculations**

<b>Mass GIS Land Use LU_CODE</b>	<b>Description</b>	<b>Land Use group for calculating P Load - 2013/14 MA MS4</b>
1	Crop Land	Agriculture
2	Pasture (active)	Agriculture
3	Forest	Forest
4	Wetland	Forest
5	Mining	Industrial
6	Open Land includes inactive pasture	open land
7	Participation Recreation	open land
8	spectator recreation	open land
9	Water Based Recreation	open land
10	Multi-Family Residential	High Density Residential
11	High Density Residential	High Density Residential
12	Medium Density Residential	Medium Density Residential
13	Low Density Residential	Low Density Residential
14	Saltwater Wetland	Water
15	Commercial	Commercial
16	Industrial	Industrial
17	Urban Open	open land
18	Transportation	Highway
19	Waste Disposal	Industrial
20	Water	Water
23	cranberry bog	Agriculture
24	Powerline	open land
25	Saltwater Sandy Beach	open land
26	Golf Course	Agriculture
29	Marina	Commercial
31	Urban Public	Commercial
34	Cemetery	open land
35	Orchard	Forest
36	Nursery	Agriculture
37	Forested Wetland	Forest
38	Very Low Density residential	Low Density Residential
39	Junkyards	Industrial
40	Brush land/Successional	Forest

## **ATTACHMENT 2 TO APPENDIX F**

### **Phosphorus Reduction Credits for Selected Enhanced Non-Structural BMPs**

The permittee shall use the following methods to calculate phosphorus load reduction credits for the following enhanced non-structural control practices implemented in the Watershed:

- 1) Enhanced Sweeping Program;
- 2) Catch Basin Cleaning;  
and
- 3) Organic Waste and Leaf Litter Collection program

The methods include the use of default phosphorus reduction factors that EPA has determined are acceptable for calculating phosphorus load reduction credits for these practices.

The methods and annual phosphorus load export rates presented in this attachment are for the purpose of counting load reductions for various BMPs treating storm water runoff from varying site conditions (i.e., impervious or pervious surfaces) and different land uses (e.g. industrial and commercial) within the impaired watershed. Table 2-1 below provides annual phosphorus load export rates by land use category for impervious and pervious areas. The estimates of annual phosphorus load and load reductions resulting from BMP implementation are intended for use by the permittee to measure compliance with its Phosphorus Reduction Requirement under the permit.

Examples are provided to illustrate use of the methods. In calculating phosphorus export rates, the permittee shall select the land use category that most closely represents the actual use for the area in question. For watersheds with institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial land use category for the purpose of calculating phosphorus loads. Table 2-2 provides a crosswalk table of land use codes between land use groups in Table 2-1 and the codes used by Mass GIS. For pervious areas, permittees should use the appropriate value for the hydrologic soil group (HSG) if known, otherwise, assume HSG C conditions.

**Alternative Methods and/or Phosphorus Reduction Factors:** A permittee may propose alternative methods and/or phosphorus reduction factors for calculating phosphorus load reduction credits for these non-structural practices. EPA will consider alternative methods and/or phosphorus reduction factors, provided that the permittee submits adequate supporting documentation to EPA. At a minimum, supporting documentation shall consist of a description of the proposed method, the technical basis of the method, identification of alternative phosphorus reduction factors, supporting calculations, and identification of references and sources of information that support the use of the alternative method and/or factors in the Watershed. If EPA determines that the alternative methods and/or factors are not adequately supported, EPA will notify the permittee and the permittee may receive no phosphorus reduction credit other than a reduction credit calculated by the permittee following the methods in this attachment for the identified practices.



**Table 2-1: Proposed average annual distinct P Load export rates for use in estimating P Load reduction credits in the MA MS4 Permit**

Phosphorus Source Category by Land Use	Land Surface Cover	P Load Export Rate, lbs/acre/year	P Load Export Rate, kg/ha/yr
Commercial (Com) and Industrial (Ind)	Directly connected impervious	1.78	2.0
	Pervious	See* DevPERV	See* DevPERV
Multi-Family (MFR) and High-Density Residential (HDR)	Directly connected impervious	2.32	2.6
	Pervious	See* DevPERV	See* DevPERV
Medium -Density Residential (MDR)	Directly connected impervious	1.96	2.2
	Pervious	See* DevPERV	See* DevPERV
Low Density Residential (LDR) - "Rural"	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Highway (HWY)	Directly connected impervious	1.34	1.5
	Pervious	See* DevPERV	See* DevPERV
Forest (For)	Directly connected impervious	1.52	1.7
	Pervious	0.13	0.13
Open Land (Open)	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Agriculture (Ag)	Directly connected impervious	1.52	1.7
	Pervious	0.45	0.5
*Developed Land Pervious (DevPERV) – HSG A	Pervious	0.03	0.03
*Developed Land Pervious (DevPERV) – HSG B	Pervious	0.12	0.13
*Developed Land Pervious (DevPERV) – HSG C	Pervious	0.21	0.24
*Developed Land Pervious (DevPERV) – HSG C/D	Pervious	0.29	0.33
*Developed Land Pervious (DevPERV) – HSG D	Pervious	0.37	0.41
Notes:			
<ul style="list-style-type: none"> <li>For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value from this table. If the HSG is not known, assume HSG C conditions for the phosphorus load export rate.</li> <li>Agriculture includes row crops. Actively managed hay fields and pasture lands. Institutional land uses such as government properties, hospitals and schools are to be included in the commercial and industrial land use grouping for the purpose of calculating phosphorus loading.</li> <li>Impervious surfaces within the forest land use category are typically roadways adjacent to forested pervious areas.</li> </ul>			

**Table 2-2: Crosswalk of Mass GIS land use categories  
to land use groups for P load calculations**

Mass GIS Land Use LU_CODE	Description	Land Use group for calculating P Load - 2013/14 MA MS4
1	Crop Land	Agriculture
2	Pasture (active)	Agriculture
3	Forest	Forest
4	Wetland	Forest
5	Mining	Industrial
6	Open Land includes inactive pasture	open land
7	Participation Recreation	open land
8	spectator recreation	open land
9	Water Based Recreation	open land
10	Multi-Family Residential	High Density Residential
11	High Density Residential	High Density Residential
12	Medium Density Residential	Medium Density Residential
13	Low Density Residential	Low Density Residential
14	Saltwater Wetland	Water
15	Commercial	Commercial
16	Industrial	Industrial
17	Urban Open	open land
18	Transportation	Highway
19	Waste Disposal	Industrial
20	Water	Water
23	cranberry bog	Agriculture
24	Powerline	open land
25	Saltwater Sandy Beach	open land
26	Golf Course	Agriculture
29	Marina	Commercial
31	Urban Public	Commercial
34	Cemetery	open land
35	Orchard	Forest
36	Nursery	Agriculture
37	Forested Wetland	Forest
38	Very Low Density residential	Low Density Residential
39	Junkyards	Industrial
40	Brush land/Successional	Forest

**(1) Enhanced Sweeping Program:** The permittee may earn a phosphorus reduction credit for conducting an enhanced sweeping program of impervious surfaces. Table 2-2 below outlines the default phosphorus removal factors for enhanced sweeping programs. The credit shall be calculated by using the following equation:

$$\text{Credit}_{\text{sweeping}} = \text{IA}_{\text{swept}} \times \text{PLE}_{\text{IC-land use}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} \quad \text{(Equation 2-1)}$$

**Where:**

- $\text{Credit}_{\text{sweeping}}$  = Amount of phosphorus load removed by enhanced sweeping program (lb/year)
- $\text{IA}_{\text{swept}}$  = Area of impervious surface that is swept under the enhanced sweeping program (acres)
- $\text{PLE}_{\text{IC-land use}}$  = Phosphorus Load Export Rate for impervious cover and specified land use (lb/acre/yr) (see Table 2-1)
- $\text{PRF}_{\text{sweeping}}$  = Phosphorus Reduction Factor for sweeping based on sweeper type and frequency (see Table 2-3).
- $\text{AF}$  = Annual Frequency of sweeping. For example, if sweeping does not occur in Dec/Jan/Feb, the AF would be 9 mo./12 mo. = 0.75. For year-round sweeping, AF=1.0<sup>1</sup>

As an alternative, the permittee may apply a credible sweeping model of the Watershed and perform continuous simulations reflecting build-up and wash-off of phosphorus using long-term local rainfall data.

**Table 2-3: Phosphorus reduction efficiency factors (PRF<sub>sweeping</sub>) for sweeping impervious areas**

Frequency <sup>1</sup>	Sweeper Technology	PRF <sub>sweeping</sub>
2/year (spring and fall) <sup>2</sup>	Mechanical Broom	0.01
2/year (spring and fall) <sup>2</sup>	Vacuum Assisted	0.02
2/year (spring and fall) <sup>2</sup>	High-Efficiency Regenerative Air-Vacuum	0.02
Monthly	Mechanical Broom	0.03
Monthly	Vacuum Assisted	0.04
Monthly	High Efficiency Regenerative Air-Vacuum	0.08
Weekly	Mechanical Broom	0.05
Weekly	Vacuum Assisted	0.08
Weekly	High Efficiency Regenerative Air-Vacuum	0.10

<sup>1</sup>For full credit for monthly and weekly frequency, sweeping must be conducted year round. Otherwise, the credit should be adjusted proportionally based on the duration of the sweeping season (using AF factor).

<sup>2</sup> In order to earn credit for semi-annual sweeping the sweeping must occur in the spring following snow-melt and road sand applications to impervious surfaces and in the fall after leaf-fall and prior to the onset to the snow season.

**Example 2-1: Calculation of enhanced sweeping program credit (Credit<sub>sweeping</sub>):** A permittee proposes to implement an enhanced sweeping program and perform weekly sweeping from March 1 – December 1 (9 months) in their Watershed, using a vacuum assisted sweeper on 20.3 acres of parking lots and roadways in a high-density residential area of the Watershed. For this site the needed information is:

- IA<sub>swept</sub> = 20.3 acres
- PLE<sub>IC-HDR</sub> = 2.32 lb/acre/yr (from Table 2-1)
- PRF<sub>sweeping</sub> = 0.08 (from Table 2-3)
- AF = (9 months / 12 months) = 0.75

Substitution into equation 2-1 yields a Credit<sub>sweeping</sub> of 3.2 pounds of phosphorus removed per year.

$$\begin{aligned} \text{Credit}_{\text{sweeping}} &= \text{IA}_{\text{swept}} \times \text{PLE}_{\text{land use}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} \\ &= 20.3 \text{ acres} \times 2.32 \text{ lbs/acre/yr} \times 0.08 \times 0.75 \\ &= \mathbf{2.8 \text{ lbs/yr}} \end{aligned}$$

**(2) Catch Basin Cleaning:** The permittee may earn a phosphorus reduction credit, Credit<sub>CB</sub>, by removing accumulated materials from catch basins (i.e., catch basin cleaning) in the Watershed such that a minimum sump storage capacity of 50% is maintained throughout the year. The credit shall be calculated by using the following equation:

$$\text{Credit}_{\text{CB}} = \text{IA}_{\text{CB}} \times \text{PLE}_{\text{IC-land use}} \times \text{PRF}_{\text{CB}} \quad \text{(Equation 2-2)}$$

**Where:**

- Credit<sub>CB</sub> = Amount of phosphorus load removed by catch basin cleaning (lb/year)
- IA<sub>CB</sub> = Impervious drainage area to catch basins (acres)
- PLE<sub>IC-and use</sub> = Phosphorus Load Export Rate for impervious cover and specified land use (lb/acre/yr) (see Table 2-1)
- PRF<sub>CB</sub> = Phosphorus Reduction Factor for catch basin cleaning (see Table 2-4)

**Table 2-4: Phosphorus reduction efficiency factor (PRF<sub>CB</sub>) for semi-annual catch basin cleaning**

Frequency	Practice	PRF <sub>CB</sub>
Semi-annual	Catch Basin Cleaning	0.02

**Example 2-2: Calculation for catch basin cleaning credit (Credit<sub>CB</sub>):**

A permittee proposes to clean catch basins in their Watershed (i.e., remove accumulated sediments and contaminants captured in the catch basins) that drain runoff from 15.3 acres of medium-density residential impervious area. For this site the needed information is:

IA <sub>CB</sub>	= 15.3 acre
PLE <sub>IC-MDR</sub>	= 1.96 lbs/acre/yr (from Table 2-1)
PRF <sub>CB</sub>	= 0.02 (from Table 2-4)

Substitution into equation 2-2 yields a Credit<sub>CB</sub> of 0.6 pounds of phosphorus removed per year:

$$\begin{aligned} \text{Credit}_{CB} &= \text{IA}_{CB} \times \text{PLE}_{IC-MDR} \times \text{PRF}_{CB} \\ &= 15.3 \text{ acre} \times 1.96 \text{ lbs/acre/yr} \times 0.02 \\ &= \mathbf{0.6 \text{ lbs/yr}} \end{aligned}$$

**(3) Enhanced Organic Waste and Leaf Litter Collection program:** The permittee may earn a phosphorus reduction credit by performing regular gathering, removal and disposal of landscaping wastes, organic debris, and leaf litter from impervious surfaces from which runoff discharges to the TMDL waterbody or its tributaries. In order to earn this credit (Credit<sub>leaf litter</sub>), the permittee must gather and remove all landscaping wastes, organic debris, and leaf litter from impervious roadways and parking lots at least once per week during the period of September 1 to December 1 of each year. Credit can only be earned for those impervious surfaces that are cleared of organic materials in accordance with the description above. The gathering and removal shall occur immediately following any landscaping activities in the Watershed and at additional times when necessary to achieve a weekly cleaning frequency. The permittee must ensure that the disposal of these materials will not contribute pollutants to any surface water discharges. The permittee may use an enhanced sweeping program (e.g., weekly frequency) as part of earning this credit provided that the sweeping is effective at removing leaf litter and organic materials. The Credit<sub>leaf litter</sub> shall be determined by the following equation:

$$\text{Credit}_{\text{leaf litter}} = (\text{Watershed Area}) \times (\text{PLE}_{IC\text{-land use}}) \times (0.05) \quad \text{(Equation 2-3)}$$

**Where:**

Credit <sub>leaf litter</sub>	= Amount of phosphorus load reduction credit for organic waste and leaf litter collection program (lb/year)
Watershed Area	= All impervious area (acre) from which runoff discharges to the TMDL waterbody or its tributaries in the Watershed
PLE <sub>IC-land use</sub>	= Phosphorus Load Export Rate for impervious cover and specified land use (lbs/acre/yr) (see Table 2-1)
0.05	= 5% phosphorus reduction factor for organic waste and leaf litter collection program in the Watershed

**Example 2-3: Calculation for organic waste and leaf litter collection program credit**

**(Credit<sub>leaf litter</sub>):** A permittee proposes to implement an organic waste and leaf litter collection program by sweeping the parking lots and access drives at a minimum of once per week using a mechanical broom sweeper for the period of September 1 to December 1 over 12.5 acres of impervious roadways and parking lots in an industrial/commercial area of the Watershed. Also, the permittee will ensure that organic materials are removed from impervious areas immediately following all landscaping activities at the site. For this site the needed information to calculate the Credit<sub>leaf litter</sub> is:

$$\begin{aligned} \text{Watershed Area} &= 12.5 \text{ acres; and} \\ \text{PLE}_{\text{IC-commercial}} &= 1.78 \text{ lbs/acre/yr (from Table 2-1)} \end{aligned}$$

Substitution into equation 2-4 yields a Credit<sub>leaf litter</sub> of 1.1 pounds of phosphorus removed per year:

$$\begin{aligned} \text{Credit}_{\text{leaf litter}} &= (12.5 \text{ acre}) \times (1.78 \text{ lbs/acre/yr}) \times (0.05) \\ &= 1.1 \text{ lbs/yr} \end{aligned}$$

The permittee also may earn a phosphorus reduction credit for enhanced sweeping of roads and parking lot areas (i.e., Credit<sub>sweeping</sub>) for the three months of use. Using equation 2-1, Credit<sub>sweeping</sub> is:

$$\begin{aligned} \text{Credit}_{\text{sweeping}} &= \text{IA}_{\text{swept}} \times \text{PLE}_{\text{IC-land use}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} && \text{(Equation 2-1)} \\ \text{IA}_{\text{swept}} &= 12.5 \text{ acre} \\ \text{PLE}_{\text{IC-commercial}} &= 1.78 \text{ lbs/acre/yr (from Table 2-1)} \\ \text{PRF}_{\text{sweeping}} &= 0.05 \text{ (from Table 2-3)} \\ \text{AF} &= 3 \text{ mo./12 mo.} = 0.25 \end{aligned}$$

Substitution into equation 2-1 yields a Credit<sub>sweeping</sub> of 0.28 pounds of phosphorus removed per year.

$$\begin{aligned} \text{Credit}_{\text{sweeping}} &= \text{IA}_{\text{swept}} \times \text{PLE}_{\text{IC-commercial}} \times \text{PRF}_{\text{sweeping}} \times \text{AF} \\ &= 12.5 \text{ acre} \times 1.78 \text{ lbs/acre/yr} \times 0.05 \times 0.25 \\ &= \mathbf{0.3 \text{ lbs/yr}} \end{aligned}$$

## **ATTACHMENT 3 TO APPENDIX F**

### **Methods to Calculate Phosphorus Load Reductions for Structural Stormwater Best Management Practices**

#### **List of Tables:**

Table 3-1: Average annual distinct phosphorus load (P Load) export rates for use in estimating phosphorus load reduction credits the MA MS4 Permit.....	10
Table 3- 2: MassGIS land-use categories with associated land-use groups for phosphorus load calculations .....	11
Table 3- 3: Developed Land Pervious Area Runoff Depths based on Precipitation depth and Hydrological Soil Groups (HSGs).....	20
Table 3- 4: Infiltration Trench (IR = 0.17 in/hr) BMP Performance Table.....	34
Table 3- 5: Infiltration Trench (IR = 0.27 in/hr) BMP Performance Table.....	35
Table 3- 6: Infiltration Trench (IR = 0.52 in/hr) BMP Performance Table.....	36
Table 3- 7: Infiltration Trench (IR = 1.02 in/hr) BMP Performance Table.....	37
Table 3- 8: Infiltration Trench (IR = 2.41 in/hr) BMP Performance Table.....	38
Table 3- 9: Infiltration Trench (8.27 in/hr) BMP Performance Table.....	39
Table 3- 10: Infiltration Basin (0.17 in/hr) BMP Performance Table.....	40
Table 3- 11: Infiltration Basin (0.27 in/hr) BMP Performance Table.....	41
Table 3- 12: Infiltration Basin (0.52 in/hr) BMP Performance Table.....	42
Table 3- 13: Infiltration Basin (1.02 in/hr) BMP Performance Table.....	43
Table 3- 14: Infiltration Basin (2.41 in/hr) BMP Performance Table.....	44
Table 3- 15: Infiltration Basin (8.27 in/hr) BMP Performance Table.....	45
Table 3- 16: Biofiltration BMP Performance Table.....	46
Table 3- 17: Gravel Wetland BMP Performance Table.....	47
Table 3- 18: Porous Pavement BMP Performance Table.....	48
Table 3- 19: Wet Pond BMP Performance Table.....	49
Table 3- 20: Dry Pond BMP Performance Table.....	49
Table 3- 21: Grass Swale BMP Performance Table.....	50
Table 3- 22: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 .....	51
Table 3- 23: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 .....	53
Table 3- 24: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 .....	56
Table 3- 25: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 2:1 .....	58
Table 3- 26: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 .....	61
Table 3- 27: Impervious Area Disconnection Performance Table.....	63
Table 3- 28: Performance Table for Conversion of Impervious Areas to Pervious Area based on Hydrological Soil Groups .....	64
Table 3- 29: Performance Table for Conversion of Low Permeable Pervious Area to High Permeable Pervious Area based on Hydrological Soil Group.....	65

#### **List of Figures:**

## Appendix F Attachment 3

Figure 3- 1: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.17 in/hr).....	34
Figure 3- 2: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.27 in/hr).....	35
Figure 3- 3: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.52 in/hr).....	36
Figure 3- 4: BMP Performance Curve: Infiltration Trench (infiltration rate = 1.02 in/hr).....	37
Figure 3- 5: BMP Performance Curve: Infiltration Trench (infiltration rate = 2.41 in/hr).....	38
Figure 3- 6: BMP Performance Curve: Infiltration Trench (infiltration rate = 8.27 in/hr).....	39
Figure 3- 7: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.17 in/hr).....	40
Figure 3- 8: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.27 in/hr).....	41
Figure 3- 9: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.52 in/hr).....	42
Figure 3- 10: BMP Performance Curve: Infiltration Basin (Soil infiltration rate = 1.02 in/hr) ...	43
Figure 3- 11: BMP Performance Curve: Infiltration Basin (infiltration rate = 2.41 in/hr).....	44
Figure 3- 12: BMP Performance Curve: Infiltration Basin (infiltration rate = 8.27 in/hr).....	45
Figure 3- 13: BMP Performance Curve: Biofiltration .....	46
Figure 3- 14: BMP Performance Curve: Gravel Wetland .....	47
Figure 3- 15: BMP Performance Curve: Porous Pavement .....	48
Figure 3- 16: BMP Performance Curve: Dry Pond .....	49
Figure 3- 17: BMP Performance Curve: Grass Swale .....	50
Figure 3- 18: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG A Soils .....	51
Figure 3- 19: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG B Soils .....	52
Figure 3- 20: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG C Soils .....	52
Figure 3- 21: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG D Soils .....	53
Figure 3- 22: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG A Soils .....	54
Figure 3- 23: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG B Soils .....	54
Figure 3- 24: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG C Soils .....	55
Figure 3- 25: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG D Soils .....	55
Figure 3- 26: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG A Soils .....	56
Figure 3- 27: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG B Soils .....	57
Figure 3- 28: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG C Soils .....	57
Figure 3- 29: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG D Soils .....	58
Figure 3- 30: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG A Soils .....	59
Figure 3- 31: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG B Soils .....	59



### Appendix F Attachment 3

Figure 3- 32: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG C Soils .....	60
Figure 3- 33: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG D Soils .....	60
Figure 3- 34: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG A Soils .....	61
Figure 3- 35: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG B Soils .....	62
Figure 3- 36: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG C Soils .....	62
Figure 3- 37: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG D Soils .....	63
Figure 3- 38: Impervious Area Disconnection Performance Curves.....	64

**Methods to Calculate Phosphorus Load Reductions for Structural Stormwater Best Management Practices in the Watershed**

This attachment provides methods to determine design storage volume capacities and to calculate phosphorus load reductions for the following structural Best Management Practices (structural BMPs) for a Watershed:

- 1) Infiltration Trench;
- 2) Infiltration Basin or other surface infiltration practice;
- 3) Bio-filtration Practice;
- 4) Gravel Wetland System;
- 5) Porous Pavement;
- 6) Wet Pond or wet detention basin;
- 7) Dry Pond or detention basin; and
- 8) Dry Water Quality Swale/ Grass Swale.

Additionally, this attachment provides methods to design and quantify associated phosphorus load reduction credits for the following four types of semi-structural/non-structural BMPs

- 9) Impervious Area Disconnection through Storage (e.g., rain barrels, cisterns, etc);
- 10) Impervious Area Disconnection;
- 11) Conversions of Impervious Area to Permeable Pervious Area; and
- 12) Soil Amendments to Enhance Permeability of Pervious Areas.

Methods and examples are provided in this Attachment to calculate phosphorus load reductions for structural BMPs for the four following purposes:

- 1) To determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area is 100% impervious;
- 2) To determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area is 100% impervious;
- 3) To determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces; and
- 4) To determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area has impervious and pervious surfaces.

Examples are also provided for estimating phosphorus load reductions associated with the four semi-structural/non-structural BMPs.

Also, this attachment provides the methodology for calculating the annual stormwater phosphorus load that will be delivered to BMPs for treatment (BMP Load) and to be used for quantifying phosphorus load reduction credits. The methods and annual phosphorus export load rates presented in this attachment are for the purpose of counting load reductions for various BMPs treating storm water runoff from varying site conditions (i.e., impervious or pervious surfaces) and different land uses (e.g. commercial and industrial). The estimates of annual phosphorus load and load reductions by BMPs are to demonstrate compliance with the permittee's Phosphorus Reduction Requirement under the permit.

## Appendix F Attachment 3

**Structural BMP performance credits:** For each structural BMP type identified above (BMPs 1-8), long-term cumulative performance information is provided to calculate phosphorus load reductions or to determine needed design storage volumes to achieve a specified reduction target (e.g., 65% phosphorus load reduction). The performance information is expressed as cumulative phosphorus load removed (% removed) depending on the physical storage capacity of the structural BMP (expressed as inches of runoff from impervious area) and is provided at the end of this Attachment (see Tables 3-1 through 3-18 and performance curves Figures 3-1 through 3-17). Multiple tables and performance curves are provided for the infiltration practices to represent cumulative phosphorus load reduction performance for six infiltration rates (IR), 0.17, 0.27, 0.53, 1.02, 2.41, and 8.27 inches/hour. These infiltration rates represent the saturated hydraulic conductivity of the soils. The permittee may use the performance curves provided in this attachment to interpolate phosphorus load removal reductions for field measured infiltration rates that are different than the infiltration rates used to develop the performance curves. Otherwise, the permittee shall use the performance curve for the IR that is nearest, but less than, the field measured rate. Physical storage capacity equals the total physical storage volume of the control structure to contain water at any instant in time. Typically, this storage capacity is comprised of the surface ponding storage volume prior to overflow and subsurface storage volumes in storage units and pore spaces of coarse filter media. Table 3-30 provides the formulae to calculate physical storage capacities for the structural control types for using the performance curves.

**Semi-Structural/Non-structural BMP performance credits:** For each semi-structural/non-structural BMP type identified above (BMPs 9-12), long-term cumulative performance information is provided to calculate phosphorus load reductions or to determine needed design specifications to achieve a desired reduction target (e.g., 50% phosphorus load reduction). The performance information is expressed as cumulative runoff volume reduction (% removed) depending on the design specifics and actual field conditions. Cumulative percent runoff volume reduction is being used to estimate the cumulative phosphorus load reduction credit for these BMPs. To represent a wide range of potential conditions for implementing these types of BMPs, numerous performance tables and curves have been developed to reflect a wide range of potential conditions and designs such as varying storage volumes (expressed in terms of varying ratios of storage volume to impervious area (0.1 to 2.0 inches)); varying ratios of impervious source area to receiving pervious area based on hydrologic soil groups (HSGs) A, B, C and D (8:1, 6:1, 4:1, 2: 1 and 1:1); and varying discharge time periods for temporary storage (1, 2 or 3 days) . The default credits are provided at the end of this Attachment (see Tables 3-19 through 3-26 and performance curves Figures 3-18 through 3-38).

EPA will consider phosphorus load reductions calculated using the methods provided below to be valid for the purpose of complying with the terms of this permit for BMPs that have not been explicitly modeled if the desired BMP has functionality that is similar to one of the simulated BMP types. Please note that only the surface infiltration and the infiltration trench BMP types were simulated to direct storm water runoff into the ground (i.e., infiltration). All of the other simulated BMPs represent practices that have either under-drains or impermeable liners and therefore, are not hydraulically connected to the sub-surface soils (i.e., no infiltration). Following are some simple guidelines for selecting the BMP type and/or determining whether the results of any of the BMP types provided are appropriate for another BMP of interest.

**Infiltration Trench** is a practice that provides temporary storage of runoff using the void spaces within the soil/sand/gravel mixture that is used to backfill the trench for subsequent infiltration into the surrounding sub-soils. Performance results for the infiltration trench can be used for all subsurface infiltration practices including systems that include pipes and/or chambers that provide temporary storage. Also, the results for this BMP type can be used for bio-retention systems that rely on infiltration when the majority of the temporary storage capacity is provided in the void spaces of the soil filter media and porous pavements that allow infiltration to occur.

**Surface Infiltration** represents a practice that provides temporary surface storage of runoff (e.g., ponding) for subsequent infiltration into the ground. Appropriate practices for use of the surface infiltration performance estimates include infiltration basins, infiltration swales, rain gardens and bio-retention systems that rely on infiltration and provide the majority of storage capacity through surface-ponding. If an infiltration system includes both surface storage through ponding and a lesser storage volume within the void spaces of a coarse filter media, then the physical storage volume capacity used to determine the long-term cumulative phosphorus removal efficiency from the infiltration basin performance curves would be equal to the sum of the surface storage volume and the void space storage volume. General design specifications for various surface infiltration systems are provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

**Bio-filtration** is a practice that provides temporary storage of runoff for filtering through an engineered soil media. The storage capacity is typically made of void spaces in the filter media and temporary ponding at the surface of the practice. Once the runoff has passed through the filter media it is collected by an under-drain pipe for discharge. The performance curve for this control practice assumes zero infiltration. If a filtration system has subsurface soils that are suitable for infiltration, then user should use the either performance curves for the infiltration trench or the infiltration basin depending on the predominance of storage volume made up by free standing storage or void space storage. Depending on the design of the filter media manufactured or packaged bio-filter systems such as tree box filters may be suitable for using the bio-filtration performance results. Design specifications for bio-filtration systems are provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

**Gravel Wetland** performance results should be used for practices that have been designed in accordance or share similar features with the design specifications for gravel wetland systems provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

**Porous Pavement** performance results represent systems with an impermeable under-liner and an under-drain. *If porous pavement systems do not have an impermeable under-liner so that filtered runoff can infiltrate into sub-soils then the performance results for an infiltration trench may be used for these systems.* Design specifications for porous pavement systems are provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>).

## Appendix F Attachment 3

**Extended Dry Detention Pond** performance results should only be used for practices that have been designed in accordance with the design specifications for extended dry detention ponds provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>)

**Dry Water Quality Swale/ Grass Swale** performance results should only be used for practices that have been designed in accordance with the design specifications for a water quality dry swale provided in the most recent version of *the Massachusetts Stormwater Handbook, Volume 2/Chapter2* (<http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/v2c2.pdf>)

**Impervious Area Disconnection using Storage (e.g., rain barrels, cistern, etc)** performance results are for collecting runoff volumes from impervious areas such as roof tops, providing temporary storage of runoff volume using rain barrels, cisterns or other storage containers, and discharging stored volume to adjacent permeable pervious surfaces over an extended period of time.

**Impervious Area Disconnection** performance results are for diverting runoff volumes from impervious areas such as roadways, parking lots and roof tops, and discharging it to adjacent vegetated permeable surfaces that are of sufficient size with adequate soils to receive the runoff without causing negative impacts to adjacent down-gradient properties. Careful consideration must be given to the ratio of impervious area to the pervious area that will receive the discharge. Also, devices such as level spreaders to disperse the discharge and provide sheet flow should be employed whenever needed to increase recharge and avoid flow concentration and short circuiting through the pervious area. Soil testing is needed to classify the permeability of the receiving pervious area in terms of HSG.

**Conversion of Impervious Area to Permeable Pervious Area** phosphorus load reduction credits are for replacing existing impervious surfaces (such as traditional pavements and buildings with roof tops) with permeable surfaces. To be eligible for credit, it is essential that the area previously covered with impervious surface be restored to provide natural or enhanced hydrologic functioning so that the surface is permeable. Sub-soils beneath pavements are typically highly compacted and will require reworking to loosen the soil and the possible addition of soil amendments to restore permeability. Soil testing is needed to classify the permeability (in terms of HSG) of the restored pervious area.

**Soil Amendments to Increase Permeability of Pervious Areas** performance results are for the practice of improving the permeability of pervious areas through incorporation of soil amendments, tilling and establishing dense vegetation. This practice may be used to complement other practices such as impervious area disconnection to improve overall performance and increase reduction credits earned. Soil testing is needed to classify the permeability (in terms of HSG) of the restored pervious area.

### **Alternative Methods:**

## Appendix F Attachment 3

A permittee may propose alternative long-term cumulative performance information or alternative methods to calculate phosphorus load reductions for the structural BMPs identified above or for other structural BMPs not identified in this Attachment.

EPA will consider alternative long-term cumulative performance information and alternative methods to calculate phosphorus load reductions for structural BMPs provided that the permittee provides EPA with adequate supporting documentation. At a minimum, the supporting documentation shall include:

- 1) Results of continuous BMP model simulations representing the structural BMP, using a verified BMP model and representative long-term (i.e., 10 years) climatic data including hourly rainfall data;
- 2) Supporting calculations and model documentation that justify use of the model, model input parameters, and the resulting cumulative phosphorus load reduction estimate;
- 3) If pollutant removal performance data are available for the specific BMP, model calibration results should be provided; and
- 4) Identification of references and sources of information that support the use of the alternative information and method.

If EPA determines that the long-term cumulative phosphorus load reductions developed based on alternative information are not adequately supported, EPA will notify the permittee in writing, and the permittee may receive no phosphorus reduction credit other than a reduction credit calculated by the permittee using the default phosphorus reduction factors provided in this attachment for the identified practices. The permittee is required to submit to EPA valid phosphorus load reductions for structural BMPs in the watershed in accordance with the submission schedule requirements specified in the permit and Appendix F.

### **Method to Calculate Annual Phosphorus Load Delivered to BMPs (BMP Load)**

The **BMP Load** is the annual phosphorus load from the drainage area to each proposed or existing BMP used by permittee to claim credit against its stormwater phosphorus load reduction requirement (i.e., Phosphorus Reduction Requirement). The BMP Load is the starting point from which the permittee calculates the reduction in phosphorus load achieved by each existing and proposed BMP.

Examples are provided to illustrate use of the methods. Table 3-1 below provides annual phosphorus load export rates (PLERs) by land use category for impervious and pervious areas. The permittee shall select the land use category that most closely represents the actual use of the watershed. For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value. If the HSG is not known, assume HSG C conditions for the phosphorus load export rate. For watersheds with institutional type uses, such as government properties, hospitals, and schools, the permittee shall use the commercial/industrial land use category for the purpose of calculating phosphorus loads. Table 3-2 provides a crosswalk table of land use codes between land use groups in Table 3-1 and the codes used by MassGIS.

### Appendix F Attachment 3

**BMP Load:** To estimate the annual phosphorus load reduction that a storm water BMP can achieve, it is first necessary to estimate the amount of annual phosphorus load that the BMP will receive or treat (BMP Load).

For a given BMP:

- 1) Determine the total drainage area to the BMP;
- 2) Distribute the total drainage area into impervious and pervious subareas by land use category as defined by Tables 3-1 and 3-2;
- 3) Calculate the phosphorus load for each land use-based impervious and pervious subarea by multiplying the subarea by the appropriate phosphorus load export rate provided in Table 3-1; and
- 4) Determine the total annual phosphorus load to the BMP by summing the calculated impervious and pervious subarea phosphorus loads.

**Example 3-1 to determine phosphorus load to a proposed BMP:** A permittee is proposing a surface stormwater infiltration system that will treat runoff from an industrial site with an area of 12.87 acres (5.21 hectares) and is made up of 10.13 acres of impervious cover (e.g., roadways, parking areas and rooftops), 1.85 acres of landscaped pervious area and 0.89 acres of wooded area both with HSG C soils. The drainage area information for the proposed BMP is:

<b>BMP Subarea ID</b>	<b>Land Use Category</b>	<b>Cover Type</b>	<b>Area (acres)</b>	<b>P export rate (lb/acre/yr)*</b>
1	Industrial	impervious	10.13	1.78
2	Landscaped (HSG C)	pervious	1.85	0.21
3	Forest (HSG C)	pervious	0.89	0.12

\*From Table 3-1

The phosphorus load to the proposed BMP (BMP Load) is calculated as:

$$\begin{aligned}
 \text{BMP Load} &= (IA_{\text{Ind}} \times \text{PLER}_{\text{Ind}}) + (PA_{\text{Ind}} \times \text{PLER}_{\text{Ind}}) + (PA_{\text{FOREST}} \times \text{PLER}_{\text{For}}) \\
 &= (10.13 \times 1.78) + (1.85 \times 0.21) + (0.89 \times 0.12) \\
 &= \mathbf{18.53 \text{ lbs P/year}}
 \end{aligned}$$

Appendix F Attachment 3

**Table 3-1: Average annual distinct phosphorus load (P Load) export rates for use in estimating phosphorus load reduction credits the MA MS4 Permit**

Phosphorus Source Category by Land Use	Land Surface Cover	P Load Export Rate, lbs/acre/year	P Load Export Rate, kg/ha/yr
Commercial (Com) and Industrial (Ind)	Directly connected impervious	1.78	2.0
	Pervious	See* DevPERV	See* DevPERV
Multi-Family (MFR) and High-Density Residential (HDR)	Directly connected impervious	2.32	2.6
	Pervious	See* DevPERV	See* DevPERV
Medium -Density Residential (MDR)	Directly connected impervious	1.96	2.2
	Pervious	See* DevPERV	See* DevPERV
Low Density Residential (LDR) - "Rural"	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Highway (HWY)	Directly connected impervious	1.34	1.5
	Pervious	See* DevPERV	See* DevPERV
Forest (For)	Directly connected impervious	1.52	1.7
	Pervious	0.13	0.13
Open Land (Open)	Directly connected impervious	1.52	1.7
	Pervious	See* DevPERV	See* DevPERV
Agriculture (Ag)	Directly connected impervious	1.52	1.7
	Pervious	0.45	0.5
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group A	Pervious	0.03	0.03
*Developed Land Pervious (DevPERV)- Hydrologic Soil Group B	Pervious	0.12	0.13
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C	Pervious	0.21	0.24
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group C/D	Pervious	0.29	0.33
*Developed Land Pervious (DevPERV) - Hydrologic Soil Group D	Pervious	0.37	0.41



Appendix F Attachment 3

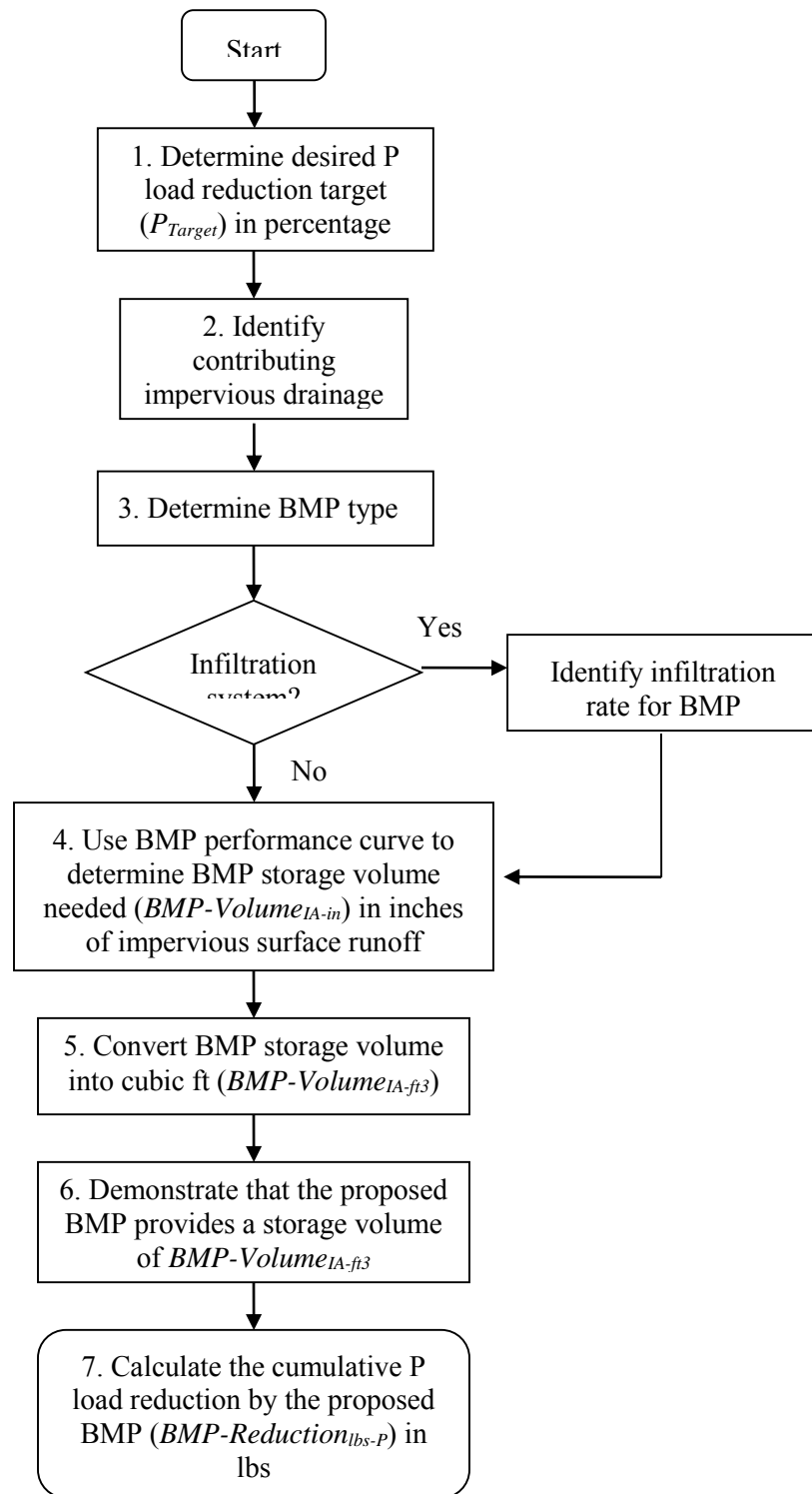
**Table 3- 2: MassGIS land-use categories with associated land-use groups for phosphorus load calculations**

Mass GIS Land Use LU_CODE	Description	Land Use group for calculating P Load - 2013/14 MA MS4
1	Crop Land	Agriculture
2	Pasture (active)	Agriculture
3	Forest	Forest
4	Wetland	Forest
5	Mining	Industrial
6	Open Land includes inactive pasture	open land
7	Participation Recreation	open land
8	spectator recreation	open land
9	Water Based Recreation	open land
10	Multi-Family Residential	High Density Residential
11	High Density Residential	High Density Residential
12	Medium Density Residential	Medium Density Residential
13	Low Density Residential	Low Density Residential
14	Saltwater Wetland	Water
15	Commercial	Commercial
16	Industrial	Industrial
17	Urban Open	open land
18	Transportation	Highway
19	Waste Disposal	Industrial
20	Water	Water
23	cranberry bog	Agriculture
24	Powerline	open land
25	Saltwater Sandy Beach	open land
26	Golf Course	Agriculture
29	Marina	Commercial
31	Urban Public	Commercial
34	Cemetery	open land
35	Orchard	Forest
36	Nursery	Agriculture
37	Forested Wetland	Forest
38	Very Low Density residential	Low Density Residential
39	Junkyards	Industrial
40	Brush land/Successional	Forest

**(1) Method to determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area is 100% impervious:**

### Appendix F Attachment 3

Flow Chart 1 illustrates the steps to determine the design volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area is 100% impervious.



**Flow Chart 1: Method to determine BMP design volume to achieve a known phosphorous load reduction when contributing drainage area is 100% impervious.**

- 1) Determine the desired cumulative phosphorus load reduction target ( $P_{\text{target}}$ ) in percentage for the structural BMP;
- 2) Determine the contributing impervious drainage area (IA) in acres to the structural BMP;
- 3) Determine the structural BMP type (e.g., infiltration trench, gravel wetland). For infiltration systems, determine the appropriate infiltration rate for the location of the BMP in the Watershed;
- 4) Using the cumulative phosphorus removal performance curve for the selected structural BMP (Figures 3-1 through 3-18), determine the storage volume for the BMP (BMP-Volume  $_{\text{IA-in}}$ ), in inches of runoff, needed to treat runoff from the contributing IA to achieve the reduction target;
- 5) Calculate the corresponding BMP storage volume in cubic feet (BMP-Volume  $_{\text{IA-ft}^3}$ ) using BMP-Volume  $_{\text{IA-in}}$  determined from step 4 and equation 3-1:

$$\text{BMP-Volume}_{\text{IA-ft}^3} = \text{IA (acre)} \times \text{BMP-Volume}_{\text{IA-in}} \times 3630 \text{ ft}^3/\text{ac-in} \quad \text{(Equation 3-1)}$$

- 6) Provide supporting calculations using the dimensions and specifications of the proposed structural BMP showing that the necessary storage volume, BMP-Volume  $_{\text{IA-ft}^3}$ , determined from step 5 will be provided to achieve the  $P_{\text{Target}}$ ; and
- 7) Calculate the cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction  $_{\text{lbs-P}}$ ) for the structural BMP using the BMP Load (as calculated from the procedure in Attachment 1 to Appendix F) and  $P_{\text{target}}$  by using equation 3-2:

$$\text{BMP-Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (P_{\text{target}} / 100) \quad \text{(Equation 3-2)}$$

**Example 3-2 to determine design volume of a structural BMP with a 100% impervious drainage area to achieve a known phosphorus load reduction target:**

A permittee is considering a surface infiltration practice to capture and treat runoff from 2.57 acres (1.04 ha) of commercial impervious area that will achieve a 70% reduction in annual phosphorus load. The infiltration practice would be located adjacent to the impervious area. The permittee has measured an infiltration rate (IR) of 0.39 inches per hour (in/hr) in the vicinity of the proposed infiltration practice. Determine the:

- A) Design storage volume needed for an surface infiltration practice to achieve a 70% reduction in annual phosphorus load from the contributing drainage area (BMP-Volume  $_{\text{IA-ft}^3}$ ); and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the BMP (BMP-Reduction  $_{\text{lbs-P}}$ )

**Solution:**

- 1) Contributing impervious drainages area (IA) = 2.57 acres

## Appendix F Attachment 3

BMP type is a surface infiltration practice (i.e., basin) with an infiltration rate (IR) of 0.39 in/hr

### **Solution continued:**

3) Phosphorus load reduction target ( $P_{\text{target}} = 70\%$ )

4) The performance curve for the infiltration basin (i.e., surface infiltration practice), Figure 3-8, IR = 0.27 in/hr is used to determine the design storage volume of the BMP (BMP-Volume<sub>IA-in</sub>) needed to treat runoff from the contributing IA and achieve a  $P_{\text{target}} = 70\%$ . The curve for an infiltration rate of 0.27 in/hr is chosen because 0.27 in/hr is the nearest simulated IR that is less than the field measured IR of 0.39 in/hr. From Figure 3-8, the BMP-Volume<sub>IA-in</sub> for a  $P_{\text{target}} = 70\%$  is 0.36 in.

5) The BMP-Volume<sub>IA-in</sub> is converted to cubic feet (BMP-Volume<sub>IA-ft<sup>3</sup></sub>) using Equation 3-1:

$$\begin{aligned} \text{BMP-Volume}_{\text{IA-ft}^3} &= \text{IA (acre)} \times \text{BMP-Volume}_{\text{IA-in}} \times 3,630 \text{ ft}^3/\text{acre-in} \\ \text{BMP-Volume}_{\text{IA-ft}^3} &= 2.57 \text{ acre} \times 0.36 \text{ in} \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= \mathbf{3,359 \text{ ft}^3} \end{aligned}$$

6) A narrow trapezoidal infiltration basin with the following characteristics is proposed to achieve the  $P_{\text{Target}}$  of 70%:

Length (ft)	Design Depth (ft)	Side Slopes	Bottom area (ft <sup>2</sup> )	Pond surface area (ft <sup>2</sup> )	Design Storage Volume (ft <sup>3</sup> )
355	1.25	3:1	1,387	4,059	3,404

The volume of the proposed infiltration practice, 3,404 ft<sup>3</sup>, exceeds the BMP-Volume<sub>IA-ft<sup>3</sup></sub> needed, 3,359 ft<sup>3</sup> and is sufficient to achieve the  $P_{\text{Target}}$  of 70%.

7) The cumulative phosphorus load reduction in pounds of phosphorus for the infiltration practice (BMP-Reduction<sub>lbs-P</sub>) is calculated using Equation 3-2. The BMP Load is first determined using the method described above.

$$\begin{aligned} \text{BMP Load} &= \text{IA} \times \text{impervious cover phosphorus export loading rate for commercial use (see Table 3-1)} \\ &= 2.57 \text{ acres} \times 1.78 \text{ lbs/acre/yr} \\ &= 4.58 \text{ lbs/yr} \end{aligned}$$

$$\begin{aligned} \text{BMP-Reduction}_{\text{lbs-P}} &= \text{BMP Load} \times (P_{\text{target}}/100) \\ \text{BMP-Reduction}_{\text{lbs-P}} &= 4.58 \text{ lbs/yr} \times (70/100) \\ &= \mathbf{3.21 \text{ lbs/yr}} \end{aligned}$$

**Alternate Solution:** Alternatively, the permittee could determine the design storage volume needed for an IR = 0.39 in/hr by performing interpolation of the results from the surface

### Appendix F Attachment 3

infiltration performance curves for IR = 0.27 in/hr and IR = 0.52 in/hr as follows (replacing steps 3 and 4 on the previous page):

**Alternate solution continued:**

Using the performance curves for the infiltration basin (i.e., surface infiltration practice), Figures 3-8, IR = 0.27 in/hr and 3-9, IR = 0.52 in/hr, interpolate between the curves to determine the design storage volume of the BMP (BMP-Volume<sub>IA-in</sub>) needed to treat runoff from the contributing IA and achieve a P<sub>target</sub> = 70%.

First calculate the interpolation adjustment factor (IAF) to interpolate between the infiltration basin performance curves for infiltration rates of 0.27 and 0.52 in/hr:

$$IAF = (0.39 - 0.27) / (0.52 - 0.27) = 0.48$$

From the two performance curves, develop the following table to estimate the general magnitude of the needed storage volume for an infiltration swale with an IR = 0.39 in/hr and a P<sub>target</sub> of 70%.

**Table Example 3-1-1: Interpolation Table for determining design storage volume of infiltration basin with IR = 0.39 in/hr and a phosphorus load reduction target of 70%**

BMP Storage Volume	% Phosphorus Load Reduction IR = 0.27 in/hr (PR <sub>IR=0.27</sub> )	% Phosphorus Load Reduction IR = 0.52 in/hr (PR <sub>IR=0.52</sub> )	Interpolated % Phosphorus Load Reduction IR = 0.39 in/hr (PR <sub>IR=0.39</sub> ) PR <sub>IR=0.39</sub> = IAF(PR <sub>IR=0.52</sub> - PR <sub>IR=0.27</sub> ) + PR <sub>IR=0.27</sub>
0.3	64%	67%	65%
0.4	74%	77%	75%
0.5	79%	82%	80%

As indicated from Table Example 3-1, the BMP-Volume<sub>IA-in</sub> for PR<sub>IR=0.39</sub> of 70% is between 0.3 and 0.4 inches and can be determined by interpolation:

$$\begin{aligned} \text{BMP-Volume}_{IA-in} &= (70\% - 65\%) / (75\% - 65\%) \times (0.4 \text{ in} - 0.3 \text{ in}) + 0.3 \text{ in} \\ &= 0.35 \text{ inches} \end{aligned}$$

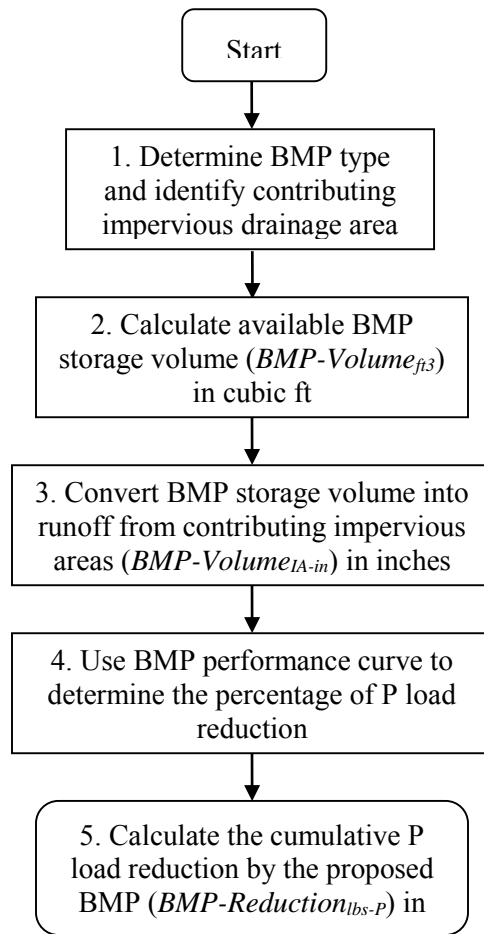
**5 alternative)** Convert the resulting BMP-Volume<sub>IA-in</sub> to cubic feet (BMP-Volume<sub>IA-ft<sup>3</sup></sub>) using equation 3-1:

$$\begin{aligned} \text{BMP-Volume}_{IA-ft^3} &= 2.57 \text{ acre} \times 0.35 \text{ in} \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= \mathbf{3,265 \text{ ft}^3} \end{aligned}$$

**(2) Method to determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area is 100% impervious:**

Flow Chart 2 illustrates the steps to determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area is 100% impervious.

## Appendix F Attachment 3



**Flow Chart 2: Method to determine the phosphorus load reduction for a BMP with a known design volume when contributing drainage area is 100% impervious.**

- 1) Identify the structural BMP type and contributing impervious drainage area (IA);
- 2) Document the available storage volume (ft<sup>3</sup>) of the structural BMP (BMP-Volume<sub>ft<sup>3</sup></sub>) using the BMP dimensions and design specifications (e.g., maximum storage depth, filter media porosity);
- 3) Convert BMP-Volume<sub>ft<sup>3</sup></sub> into inches of runoff from the contributing impervious area (BMP-Volume<sub>IA-in</sub>) using equation 3-3:

$$\text{BMP-Volume}_{\text{IA-in}} = \text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)} \times 12 \text{ in/ft} \times 1 \text{ acre}/43560 \text{ ft}^2 \text{ (Equation 3-3)}$$

- 4) Determine the % phosphorus load reduction for the structural BMP (BMP Reduction<sub>%-P</sub>) using the appropriate BMP performance curve (Figures 3-1 through 3-18) and the BMP-Volume<sub>IA-in</sub> calculated in step 3; and

## Appendix F Attachment 3

- 5) Calculate the cumulative phosphorus load reduction in pounds of phosphorus for the structural BMP (BMP Reduction<sub>lbs-P</sub>) using the BMP Load as calculated from the procedure described above and the percent phosphorus load reduction determined in step 4 by using equation 3-4:

$$\text{BMP Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{BMP Reduction}_{\%-\text{P}}/100) \quad \text{(Equation 3-4)}$$

**Example 3-2: Determine the phosphorus load reduction for a structural BMP with a known storage volume capacity when the contributing drainage area is 100% impervious:**

A permittee is considering a bio-filtration system to treat runoff from 1.49 acres of high density residential (HDR) impervious area. Site constraints would limit the bio-filtration system to have a surface area of 1200 ft<sup>2</sup> and the system would have to be located next to the impervious drainage area to be treated. The design parameters for the bio-filtration system are presented in Table Example 3-2-1.

**Table Example 3-2-1: Design parameters for bio-filtration system for Example 3-2**

Components of representation	Parameters	Value
Ponding	Maximum depth	0.5 ft
	Surface area	1200 ft <sup>2</sup>
	Vegetative parameter <sup>a</sup>	85-95%
Soil mix	Depth	2.5 ft
	Porosity	0.40
	Hydraulic conductivity	4 inches/hour
Gravel layer	Depth	0.67 ft
	Porosity	0.40
	Hydraulic conductivity	14 inches/hour
Orifice #1	Diameter	0.5 ft

<sup>a</sup> Refers to the percentage of surface covered with vegetation

Determine the:

- A) Percent phosphorus load reduction (BMP Reduction<sub>%-P</sub>) for the specified bio-filtration system and contributing impervious drainage area; and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the bio-filtration system (BMP-Reduction<sub>lbs-P</sub>)

**Solution:**

- 1) The BMP is a bio-filtration system that will treat runoff from 1.49 acres of impervious area (IA = 1.49 acre);
- 2) The available storage volume capacity (ft<sup>3</sup>) of the bio-filtration system (BMP-Volume<sub>BMP-ft<sup>3</sup></sub>) is determined using the surface area of the system, depth of ponding, and the porosity of the filter media:

$$\begin{aligned} \text{BMP-Volume}_{\text{BMP-ft}^3} &= (\text{surface area} \times \text{pond maximum depth}) + ((\text{soil mix depth} + \\ &\quad \text{gravel layer depth})/12 \text{ in/ft}) \times \text{surface area} \times \text{gravel layer porosity}) \\ &= (1,200 \text{ ft}^2 \times 0.5 \text{ ft}) + ((38/12) \times 1,200 \text{ ft}^2 \times 0.4) \\ &= 2,120 \text{ ft}^3 \end{aligned}$$

**Solution continued:**

- 3) The available storage volume capacity of the bio-filtration system in inches of runoff from the contributing impervious area (BMP-Volume<sub>IA-in</sub>) is calculated using equation 3-3:

$$\begin{aligned} \text{BMP-Volume}_{\text{IA-in}} &= (\text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)} \times 12 \text{ in/ft} \times 1 \text{ acre} / 43560 \text{ ft}^2) \\ \text{BMP-Volume}_{\text{IA-in}} &= (2120 \text{ ft}^3 / 1.49 \text{ acre}) \times 12 \text{ in/ft} \times 1 \text{ acre} / 43560 \text{ ft}^2 \\ &= 0.39 \text{ in} \end{aligned}$$

- 4) Using the bio-filtration performance curve shown in Figure 3-13, a **51%** phosphorus load reduction (BMP Reduction %-P) is determined for a bio-filtration system sized for 0.39 in of runoff from 1.49 acres of impervious area; and
- 5) Calculate the cumulative phosphorus load reduction in pounds of phosphorus for the bio-filtration system (BMP Reduction<sub>lbs-P</sub>) using the BMP Load as calculated from the procedure described above and the BMP Reduction %-P determined in step 4 by using equation 3-4. First, the BMP Load is determined as specified above:

$$\begin{aligned} \text{BMP Load} &= \text{IA} \times \text{impervious cover phosphorus export loading rate for HDR (see Table 3-1)} \\ &= 1.49 \text{ acres} \times 2.32 \text{ lbs/acre/yr} \\ &= 3.46 \text{ lbs/yr} \end{aligned}$$

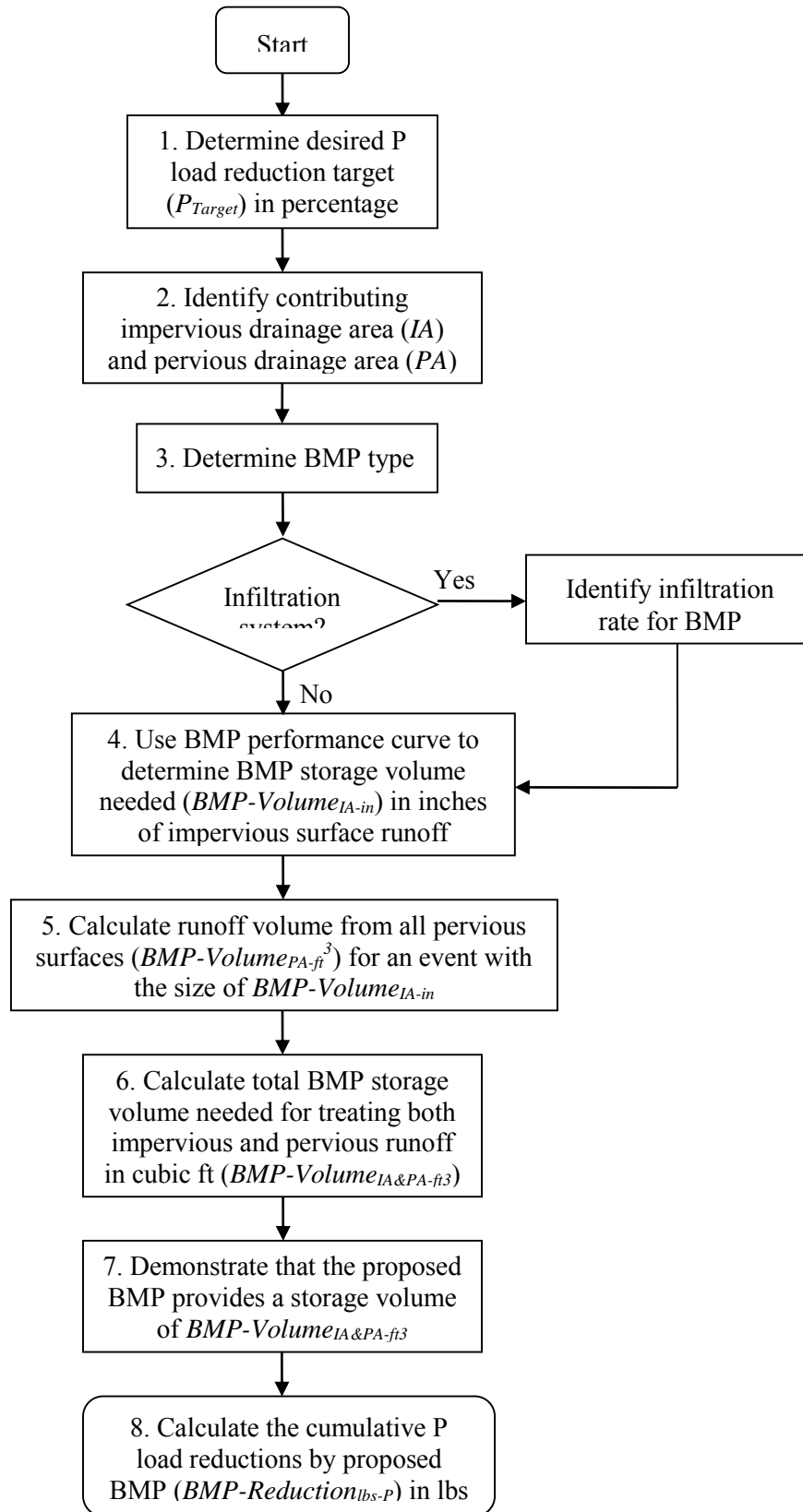
$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-P}} &= \text{BMP Load} \times (\text{BMP Reduction \% - P} / 100) \\ \text{BMP Reduction}_{\text{lbs-P}} &= 3.46 \text{ lbs/yr} \times (51 / 100) \\ &= \mathbf{1.76 \text{ lbs/yr}} \end{aligned}$$

**(3) Method to determine the design storage volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces:**

Flow Chart 3 illustrates the steps to determine the design storage volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces.



Appendix F Attachment 3



**Flow Chart 3: Method to determine the design storage volume of a BMP to reach a known P load reduction when both impervious and pervious drainage areas are present.**

- 1) Determine the desired cumulative phosphorus load reduction target ( $P_{target}$ ) in percentage for the structural BMP;
- 2) Characterize the contributing drainage area to the structural BMP by identifying the following information for the impervious and pervious surfaces:  
**Impervious area (IA)** - Area (acre) and land use (e.g., commercial)

**Pervious area (PA)** – Area (acre) and runoff depths based on hydrologic soil group (HSG) and rainfall depth. Table 3-3 provides values of runoff depth from pervious areas for various rainfall depths and HSGs. Soils are assigned to an HSG on the basis of their permeability. HSG A is the most permeable, and HSG D is the least permeable. HSG categories for pervious areas in the drainage area shall be estimated by consulting local soil surveys prepared by the National Resource Conservation Service (NRCS) or by a storm water professional evaluating soil testing results from the drainage area. If the HSG condition is not known, a HSG D soil condition should be assumed.

**Table 3- 3: Developed Land Pervious Area Runoff Depths based on Precipitation depth and Hydrological Soil Groups (HSGs)**

Developed Land Pervious Area Runoff Depths based on Precipitation depth and Hydrological Soil Groups					
Rainfall Depth, Inches	Runoff Depth, inches				
	Pervious HSG A	Pervious HSG B	Pervious HSG C	Pervious HSG C/D	Pervious HSG D
0.10	0.00	0.00	0.00	0.00	0.00
0.20	0.00	0.00	0.01	0.02	0.02
0.40	0.00	0.00	0.03	0.05	0.06
0.50	0.00	0.01	0.05	0.07	0.09
0.60	0.01	0.02	0.06	0.09	0.11
0.80	0.02	0.03	0.09	0.13	0.16
1.00	0.03	0.04	0.12	0.17	0.21
1.20	0.04	0.05	0.14	0.27	0.39
1.50	0.08	0.11	0.39	0.55	0.72
2.00	0.14	0.22	0.69	0.89	1.08

Notes: Runoff depths derived from combination of volumetric runoff coefficients from Table 5 of *Small Storm Hydrology and Why it is Important for the Design of Stormwater Control Practices*, (Pitt, 1999), and using the Stormwater Management Model (SWMM) in continuous model mode for hourly precipitation data for Boston, MA, 1998-2002.

- 3) Determine the structural BMP type (e.g., infiltration trench, gravel wetland). For infiltration systems, determine the appropriate infiltration rate for the location of the BMP in the Watershed;
- 4) Using the cumulative phosphorus removal performance curve for the selected structural BMP, determine the storage volume capacity of the BMP in inches needed to treat runoff from the contributing impervious area (BMP-Volume<sub>IA-in</sub>);

### Appendix F Attachment 3

- 5) Using Equation 3-5 below and the pervious area runoff depth information from Table 3-3-1, determine the total volume of runoff from the contributing pervious drainage area in cubic feet (BMP Volume  $_{PA-ft^3}$ ) for a rainfall size equal to the sum of BMP Volume  $_{IA-in}$ , determined in step 4. The runoff volume for each distinct pervious area must be determined;

$$\text{BMP-Volume}_{PA-ft^3} = \sum (PA \times (\text{runoff depth}) \times 3,630 \text{ ft}^3/\text{acre-in}) \quad (PA_1, \dots, PA_n)$$

**(Equation 3-5)**

- 6) Using equation 3-6 below, calculate the BMP storage volume in cubic feet (BMP-Volume  $_{IA\&PA-ft^3}$ ) needed to treat the runoff depth from the contributing impervious (IA) and pervious areas (PA);

$$\text{BMP-Volume}_{IA\&PA-ft^3} = \text{BMP Volume}_{PA-ft^3} + (\text{BMP Volume}_{IA-in} \times IA \text{ (acre)}) \times 3,630 \text{ ft}^3/\text{acre-in}$$

**(Equation 3-6)**

- 7) Provide supporting calculations using the dimensions and specifications of the proposed structural BMP showing that the necessary storage volume determined in step 6, BMP-Volume  $_{IA\&PA-ft^3}$ , will be provided to achieve the  $P_{\text{Target}}$ ; and
- 8) Calculate the cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction  $_{lbs-P}$ ) for the structural BMP using the BMP Load (as calculated from the procedure in Attachment 1 to Appendix F) and the  $P_{\text{target}}$  by using equation 3-2:

$$\text{BMP-Reduction}_{lbs-P} = \text{BMP Load} \times (P_{\text{target}} / 100) \quad \text{(Equation 3-2)}$$

**Example 3-3: Determine the design storage volume of a structural BMP to achieve a known phosphorus load reduction target when the contributing drainage area has impervious and pervious surfaces**

A permittee is considering a gravel wetland system to treat runoff from a high-density residential (HDR) site. The site is 7.50 acres of which 4.00 acres are impervious surfaces and 3.50 acres are pervious surfaces. The pervious area is made up of 2.5 acres of lawns in good condition surrounding cluster housing units and 1.00 acre of stable unmanaged woodland. Soils information indicates that all of the woodland and 0.50 acres of the lawn is hydrologic soil group (HSG) B and the other 2.00 acres of lawn are HSG C. The permittee wants to size the gravel wetland system to achieve a cumulative phosphorus load reduction ( $P_{\text{Target}}$ ) of 55% from the entire 7.50 acres.

Determine the:

- A)** Design storage volume needed for a gravel wetland system to achieve a 55% reduction in annual phosphorus load from the contributing drainage area (BMP-Volume  $_{IA\&PA-ft^3}$ ); and
- B)** Cumulative phosphorus reduction in pounds that would be accomplished by the BMP (BMP-Reduction  $_{lbs-P}$ )

**Example 3-3 continued:**

**Solution:**

- 1) The BMP type is gravel wetland system.
- 2) The phosphorus load reduction target ( $P_{\text{Target}} = 55\%$ ).
- 3) Using the cumulative phosphorus removal performance curve for the gravel wetland system shown in Figure 3-14, the storage volume capacity in inches needed to treat runoff from the contributing impervious area (BMP Volume  $_{IA-in}$ ) is 0.71 in;

Using equation 3-5 and the pervious runoff depth information from Table 3-3, the volume of runoff from the contributing pervious drainage area in cubic feet (BMP Volume  $_{PA-ft^3}$ ) for a rainfall size equal to 0.71 in is summarized in Table Example 3-3-A. As indicated from Table 3-3, the runoff depth for a rainfall size equal to 0.71 inches is between 0.6 and 0.8 inches and can be determined by interpolation (example shown for runoff depth of HSG C):

$$\begin{aligned} \text{Runoff depth (HSG C)} &= (0.71 - 0.6)/(0.8 - 0.6) \times (0.09 \text{ in} - 0.06 \text{ in}) + 0.06 \text{ in} \\ &= 0.07 \text{ inches} \end{aligned}$$

**Table Example 3-3-A: Runoff contributions from pervious areas for HDR site**

ID	Type	Pervious Area (acre)	HSG	Runoff (in)	Runoff = (runoff) x PA (acre-in)	Runoff = Runoff (acre-in) x 3630 $\text{ft}^3/\text{acre-in}$ ( $\text{ft}^3$ )
PA1	Grass	2.00	C	0.07	0.14	508
PA2	Grass	0.50	B	0.01	0.0	0.0
PA3	Woods	1.00	B	0.01	0.0	0.0
<b>Total</b>	-----	<b>3.50</b>	-----	-----	<b>0.14</b>	<b>508</b>

- 4) Using equation 3-6, determine the BMP storage volume in cubic feet (BMP-Volume  $_{IA\&PA-ft^3}$ ) needed to treat 0.71 inches of runoff from the contributing impervious area (IA) and the runoff of 0.14 acre-in from the contributing pervious areas, determined in step 5 is:

$$\text{BMP Volume}_{IA\&PA-ft^3} = \text{BMP Volume}_{PA \text{ ac-in}} + (\text{BMP Volume}_{IA-in} \times \text{IA (acre)}) \times 3,630 \text{ ft}^3/\text{acre-in}$$

$$\begin{aligned} \text{BMP Volume}_{IA\&PA-ft^3} &= (508 \text{ ft}^3 + (0.71 \text{ in} \times 4.00 \text{ acre})) \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= 10,817 \text{ ft}^3 \end{aligned}$$

- 5) Table Example 3-3-B provides design details for of a potential gravel wetland system

**Solution continued:**

**Table Example 3-3-B: Design details for gravel wetland system**

Gravel Wetland System Components	Design Detail	Depth (ft)	Surface Area (ft <sup>2</sup> )	Volume (ft <sup>3</sup> )
<b>Sediment Forebay</b>	<b>10% of Treatment Volume</b>			
Pond area	---	1.33	896	1,192
<b>Wetland Cell #1</b>	<b>45% of Treatment Volume</b>	-----	-----	-----
Pond area	---	2.00	1,914	3,828
Gravel layer	porosity = 0.4	2.00	1,914	1,531
<b>Wetland Cell #2</b>	<b>45% of Treatment Volume</b>	-----	-----	-----
Pond area	---	2.00	1,914	3,828
Gravel layer	porosity = 0.4	2.00	1,914	1,531

The total design storage volume for the proposed gravel wetland system identified in Table Example 3-3-C is 11,910 ft<sup>3</sup>. This volume is greater than 11,834 ft<sup>3</sup> ((BMP-Volume<sub>IA&PA-ft<sup>3</sup></sub>), calculated in step 6) and is therefore sufficient to achieve a P<sub>Target</sub> of 55%.

- 6) The cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction<sub>lbs-P</sub>) for the proposed gravel wetland system is calculated by using equation 3-2 with the BMP Load and the P<sub>target</sub> = 55%.

$$\text{BMP-Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{P}_{\text{target}} / 100) \quad \text{(Equation 3-2)}$$

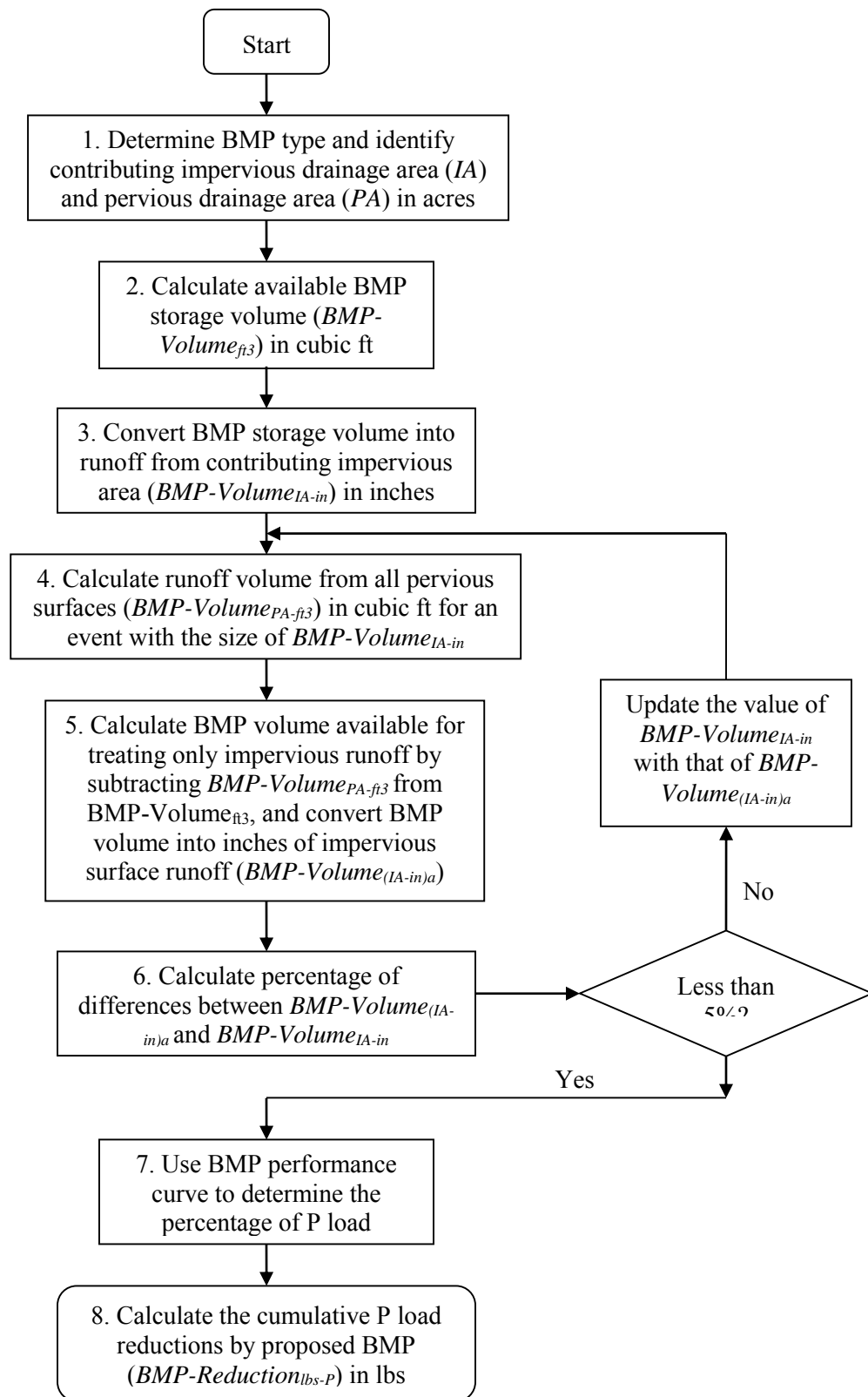
Using Table 3-1, the BMP Load is calculated:

$$\begin{aligned} \text{BMP Load} &= (\text{IA} \times \text{PLER}_{\text{HDR}}) + (\text{PA}_{\text{lawn HSG B}} \times \text{PLER}_{\text{HSG B}}) + (\text{PA}_{\text{lawn HSG C}} \times \text{PLER}_{\text{HSG C}}) + (\text{PA}_{\text{forest}} \times \text{PA}_{\text{PLER}_{\text{For}}}) \\ &= (4.00 \text{ acre} \times 2.32 \text{ lbs/acre/yr}) + (0.50 \text{ acres} \times 0.12 \text{ lbs/acre/yr}) + (1.00 \text{ acre} \times 0.21 \text{ lbs/acre/yr}) + (1.00 \text{ acres} \times 0.13) \\ &= 9.68 \text{ lbs/yr} \\ \text{BMP-Reduction}_{\text{lbs-P}} &= \text{BMP Load} \times (\text{P}_{\text{target}} / 100) \\ \text{BMP-Reduction}_{\text{lbs-P}} &= 9.68 \text{ lbs/yr} \times 55/100 \\ &= \mathbf{5.32 \text{ lbs/yr}} \end{aligned}$$

**(4) Method to determine the phosphorus load reduction for a structural BMP with a known storage volume when the contributing drainage area has impervious and pervious surfaces:**

Flow Chart 4 illustrates the steps to determine the phosphorus load reduction for a structural BMP with a known storage volume when the contributing drainage area has impervious and pervious surfaces.

### Appendix F Attachment 3



**Flow Chart 4: Method to determine the phosphorus load reduction for a BMP with known storage volume when both pervious and impervious drainage areas are present.**

- 1) Identify the type of structural BMP and characterize the contributing drainage area to the structural BMP by identifying the following information for the impervious and pervious surfaces:

**Impervious area (IA)** – Area (acre) and land use (e.g., commercial)

**Pervious area (PA)** – Area (acre) and runoff depth based on hydrologic soil group (HSG) and size of rainfall event. Table 3-3 provides values of runoff depth for various rainfall depths and HSGs. Soils are assigned to an HSG based on their permeability. HSG categories for pervious areas in the Watershed shall be estimated by consulting local soil surveys prepared by the National Resource Conservation Service (NRCS) or by a storm water professional evaluating soil testing results from the Watershed. If the HSG condition is not known, a HSG C/D soil condition should be assumed.

- 2) Determine the available storage volume (ft<sup>3</sup>) of the structural BMP (BMP-Volume ft<sup>3</sup>) using the BMP dimensions and design specifications (e.g., maximum storage depth, filter media porosity);
- 3) To estimate the phosphorus load reduction of a BMP with a known storage volume capacity, it is first necessary to determine the portion of available BMP storage capacity (BMP-Volume ft<sup>3</sup>) that would treat the runoff volume generated from the contributing impervious area (IA) for a rainfall event with a depth of *i* inches (in). This will require knowing the corresponding amount of runoff volume that would be generated from the contributing pervious area (PA) for the same rainfall event (depth of *i* inches). Using equation 3-6a below, solve for the BMP capacity that would be available to treat runoff from the contributing impervious area for the unknown rainfall depth of *i* inches (see equation 3-6b):

$$\text{BMP-Volume}_{\text{ft}^3} = \text{BMP-Volume}_{(\text{IA-ft}^3)_i} + \text{BMP-Volume}_{(\text{PA-ft}^3)_i} \quad \text{(Equation 3-6a)}$$

Where:

BMP-Volume ft<sup>3</sup> = the available storage volume of the BMP;

BMP-Volume (IA-ft<sup>3</sup>)<sub>*i*</sub> = the available storage volume of the BMP that would fully treat runoff generated from the contributing impervious area for a rainfall event of size *i* inches; and

BMP-Volume (PA-ft<sup>3</sup>)<sub>*i*</sub> = the available storage volume of the BMP that would fully treat runoff generated from the contributing pervious area for a rainfall event of size *i* inches

Solving for BMP-Volume (IA-ft<sup>3</sup>)<sub>*i*</sub>:

## Appendix F Attachment 3

$$\text{BMP-Volume}_{(IA-ft^3)_i} = \text{BMP-Volume}_{ft^3} - \text{BMP-Volume}_{(PA-ft^3)_i} \quad \text{(Equation 3-6b)}$$

To determine BMP-Volume<sub>(IA-ft<sup>3</sup>)<sub>i</sub></sub>, requires performing an iterative process of refining estimates of the rainfall depth used to calculate runoff volumes until the rainfall depth used results in the sum of runoff volumes from the contributing IA and PA equaling the available BMP storage capacity (BMP-Volume<sub>ft<sup>3</sup></sub>). For the purpose of estimating BMP performance, it will be considered adequate when the IA runoff depth (in) is within 5% IA runoff depth used in the previous iteration.

For the first iteration (1), convert the BMP-Volume<sub>ft<sup>3</sup></sub> determined in step 2 into inches of runoff from the contributing impervious area (BMP Volume<sub>(IA-in)<sub>1</sub></sub>) using equation 3-7a.

$$\text{BMP-Volume}_{(IA-in)_1} = (\text{BMP-Volume}_{ft^3} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 3-7a)}$$

For iterations 2 through n (2...n), convert the BMP Volume<sub>(IA-ft<sup>3</sup>)<sub>2...n</sub></sub>, determined in step 5a below, into inches of runoff from the contributing impervious area (BMP Volume<sub>(IA-in)<sub>2...n</sub></sub>) using equation 3-7b.

$$\text{BMP-Volume}_{(IA-in)_{2...n}} = (\text{BMP-Volume}_{(IA-ft^3)_{2...n}} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 3-7b)}$$

- 4) For 1 to n iterations, use the pervious runoff depth information from Table 3-3 and equation 3-8 to determine the total volume of runoff (ft<sup>3</sup>) from the contributing PA (BMP Volume<sub>PA-ft<sup>3</sup></sub>) for a rainfall size equal to the sum of BMP-Volume<sub>(IA-in)<sub>1</sub></sub>, determined in step 3. The runoff volume for each distinct pervious area must be determined.

$$\text{BMP Volume}_{(PA-ft^3)_{1...n}} = \sum ((PA \times (\text{runoff depth})_{(PA1, PA2...PAN)}) \times (3,630 \text{ ft}^3/\text{acre-in}) \quad \text{(Equation 3-8)}$$

- 5) For iteration 1, estimate the portion of BMP Volume that is available to treat runoff from only the IA by subtracting BMP-Volume<sub>PA-ft<sup>3</sup></sub>, determined in step 4, from BMP-Volume<sub>ft<sup>3</sup></sub>, determined in step 2, and convert to inches of runoff from IA (see equations 3-9a and 3-9b):

$$\text{BMP-Volume}_{(IA-ft^3)_2} = ((\text{BMP-Volume}_{ft^3} - \text{BMP Volume}_{(PA-ft^3)_1}) \quad \text{(Equation 3-9a)}$$

$$\text{BMP-Volume}_{(IA-in)_2} = (\text{BMP-Volume}_{(IA-ft^3)_2} / \text{IA (acre)}) \times (12 \text{ in/ft} \times 1 \text{ acre} / 43,560 \text{ ft}^2) \quad \text{(Equation 3-9b)}$$

If additional iterations (i.e., 2 through n) are needed, estimate the portion of BMP volume that is available to treat runoff from only the IA (BMP-Volume<sub>(IA-in)<sub>3...n+1</sub></sub>) by subtracting BMP Volume<sub>(PA-ft<sup>3</sup>)<sub>2...n</sub></sub>, determined in step 4, from BMP Volume<sub>(IA-ft<sup>3</sup>)<sub>3...n+1</sub></sub>, determined in step 5, and by converting to inches of runoff from IA using equation 3-9b):



### Appendix F Attachment 3

- 6) For iteration a (an iteration between 1 and n+1), compare BMP Volume  $(IA-in)_a$  to BMP Volume  $(IA-in)_{a-1}$  determined from the previous iteration (a-1). If the difference in these values is greater than 5% of BMP Volume  $(IA-in)_a$  then repeat steps 4 and 5, using BMP Volume  $(IA-in)_a$  as the new starting value for the next iteration (a+1). If the difference is less than or equal to 5 % of BMP Volume  $(IA-in)_a$  then the permittee may proceed to step 7;
- 7) Determine the % phosphorus load reduction for the structural BMP (BMP Reduction  $\%_P$ ) using the appropriate BMP performance curve and the BMP-Volume  $(IA-in)_n$  calculated in the final iteration of step 5; and
- 8) Calculate the cumulative phosphorus load reduction in pounds of phosphorus for the structural BMP (BMP Reduction  $lbs-P$ ) using the BMP Load as calculated from the procedure in Attachment 1 to Appendix F and the percent phosphorus load reduction (BMP Reduction  $\%_P$ ) determined in step 7 by using equation 3-4:

$$\text{BMP Reduction } lbs-P = \text{BMP Load} \times (\text{BMP Reduction } \%_P / 100) \quad \text{(Equation 3-4)}$$

**Example 3-4: Determine the phosphorus load reduction for a structural BMP with a known design volume when the contributing drainage area has impervious and pervious surfaces**

A permittee is considering an infiltration basin to capture and treat runoff from a portion of the medium density residential area (MDR). The contributing drainage area is 16.55 acres and has 11.75 acres of impervious area and 4.8 acres of pervious area (PA) made up mostly of lawns and landscaped areas that is 80% HSG D and 20% HSG C. An infiltration basin with the following specifications can be placed at the down-gradient end of the contributing drainage area where soil testing results indicates an infiltration rate (IR) of 0.28 in/hr:

**Table Example 3-4-A: Infiltration basin characteristics**

Structure	Bottom area (acre)	Top surface area (acre)	Maximum pond depth (ft)	Design storage volume (ft <sup>3</sup> )	Infiltration Rate (in/hr)
Infiltration basin	0.65	0.69	1.65	48,155	0.28

Determine the:

- A) Percent phosphorus load reduction (BMP Reduction  $\%_P$ ) for the specified infiltration basin and the contributing impervious and pervious drainage area; and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the BMP (BMP-Reduction  $lbs-P$ )

**Example continued:**

**Solution:**

- 1) A surface infiltration basin is being considered. Information for the contributing impervious (IA) and pervious (PA) areas are summarized in Tables Example 3-4-A and Example 3-4-B, respectively.

**Table Example 3-4-B: Impervious area characteristics**

ID	Land use	Area (acre)
IA1	MDR	11.75

**Table Example 3-4-C: Pervious area characteristics**

ID	Area (acre)	Hydrologic Soil Group (HSG)
PA1	3.84	D
PA2	0.96	C

- 2) The available storage volume (ft<sup>3</sup>) of the infiltration basin (BMP-Volume<sub>ft<sup>3</sup></sub>) is determined from the design details and basin dimensions; BMP-Volume<sub>ft<sup>3</sup></sub> = 48,155 ft<sup>3</sup>.
- 3) To determine what the BMP design storage volume is in terms of runoff depth (in) from IA, an iterative process is undertaken:

**Solution Iteration 1**

For the first iteration (1), the BMP-Volume<sub>ft<sup>3</sup></sub> is converted into inches of runoff from the contributing impervious area (BMP Volume<sub>(IA-in)1</sub>) using equation 3-5a.

$$\text{BMP Volume}_{(IA-in)1} = (48,155 \text{ ft}^3 / 11.75 \text{ acre}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) = 1.13 \text{ in}$$

- 4-1) The total volume of runoff (ft<sup>3</sup>) from the contributing PA (BMP Volume<sub>PA-ft<sup>3</sup></sub>) for a rainfall size equal to the sum of BMP Volume<sub>(IA-in)1</sub> determined in step 3 is determined for each distinct pervious area identified in Table Example 3-4-B using the information from Table 3-3 and equation 3-5. Interpolation was used to determine runoff depths.

$$\text{BMP Volume}_{(PA-ft^3)1} = ((3.84 \text{ acre} \times (0.33 \text{ in})) + (0.96 \text{ acre} \times (0.13 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in} = 5052 \text{ ft}^3$$

- 5-1) For iteration 1, the portion of BMP Volume that is available to treat runoff from only the IA is estimated by subtracting the BMP Volume<sub>(PA-ft<sup>3</sup>)1</sub>, determined in step 4-1, from BMP Volume<sub>ft<sup>3</sup></sub>, determined in step 2, and converted to inches of runoff from IA:

$$\text{BMP Volume}_{(IA-ft^3)2} = 48,155 \text{ ft}^3 - 5052 \text{ ft}^3 = 43,103 \text{ ft}^3$$

$$\text{BMP Volume}_{(IA-in)2} = (43,103 \text{ ft}^3 / 11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre} / 43,560 \text{ ft}^2) = 1.01 \text{ in}$$

**Solution continued:**

- 6-1)** The % difference between BMP Volume  $(IA-in)_2$ , 1.01 in, and BMP Volume  $(IA-in)_1$ , 1.13 in is determined and found to be significantly greater than 5%:

$$\begin{aligned} \text{\% Difference} &= ((1.13 \text{ in} - 1.01 \text{ in})/1.01 \text{ in}) \times 100 \\ &= 12\% \end{aligned}$$

Therefore, steps 4 through 6 are repeated starting with BMP Volume  $(IA-in)_2 = 1.01$  in.

**Solution Iteration 2**

- 4-2)**  $BMP\text{-Volume}_{(PA-ft^3)_2} = ((3.84 \text{ acre} \times 0.21 \text{ in}) + (0.96 \text{ acre} \times 0.12 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in}$   
 $= 3,358 \text{ ft}^3$

- 5-2)**  $BMP\text{-Volume}_{(IA-ft^3)_3} = 48,155 \text{ ft}^3 - 3,358 \text{ ft}^3$   
 $= 44,797 \text{ ft}^3$

$$\begin{aligned} BMP\text{-Volume}_{(IA-in)_3} &= (44,797 \text{ ft}^3/11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2) \\ &= 1.05 \text{ in} \end{aligned}$$

- 6-2)**  $\text{\% Difference} = ((1.05 \text{ in} - 1.01 \text{ in})/1.05 \text{ in}) \times 100$   
 $= 4\%$

The difference of 4% is acceptable.

- 7)** The % phosphorus load reduction for the infiltration basin (BMP Reduction  $\%_P$ ) is determined by using the infiltration basin performance curve for an infiltration rate of 0.27 in/hr and the treatment volume ( $BMP\text{-Volume}_{Net\ IA-in} = 1.05$  in) calculated in step 5-2 and is **BMP Reduction  $\%_P = 93\%$** .

The performance curve for IR = 0.27 is used rather than interpolating between the performance curves for IR = 0.27 in/hr and 0.52 in/hr to estimate performance for IR = 0.28 in/hr. An evaluation of the performance curves for IR = 0.27 in/hr and IR = 0.52 in/hr for a design storage volume of 1.05 in indicate a small difference in estimated performance (BMP Reduction  $\%_P = 93\%$  for IR = 0.27 in/hr and BMP Reduction  $\%_P = 95\%$  for IR = 0.52 in/hr).

- 8)** The cumulative phosphorus load reduction in pounds of phosphorus (BMP-Reduction  $lbs-P$ ) for the proposed infiltration basin is calculated by using equation 3-2 with the BMP Load and the  $P_{target}$  of 93%.

$$BMP\text{-Reduction}_{lbs-P} = BMP \text{ Load} \times (P_{target}/100) \quad \text{(Equation 3-2)}$$

Using Table 3-1, the BMP load is calculated:

$$\begin{aligned} BMP \text{ Load} &= (IA \times \text{impervious cover phosphorus export loading rate for industrial}) \\ &\quad + (PA_{HSG D} \times \text{pervious cover phosphorus export loading rate for HSG D}) \\ &\quad + (PA_{HSG C} \times \text{pervious cover phosphorus export loading rate for HSG C}) \end{aligned}$$

**Solution continued:**

$$= (11.75 \text{ acre} \times 1.96 \text{ lbs/acre/yr}) + (3.84 \text{ acre} \times 0.37 \text{ lbs/acre/yr}) \\ + (0.96 \text{ acre} \times 0.21 \text{ lbs/acre/yr}) \\ = 24.65 \text{ lbs/yr}$$

$$\text{BMP-Reduction}_{\text{lbs-P}} = 24.22 \text{ lbs/yr} \times 93/100 = \mathbf{22.93 \text{ lbs/yr}}$$

**Example 3-5: Determine the phosphorus load reduction for disconnecting impervious area using storage with delayed release.**

A commercial operation has an opportunity to divert runoff from 0.75 acres of impervious roof top to a 5000 gallon (668.4 ft<sup>3</sup>) storage tank for temporary storage and subsequent release to 0.09 acres of pervious area (PA) with HSG C soils.

Determine the:

- A) Percent phosphorus load reduction rates (BMP Reduction %<sub>-P</sub>) for the specified impervious area (IA) disconnection and storage system assuming release times of 1, 2 and 3 days for the stored volumes to discharge to the pervious area; and
- B) Cumulative phosphorus reductions in pounds that would be accomplished by the system (BMP-Reduction<sub>lbs-P</sub>) for the three storage release times, 1, 2 and 3 days.

**Solution:**

1. Determine the storage volume in units of inches of runoff depth from contributing impervious area:  

$$\text{Storage Volume}_{\text{IA-in}} = (668.4 \text{ ft}^3 / (0.75 \text{ acre} \times 43.560 \text{ ft}^2/\text{acre})) \times 12 \text{ inch/ft} \\ = 0.25 \text{ inches}$$
2. Determine the ratio of the contributing impervious area to the receiving pervious area:  

$$\text{IA:PA} = 0.75 \text{ acres} / 0.09 \text{ acres} \\ = 8.3$$
3. Using Table 3-21 for a IA:PA ratio of 8:1, determine the phosphorus load reduction rates for a storage volume of 0.25 inches that discharges to HSG C with release rates of 1, 2 and 3 days: Using interpolation the reduction rates are shown in Table 3-5-A:

**Table Example 3-5-A: Reduction Rates**

Percent Phosphorus load reduction for IA disconnection with storage HSG C			
Storage Volume <sub>IA-in</sub>	Storage release rate, days		
	1	2	3
0.25	39%	42%	43%

4. The cumulative phosphorus load reduction in pounds of phosphorus for the IA disconnection with storage (BMP-Reduction<sub>lbs-P</sub>) is calculated using Equation 3-2. The BMP Load is first determined using the method described above.

**Solution continued:**

$$\begin{aligned} \text{BMP Load} &= \text{IA} \times \text{phosphorus export loading rate for commercial IA (see Table 3-1)} \\ &= 0.75 \text{ acres} \times 1.78 \text{ lbs/acre/yr} \\ &= 1.34 \text{ lbs/yr} \end{aligned}$$

$$\text{BMP Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{BMP Reduction}_{\%-\text{P}}/100)$$

$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-P}} &= 1.34 \text{ lbs/yr} \times (39/100) \\ &= \mathbf{0.53 \text{ lbs/yr}} \end{aligned}$$

Table Example 3-5-B presents the BMP Reduction<sub>lbs-P</sub> for each of the release rates:

**Table Example 3-5-B: Reduction Load**

Phosphorus load reduction for IA disconnection with storage HSG C, lbs			
Storage Volume <sub>IA-in</sub>	Storage release rate, days		
	1	2	3
0.25	0.53	0.56	0.58

**Example 3-6: Determine the phosphorus load reduction for disconnecting impervious area with and without soil augmentation in the receiving pervious area.**

The same commercial property as in example 3-5 wants to evaluate disconnecting drainage from the 0.75 acre impervious roof top and discharging it directly to 0.09 acres of pervious area (PA) with HSG C. Also, the property has the opportunity to purchase a small adjoining area (0.06 acres), also HSG C, to increase the size of the receiving PA from 0.09 to 0.15 acres and to allow the property owner to avoid having to install a drainage structure to capture overflow runoff from the PA. The property owner has been informed that the existing PA soil can be tilled and augmented with soil amendments to support denser vegetative growth and improve hydrologic function to approximate HSG B.

Determine the:

- A) Percent phosphorus load reduction rates (BMP Reduction<sub>%-P</sub>) for the specified impervious area (IA) disconnection to both the 0.09 and 0.15 acre receiving PAs with and without soil augmentation; and
- B) Cumulative phosphorus reductions in pounds that would be accomplished by the IA disconnection for the various scenarios (BMP-Reduction<sub>lbs-P</sub>).

**Solution:**

1. Determine the ratio of the contributing impervious area to the receiving pervious area:
  - IA:PA = 0.75 acres/0.09 acres  
= 8.3
  - IA:PA = 0.75 acres/0.15 acres  
= 5.0

**Solution Continued:**

- Using Table 3-26 and Figure 3-40 for a IA:PA ratios of 8:1 and 5:1, respectively, determine the phosphorus load reduction rates for IA disconnections to HSG C and HSG B:

**Table Example 3-6-A: Reduction Rates**

Percent Phosphorus load reduction rates for IA disconnection		
Receiving PA	IA:PA	
	8:1	5:1
HSG C	7%	14%
HSG B (soil augmentation)	14%	22%

- The cumulative phosphorus load reduction in pounds of phosphorus for the IA disconnection with storage (BMP-Reduction<sub>lbs-P</sub>) is calculated using Equation 3-2. The BMP Load was calculated in example 3-5 and is 1.34 lbs/yr.

$$\text{BMP Reduction}_{\text{lbs-P}} = \text{BMP Load} \times (\text{BMP Reduction}_{\%-\text{P}}/100)$$

For PA of 0.09 acres HSG C the BMP Reduction<sub>lbs-P</sub> is calculated as follows:

$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-P}(0.09\text{ac-HSG C})} &= 1.34 \text{ lbs/yr} \times (7/100) \\ &= \mathbf{0.09 \text{ lbs/yr}} \end{aligned}$$

Table Example 3-6-B presents the BMP Reduction<sub>lbs-P</sub> for each of the scenarios:

**Table Example 3-6-B: Reduction**

Pounds Phosphorus load reduction for IA disconnection, lbs/yr		
Receiving PA	Area of Receiving PA, acres	
	0.09	0.15
HSG C	0.09	0.19
HSG B (soil augmentation)	0.19	0.29

**Example 3-7: Determine the phosphorus load reduction for converting impervious area to permeable/pervious area.**

A municipality is planning upcoming road reconstruction work in medium density residential (MDR) neighborhoods and has identified an opportunity to convert impervious surfaces to permeable/pervious surfaces by narrowing the road width of 3.7 miles (mi) of roadway from 32 feet (ft) to 28 ft and eliminating 3.2 miles of 4 ft wide paved sidewalk (currently there are sidewalks on both sides of the roadways targeted for restoration). The newly created permeable/pervious area will be tilled and treated with soil amendments to support vegetated growth in order to restore hydrologic function to at least HSG B.

Determine the:

- A) Percent phosphorus load reduction rate (BMP Reduction %<sub>-P</sub>) for the conversion of impervious area (IA) to permeable/pervious area (PA); and
- B) Cumulative phosphorus reduction in pounds that would be accomplished by the project (BMP-Reduction lbs<sub>-P</sub>).

**Solution:**

1. Determine the area of IA to be converted to PA:  

$$\text{New PA} = (((3.7 \text{ mi} \times 4 \text{ ft}) + (3.2 \text{ mi} \times 4 \text{ ft})) \times 5280 \text{ ft/mi}) / 43,560 \text{ ft}^2/\text{acre}$$

$$= 3.35 \text{ acres}$$
2. Using Table 3-27, the phosphorus load reduction rate for converting IA to HSG B is 94.1%
3. The BMP Load is first determined using the method described above.  

$$\text{BMP Load} = \text{IA} \times \text{phosphorus export loading rate for MDR IA (see Table 3-1)}$$

$$= 3.35 \text{ acres} \times 1.96 \text{ lbs/acre/yr}$$

$$= 6.57 \text{ lbs/yr}$$
4. The cumulative phosphorus load reduction in pounds of phosphorus for the IA conversion (BMP-Reduction lbs<sub>-P</sub>) is calculated using Equation 3-2.  

$$\text{BMP Reduction lbs}_{-P} = \text{BMP Load} \times (\text{BMP Reduction \%}_{-P} / 100)$$

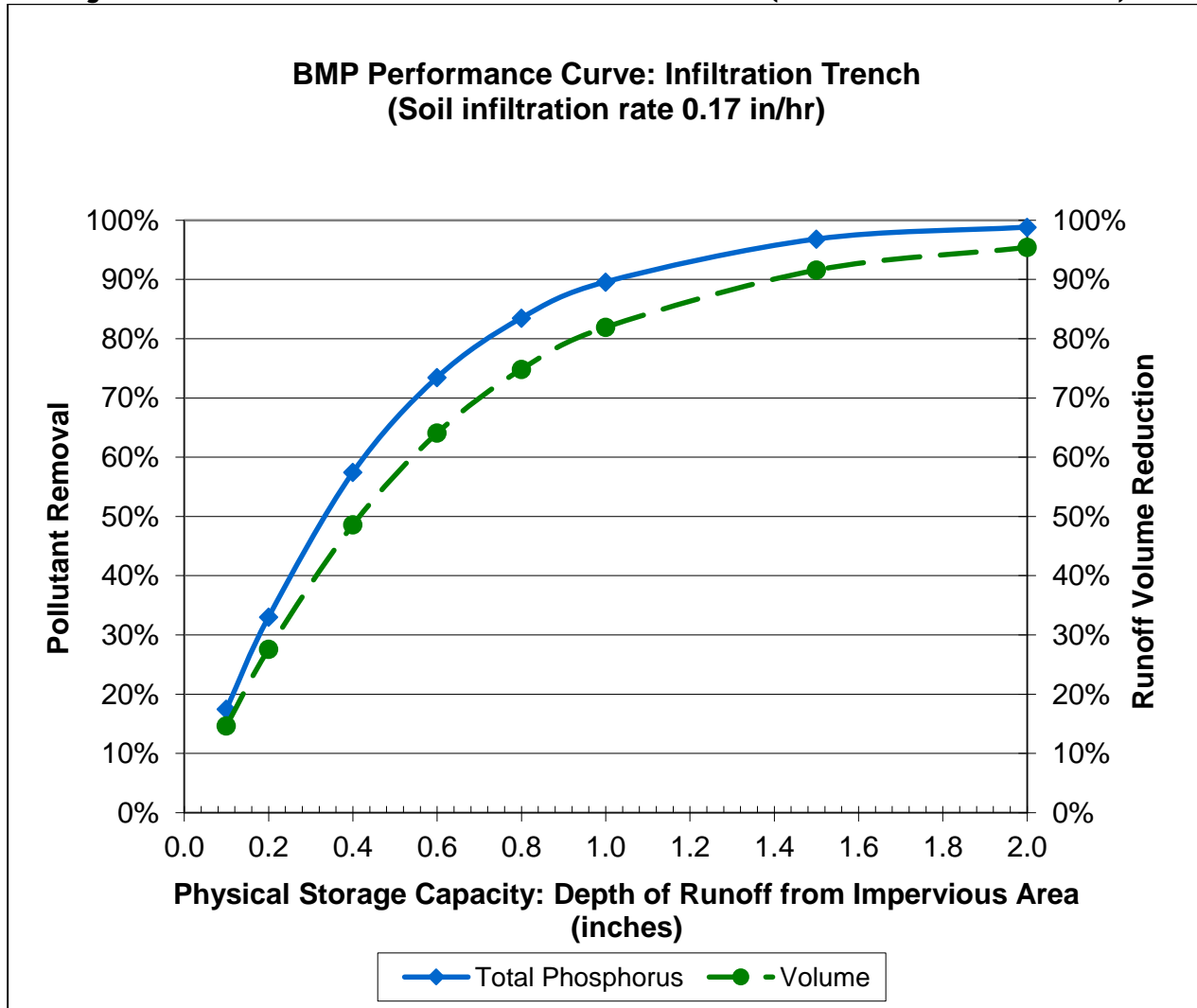
$$\text{BMP Reduction lbs}_{-P} = 6.57 \text{ lbs/yr} \times (94.1 / 100)$$

$$= 6.18 \text{ lbs/yr}$$

**Table 3- 4: Infiltration Trench (IR = 0.17 in/hr) BMP Performance Table**

Infiltration Trench (IR = 0.17 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	14.7%	27.6%	48.6%	64.1%	74.9%	82.0%	91.6%	95.4%
Cumulative Phosphorus Load Reduction	18%	33%	57%	73%	83%	90%	97%	99%

**Figure 3- 1: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.17 in/hr)**

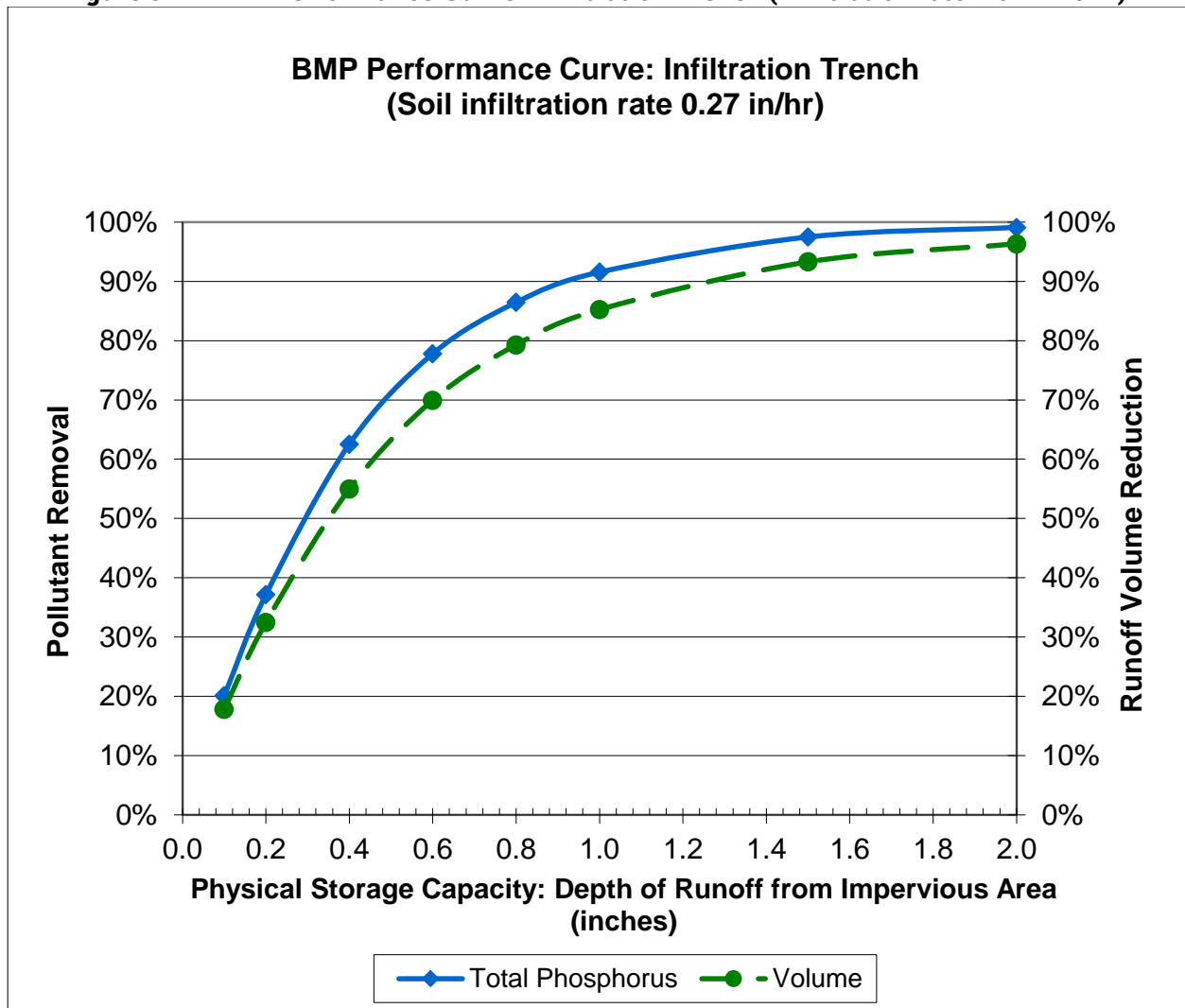




**Table 3- 5: Infiltration Trench (IR = 0.27 in/hr) BMP Performance Table**

Infiltration Trench (IR = 0.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	17.8%	32.5%	55.0%	70.0%	79.3%	85.2%	93.3%	96.3%
Cumulative Phosphorus Load Reduction	20%	37%	63%	78%	86%	92%	97%	99%

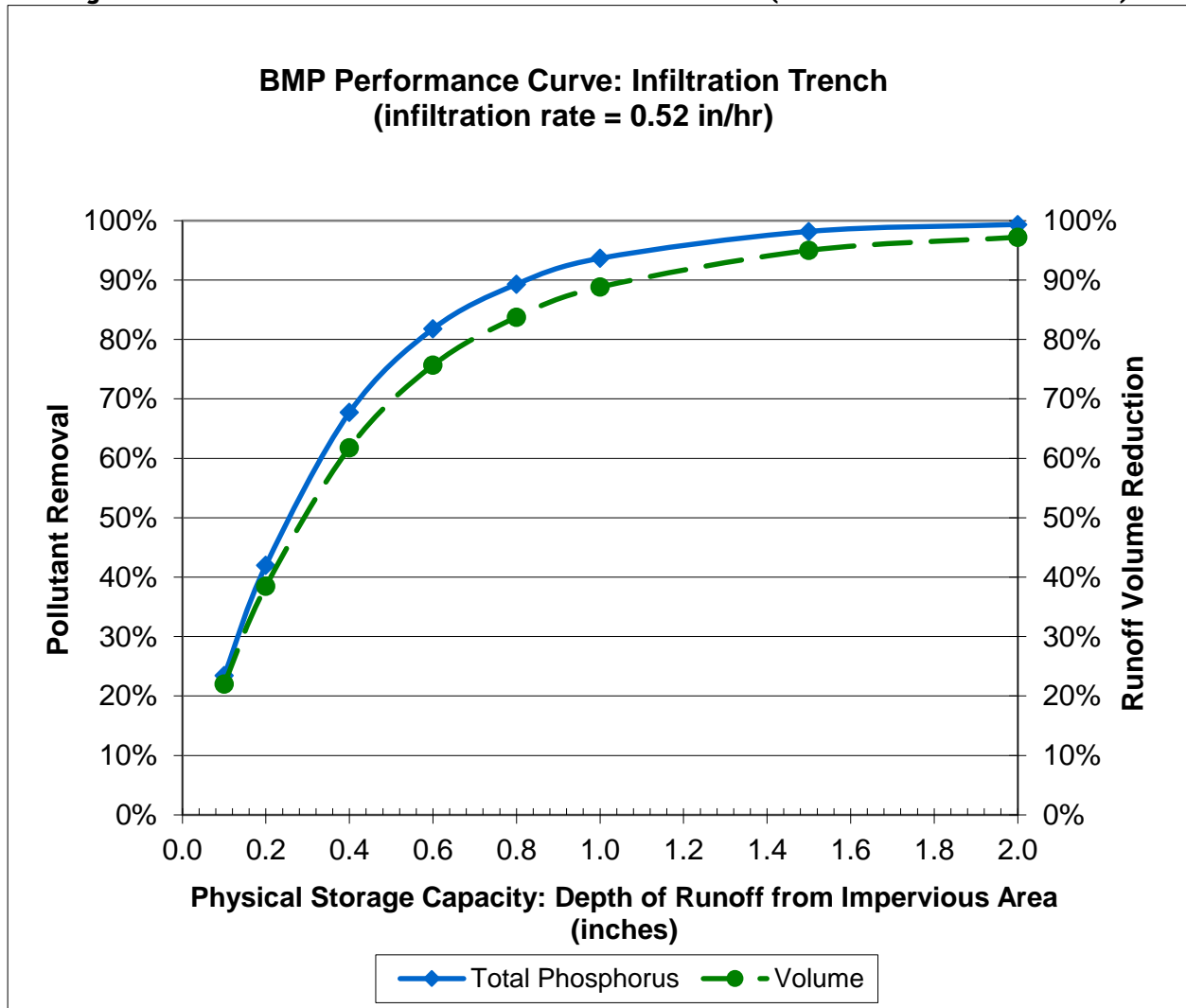
**Figure 3- 2: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.27 in/hr)**



**Table 3- 6: Infiltration Trench (IR = 0.52 in/hr) BMP Performance Table**

Infiltration Trench (IR = 0.52 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	22.0%	38.5%	61.8%	75.7%	83.7%	88.8%	95.0%	97.2%
Cumulative Phosphorus Load Reduction	23%	42%	68%	82%	89%	94%	98%	99%

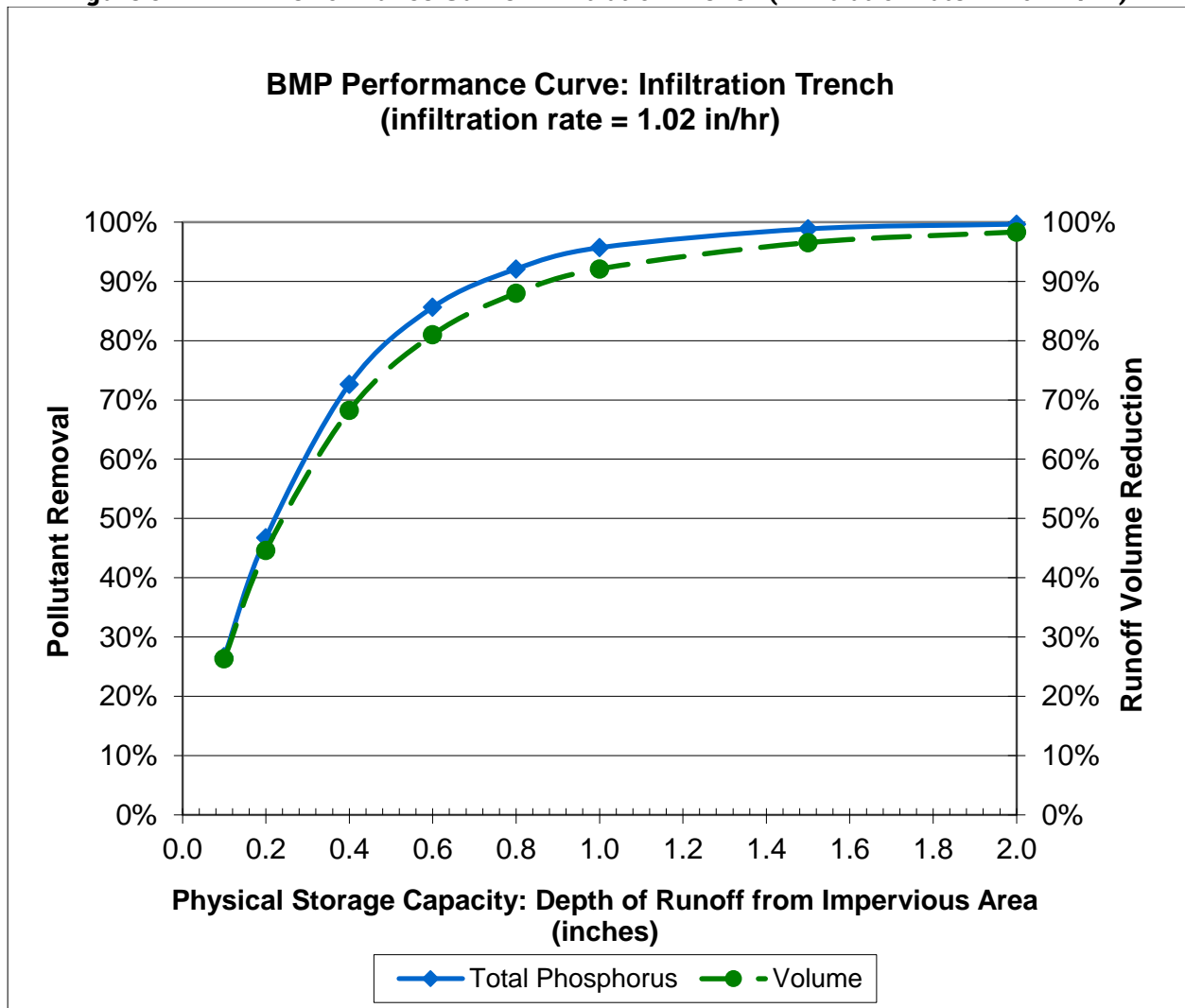
**Figure 3- 3: BMP Performance Curve: Infiltration Trench (infiltration rate = 0.52 in/hr)**



**Table 3- 7: Infiltration Trench (IR = 1.02 in/hr) BMP Performance Table**

Infiltration Trench (IR = 1.02 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	26.3%	44.6%	68.2%	81.0%	88.0%	92.1%	96.5%	98.3%
Cumulative Phosphorus Load Reduction	27%	47%	73%	86%	92%	96%	99%	100%

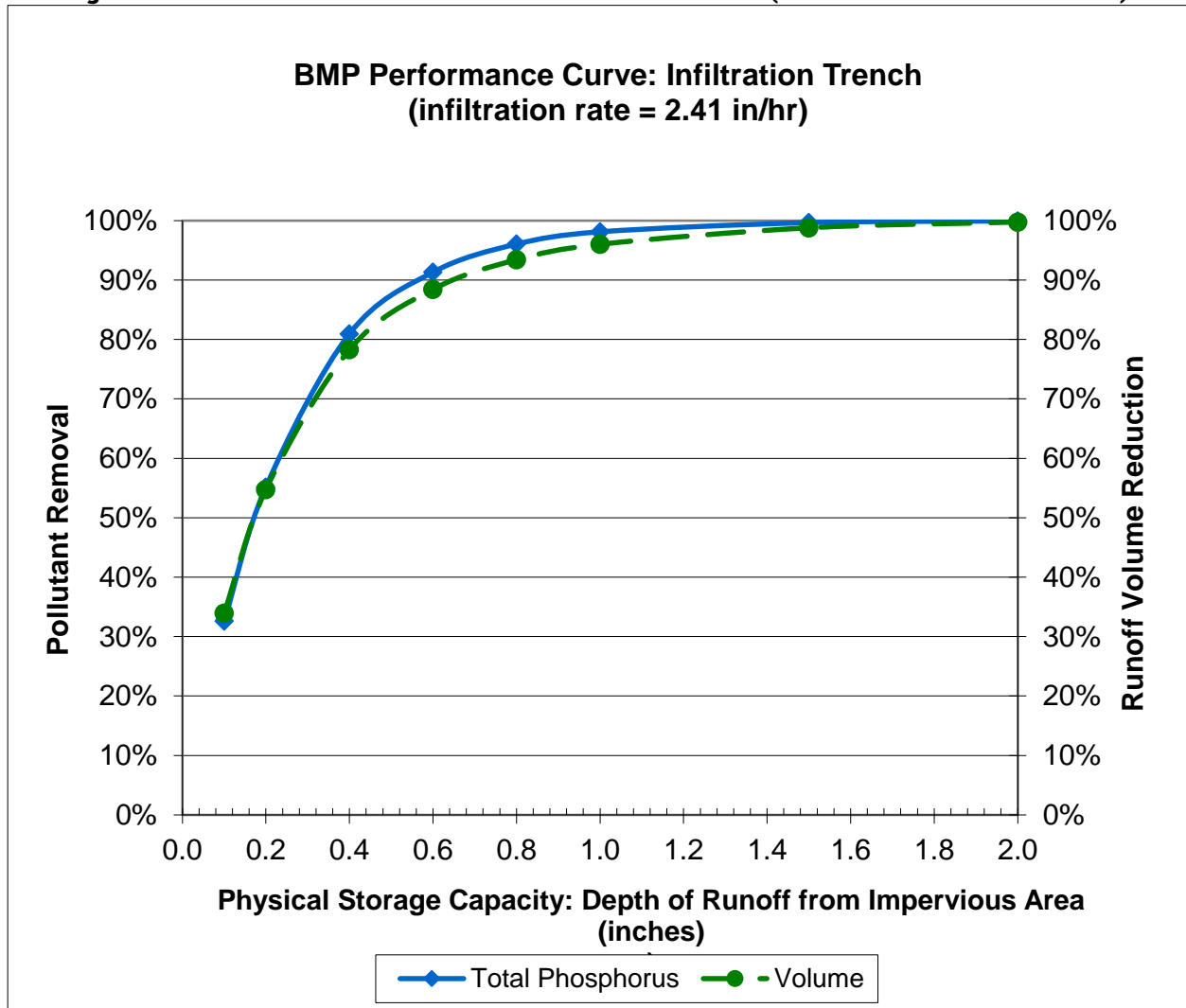
**Figure 3- 4: BMP Performance Curve: Infiltration Trench (infiltration rate = 1.02 in/hr)**



**Table 3- 8: Infiltration Trench (IR = 2.41 in/hr) BMP Performance Table**

Infiltration Trench (IR = 2.41 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	34.0%	54.7%	78.3%	88.4%	93.4%	96.0%	98.8%	99.8%
Cumulative Phosphorus Load Reduction	33%	55%	81%	91%	96%	98%	100%	100%

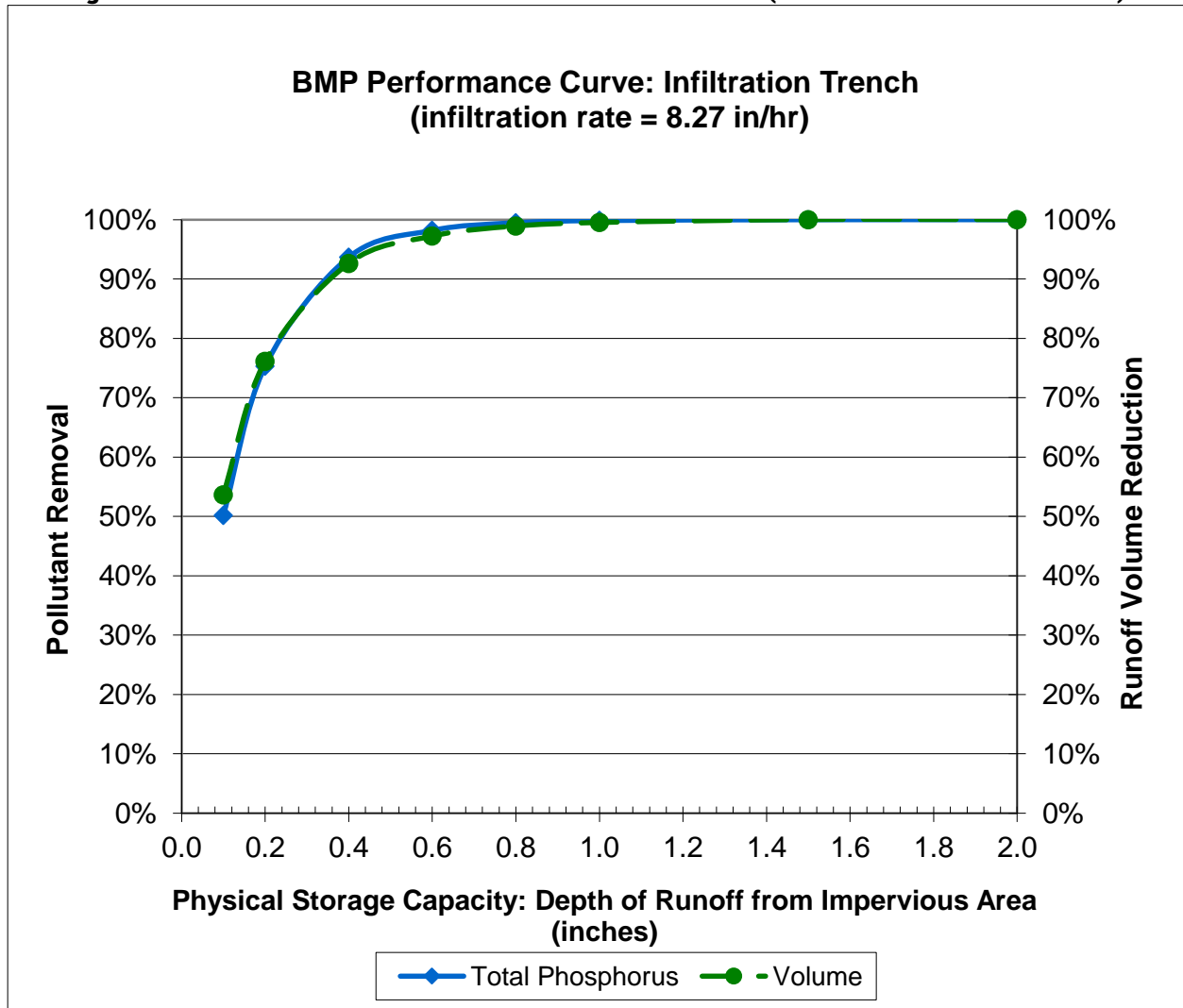
**Figure 3- 5: BMP Performance Curve: Infiltration Trench (infiltration rate = 2.41 in/hr)**



**Table 3- 9: Infiltration Trench (8.27 in/hr) BMP Performance Table**

Infiltration Trench (8.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	53.6%	76.1%	92.6%	97.2%	98.9%	99.5%	100.0%	100.0%
Cumulative Phosphorus Load Reduction	50%	75%	94%	98%	99%	100%	100%	100%

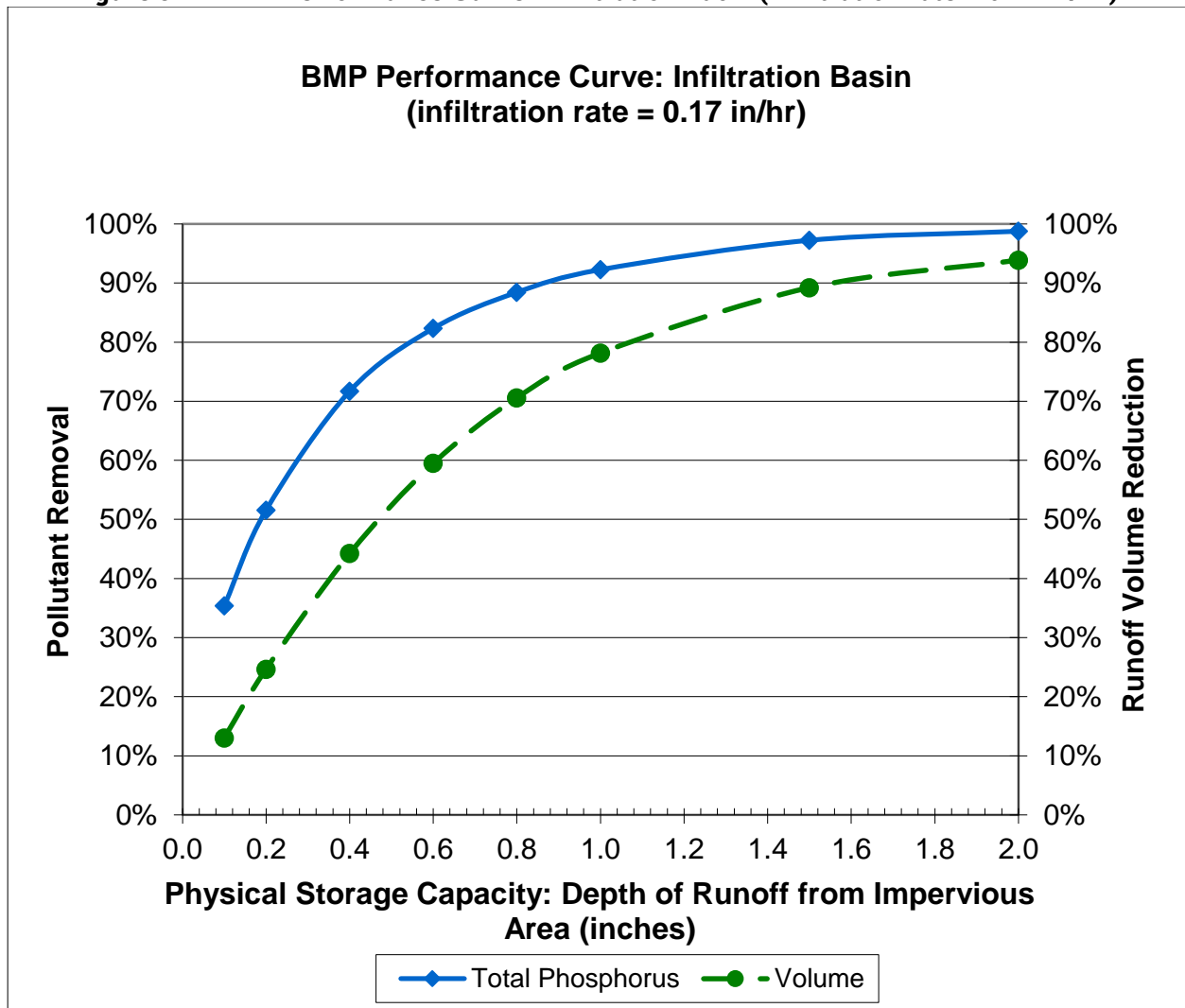
**Figure 3- 6: BMP Performance Curve: Infiltration Trench (infiltration rate = 8.27 in/hr)**



**Table 3- 10: Infiltration Basin (0.17 in/hr) BMP Performance Table**

Infiltration Basin (0.17 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	13.0%	24.6%	44.2%	59.5%	70.6%	78.1%	89.2%	93.9%
Cumulative Phosphorus Load Reduction	35%	52%	72%	82%	88%	92%	97%	99%

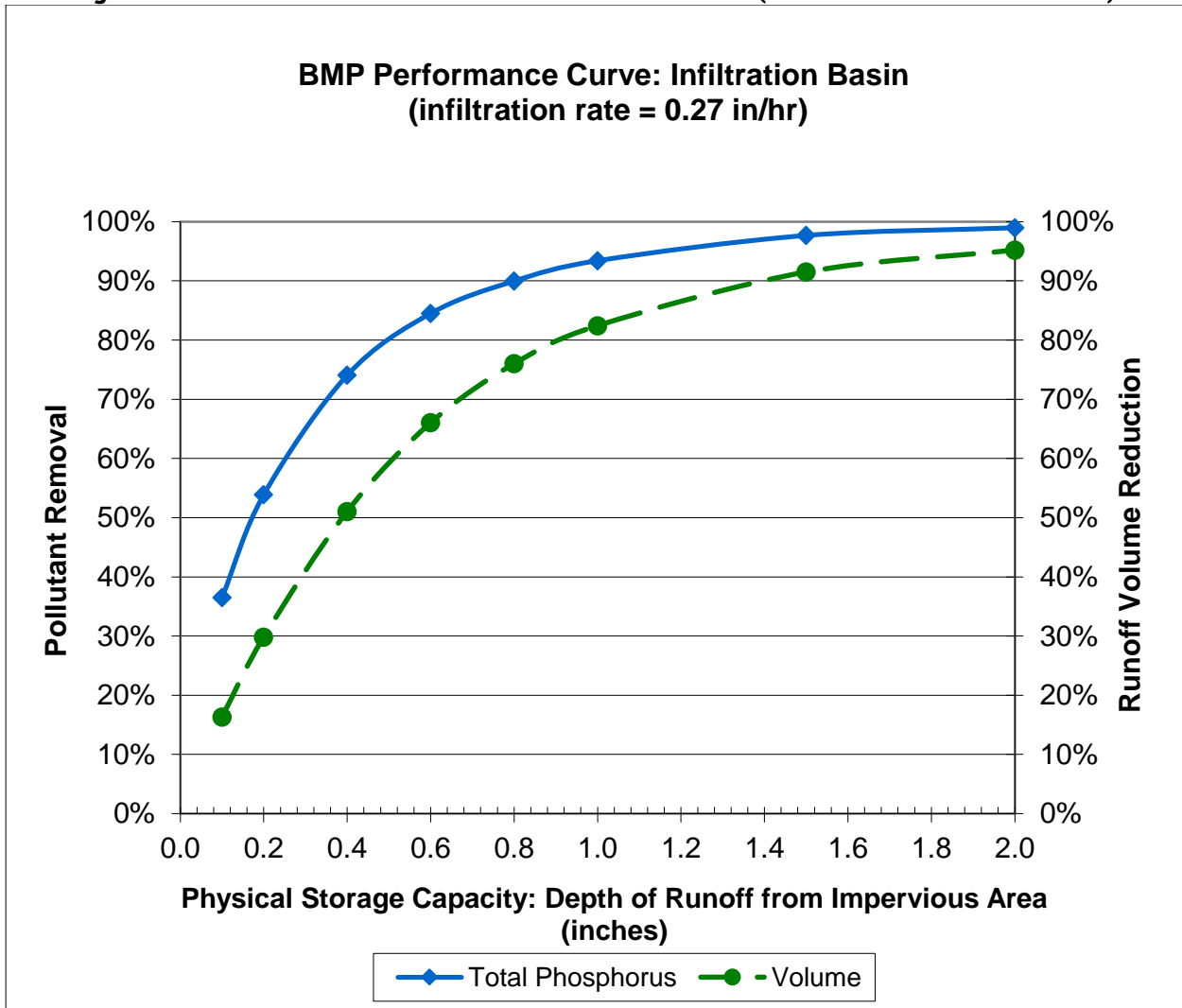
**Figure 3- 7: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.17 in/hr)**



**Table 3- 11: Infiltration Basin (0.27 in/hr) BMP Performance Table**

Infiltration Basin (0.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	16.3%	29.8%	51.0%	66.0%	76.0%	82.4%	91.5%	95.2%
Cumulative Phosphorus Load Reduction	37%	54%	74 %	85%	90%	93%	98%	99%

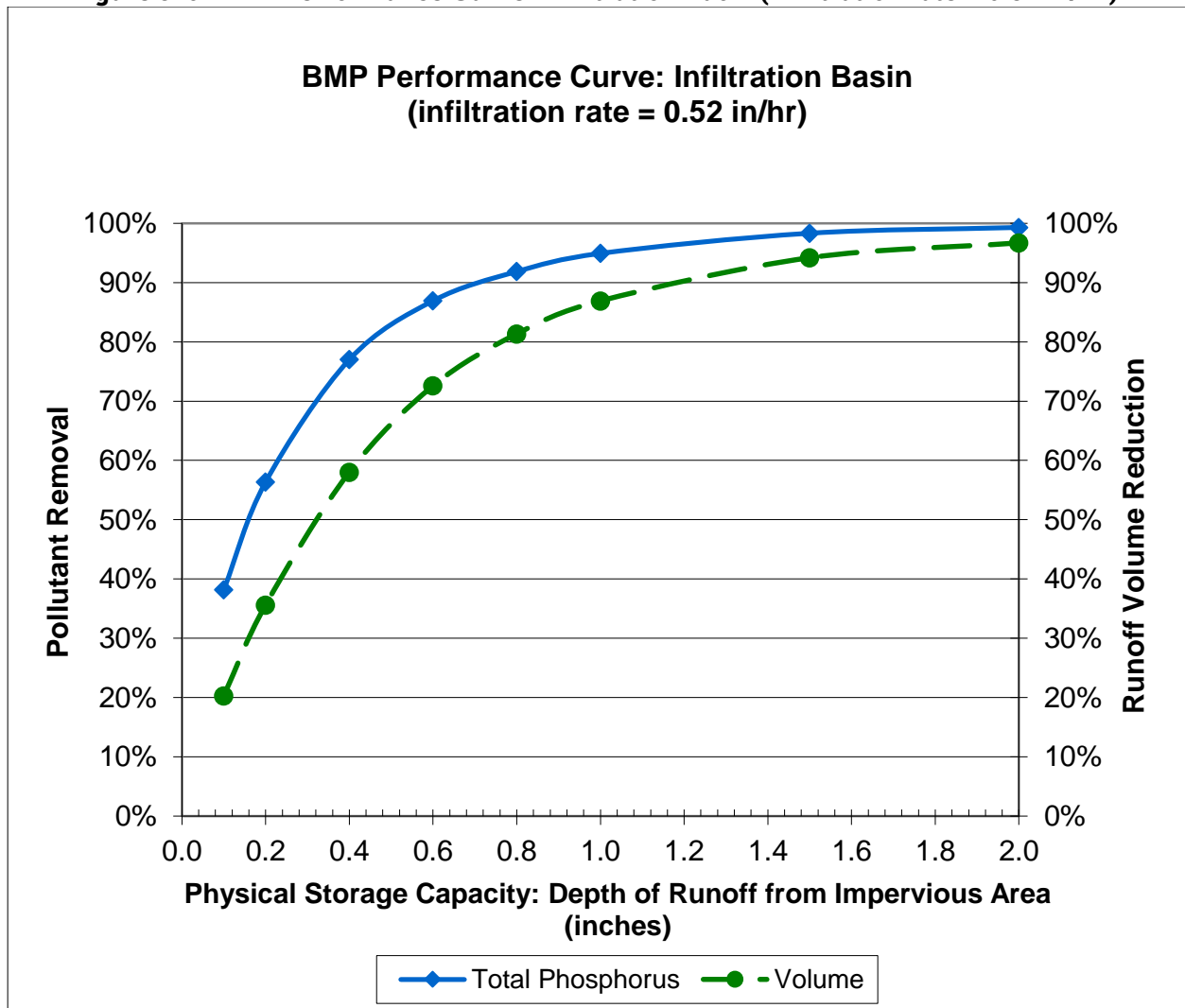
**Figure 3- 8: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.27 in/hr)**



**Table 3- 12: Infiltration Basin (0.52 in/hr) BMP Performance Table**

Infiltration Basin (0.52 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	20.2%	35.6%	58.0%	72.6%	81.3%	86.9%	94.2%	96.7%
Cumulative Phosphorus Load Reduction	38%	56%	77%	87%	92%	95%	98%	99%

**Figure 3- 9: BMP Performance Curve: Infiltration Basin (infiltration rate = 0.52 in/hr)**

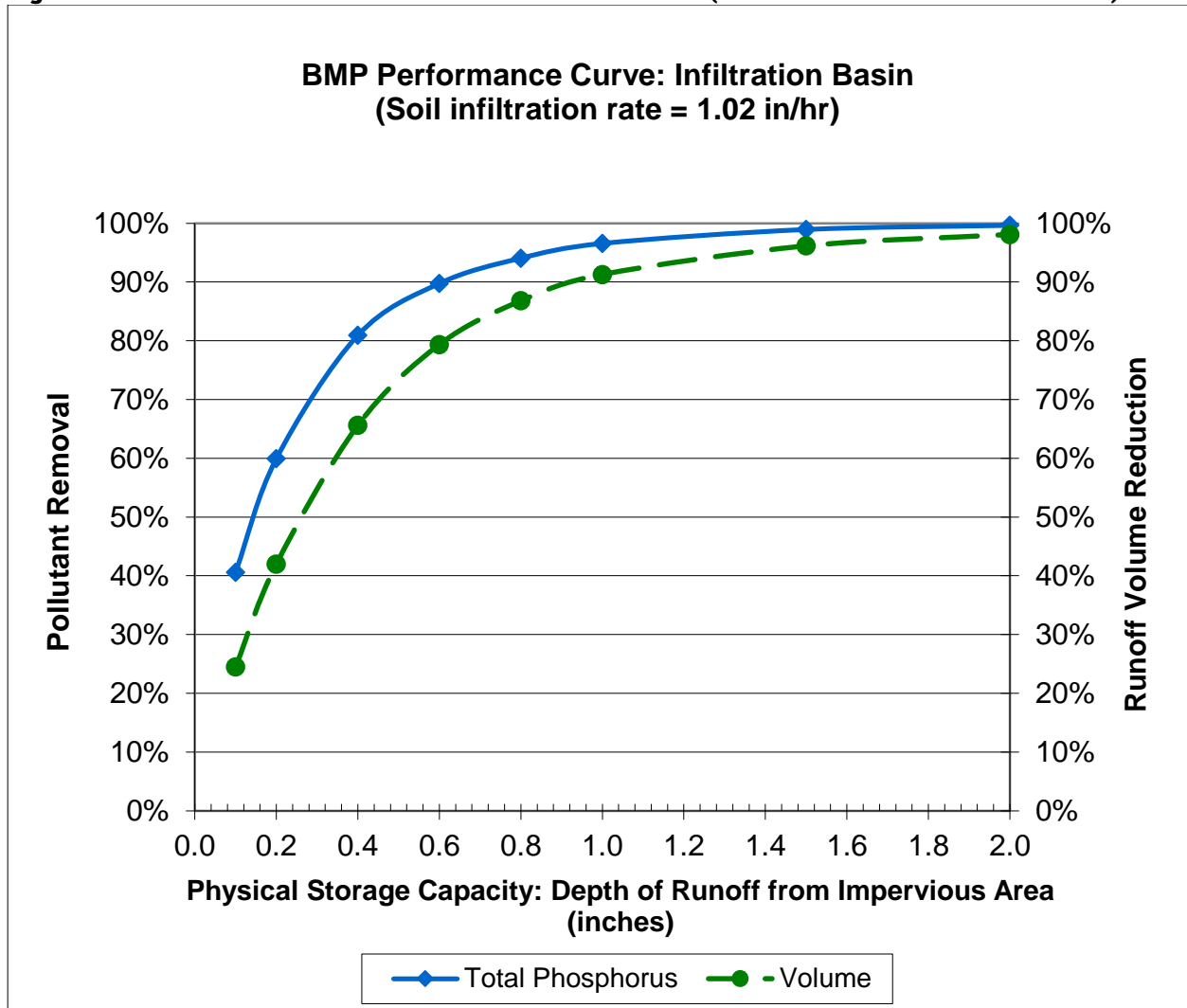




**Table 3- 13: Infiltration Basin (1.02 in/hr) BMP Performance Table**

Infiltration Basin (1.02 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	24.5%	42.0%	65.6%	79.4%	86.8%	91.3%	96.2%	98.1%
Cumulative Phosphorus Load Reduction	41%	60%	81%	90%	94%	97%	99%	100%

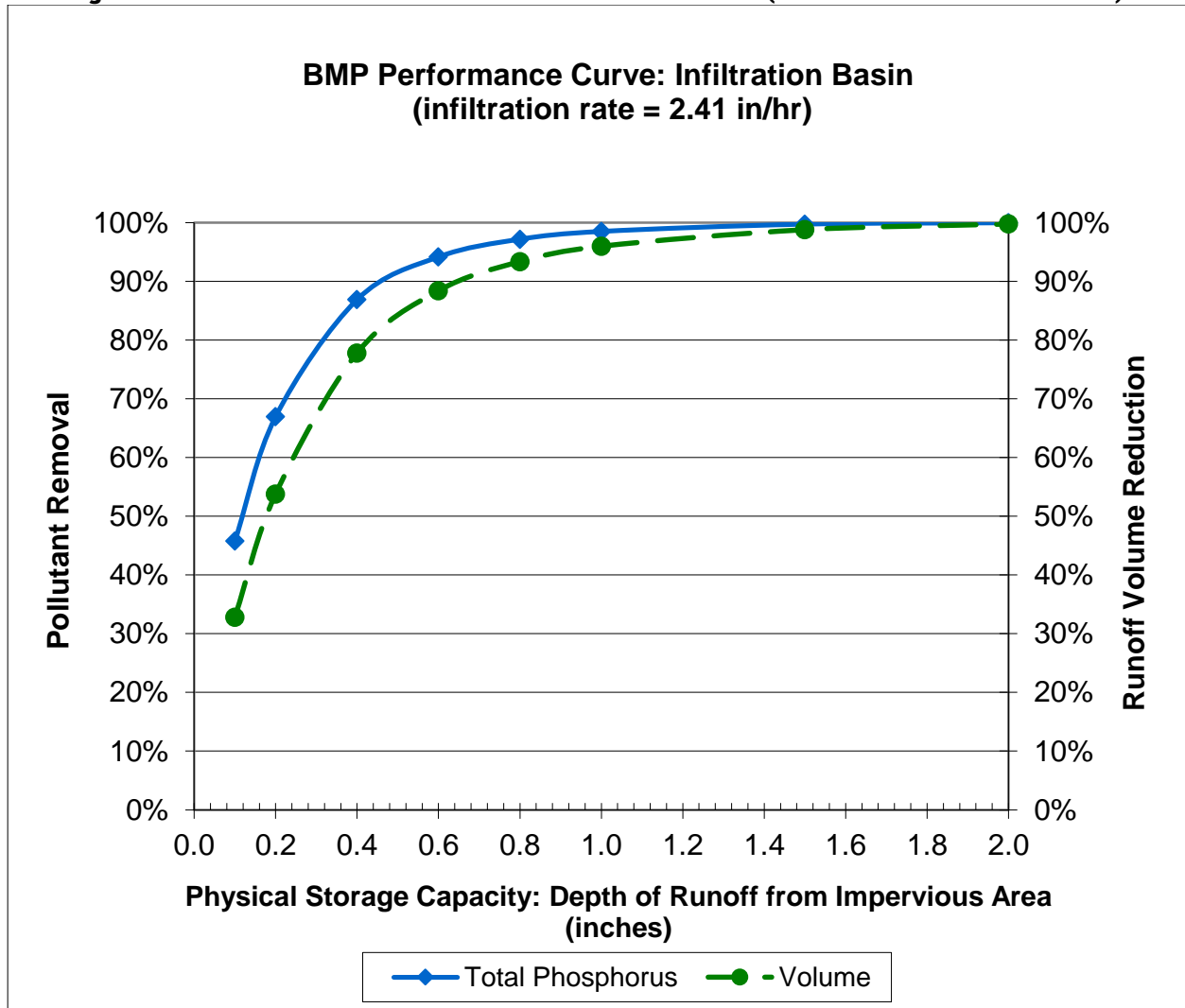
**Figure 3- 10: BMP Performance Curve: Infiltration Basin (Soil infiltration rate = 1.02 in/hr)**



**Table 3- 14: Infiltration Basin (2.41 in/hr) BMP Performance Table**

Infiltration Basin (2.41 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	32.8%	53.8%	77.8%	88.4%	93.4%	96.0%	98.8%	99.8%
Cumulative Phosphorus Load Reduction	46%	67%	87%	94%	97%	98%	100%	100%

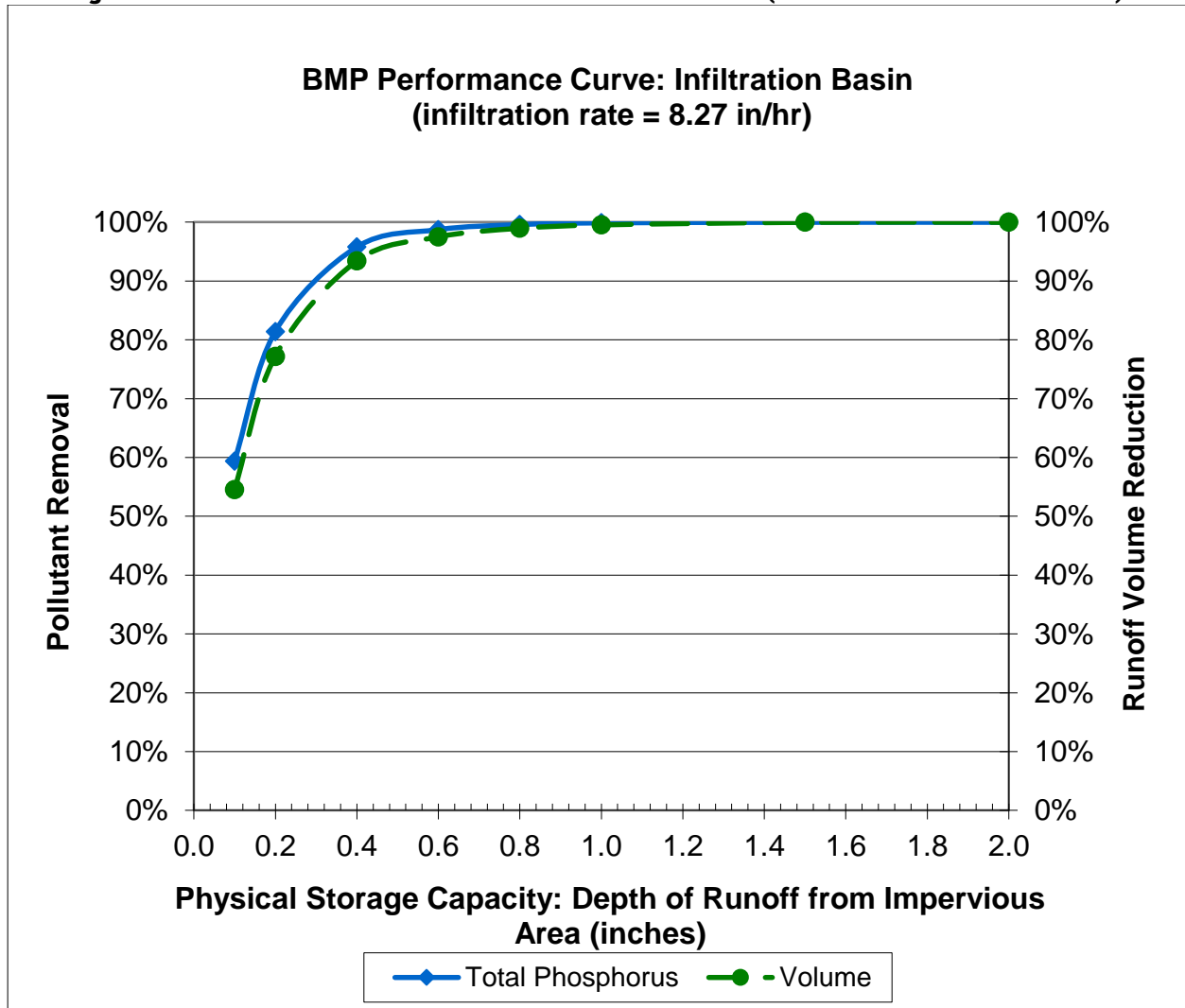
**Figure 3- 11: BMP Performance Curve: Infiltration Basin (infiltration rate = 2.41 in/hr)**



**Table 3- 15: Infiltration Basin (8.27 in/hr) BMP Performance Table**

Infiltration Basin (8.27 in/hr) BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Runoff Volume Reduction	54.6%	77.2%	93.4%	97.5%	99.0%	99.6%	100.0%	100.0%
Cumulative Phosphorus Load Reduction	59%	81%	96%	99%	100%	100%	100%	100%

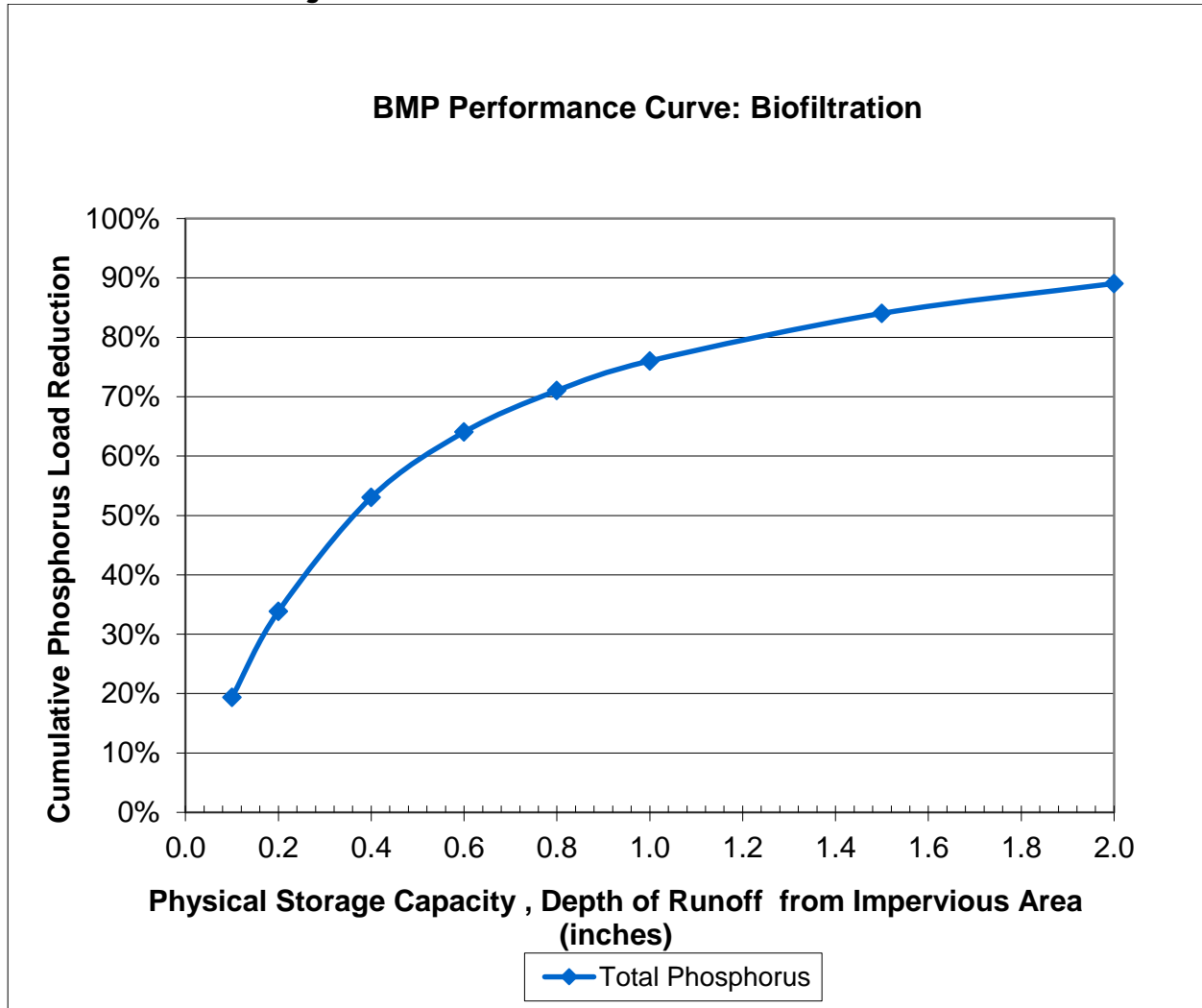
**Figure 3- 12: BMP Performance Curve: Infiltration Basin (infiltration rate = 8.27 in/hr)**



**Table 3- 16: Biofiltration BMP Performance Table**

Biofiltration BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	19%	34%	53%	64%	71%	76%	84%	89%

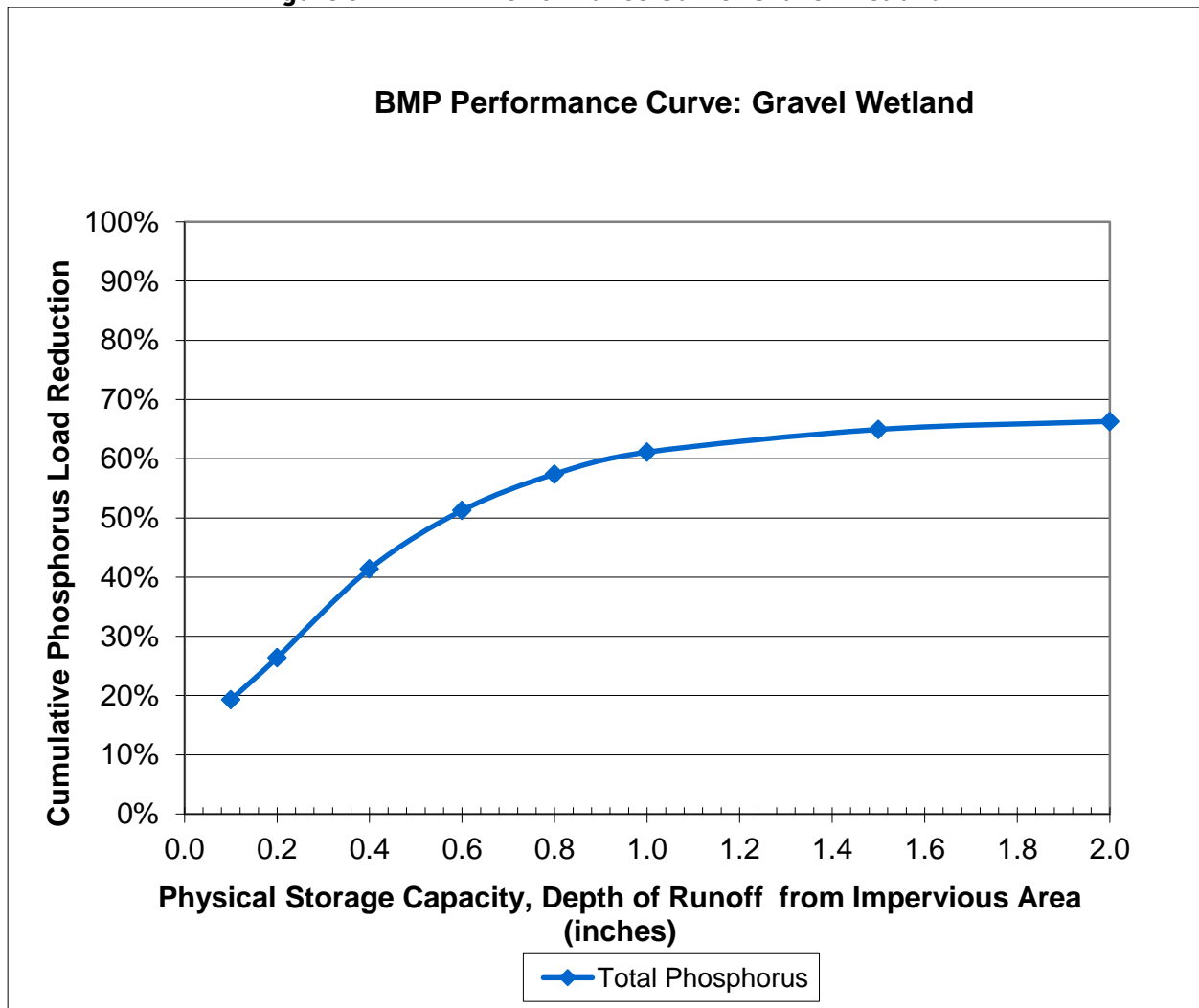
**Figure 3- 13: BMP Performance Curve: Biofiltration**



**Table 3- 17: Gravel Wetland BMP Performance Table**

Gravel Wetland BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	19%	26%	41%	51%	57%	61%	65%	66%

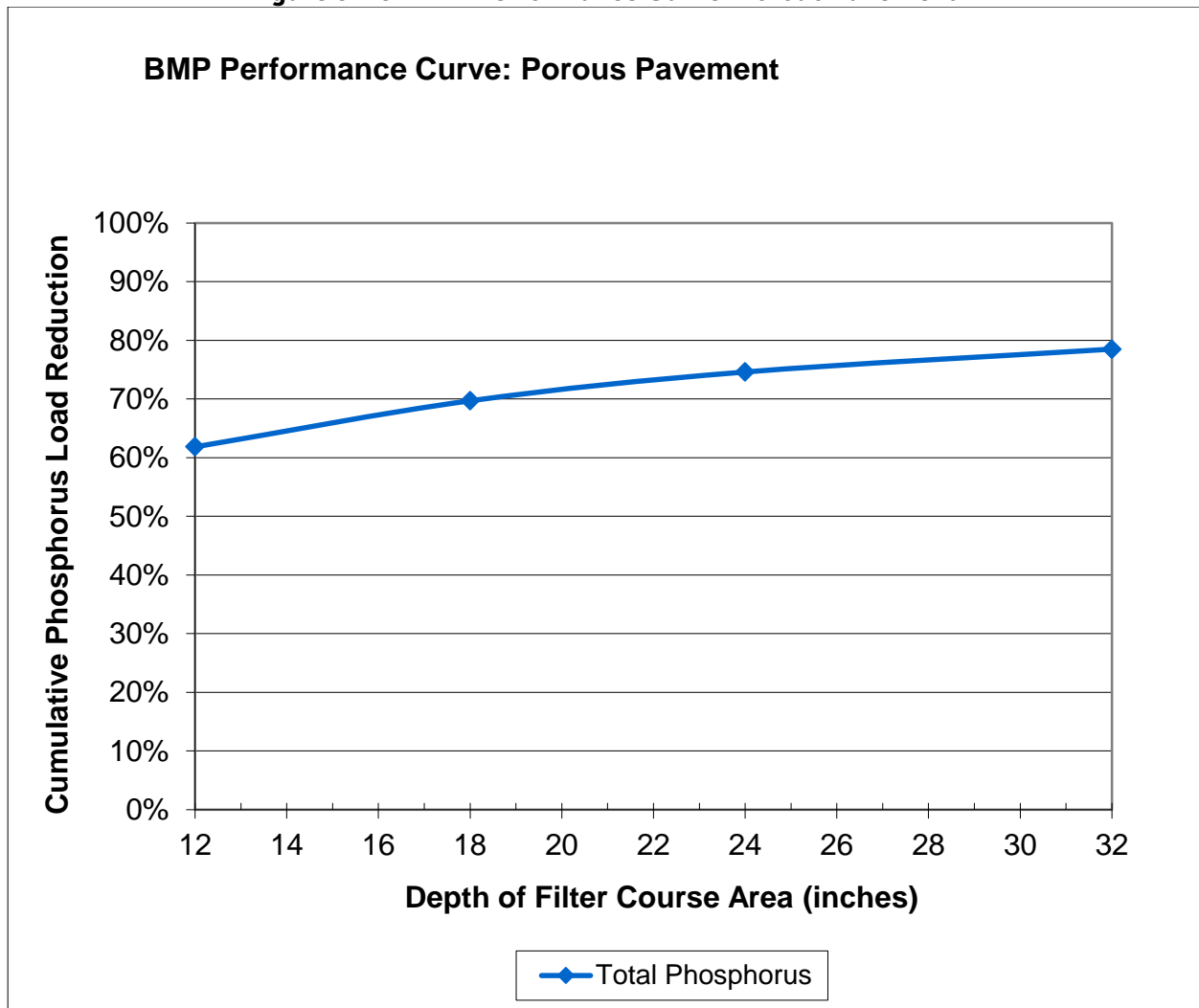
**Figure 3- 14: BMP Performance Curve: Gravel Wetland**



**Table 3- 18: Porous Pavement BMP Performance Table**

Porous Pavement BMP Performance Table: Long-Term Phosphorus Load Reduction				
<b>BMP Capacity: Depth of Filter Course Area (inches)</b>	12.0	18.0	24.0	32.0
<b>Cumulative Phosphorus Load Reduction</b>	62%	70%	75%	78%

**Figure 3- 15: BMP Performance Curve: Porous Pavement**



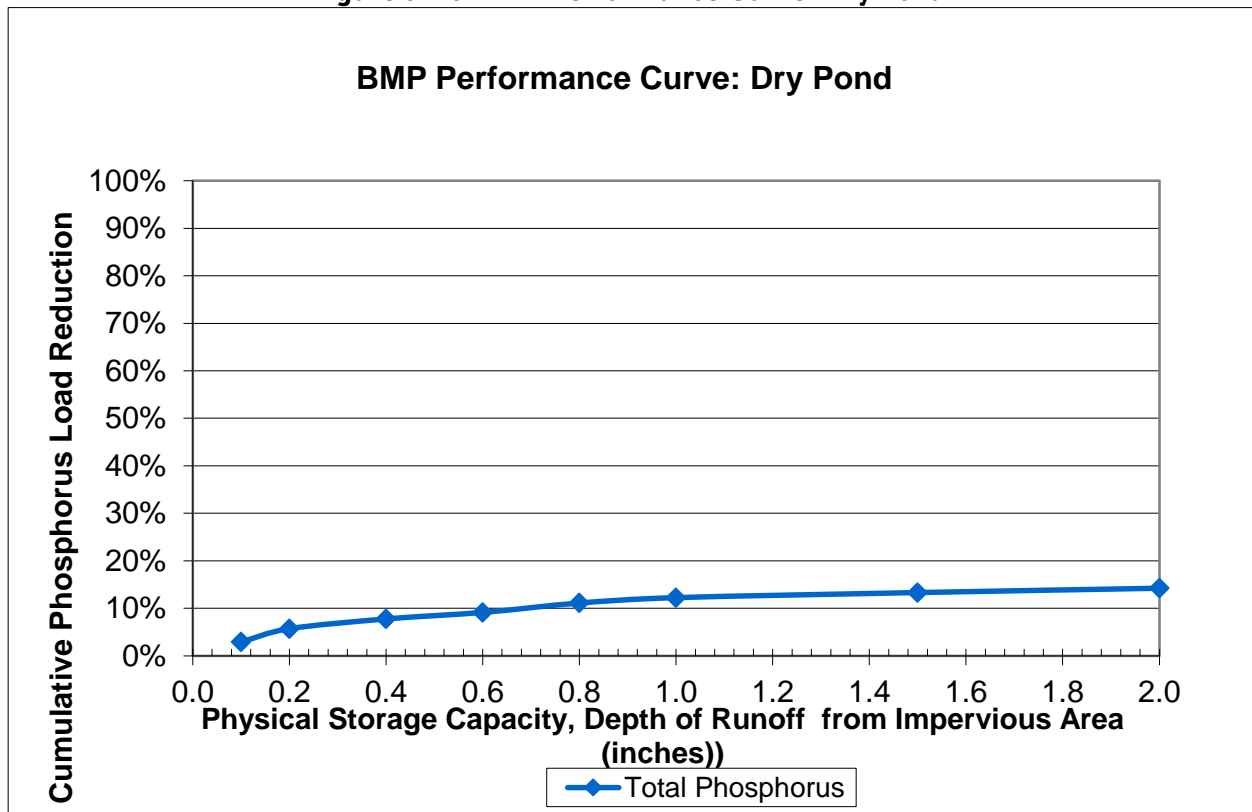
**Table 3- 19: Wet Pond BMP Performance Table**

Wet Pond BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	14%	25%	37%	44%	48%	53%	58%	63%

**Table 3- 20: Dry Pond BMP Performance Table**

Dry Pond BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	3%	6%	8%	9%	11%	12%	13%	14%

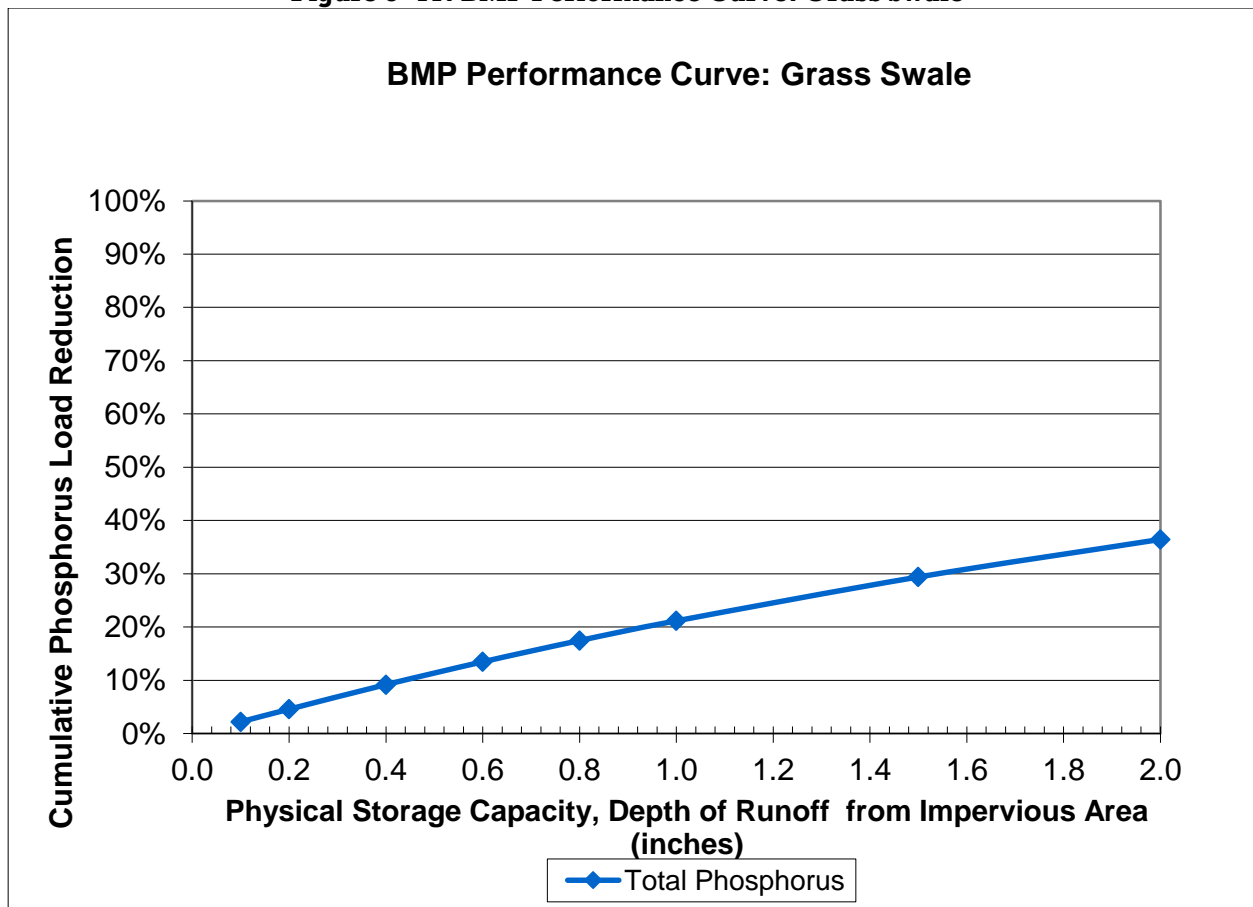
**Figure 3- 16: BMP Performance Curve: Dry Pond**



**Table 3- 21: Grass Swale BMP Performance Table**

Grass Swale BMP Performance Table: Long-Term Phosphorus Load Reduction								
BMP Capacity: Depth of Runoff Treated from Impervious Area (inches)	0.1	0.2	0.4	0.6	0.8	1.0	1.5	2.0
Cumulative Phosphorus Load Reduction	2%	5%	9%	13%	17%	21%	29%	36%

**Figure 3- 17: BMP Performance Curve: Grass Swale**

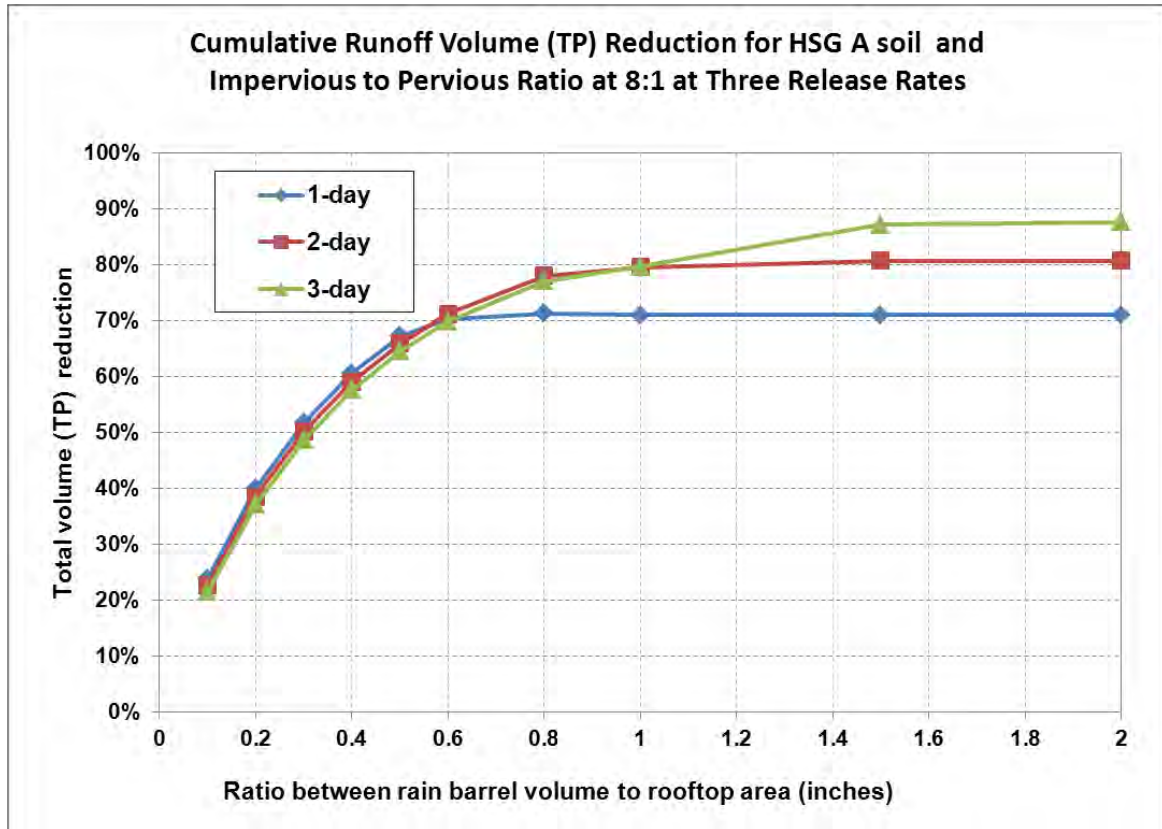




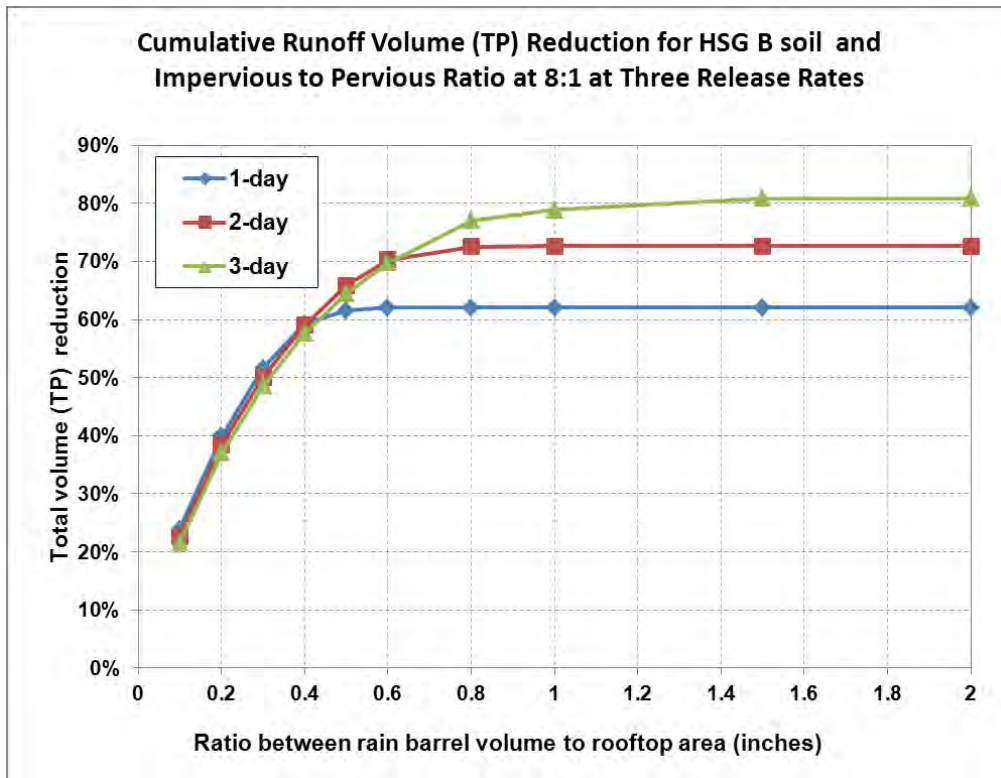
**Table 3- 22: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1**

Impervious Area Disconnection through Storage : Impervious Area to Pervious Area Ratio = 8:1												
Storage volume to impervious area ratio	Total Runoff Volume (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	22%	22%	21%
0.2 in	40%	38%	37%	40%	38%	37%	37%	38%	37%	24%	26%	27%
0.3 in	52%	50%	49%	52%	50%	49%	40%	46%	49%	24%	26%	27%
0.4 in	61%	59%	58%	59%	59%	58%	40%	48%	54%	24%	26%	27%
0.5 in	67%	66%	64%	62%	66%	64%	40%	48%	56%	24%	26%	27%
0.6 in	70%	71%	70%	62%	70%	70%	40%	48%	56%	24%	26%	27%
0.8 in	71%	78%	77%	62%	73%	77%	40%	48%	56%	24%	26%	27%
1.0 in	71%	80%	80%	62%	73%	79%	40%	48%	56%	24%	26%	27%
1.5 in	71%	81%	87%	62%	73%	81%	40%	48%	56%	24%	26%	27%
2.0 in	71%	81%	88%	62%	73%	81%	40%	48%	56%	24%	26%	27%

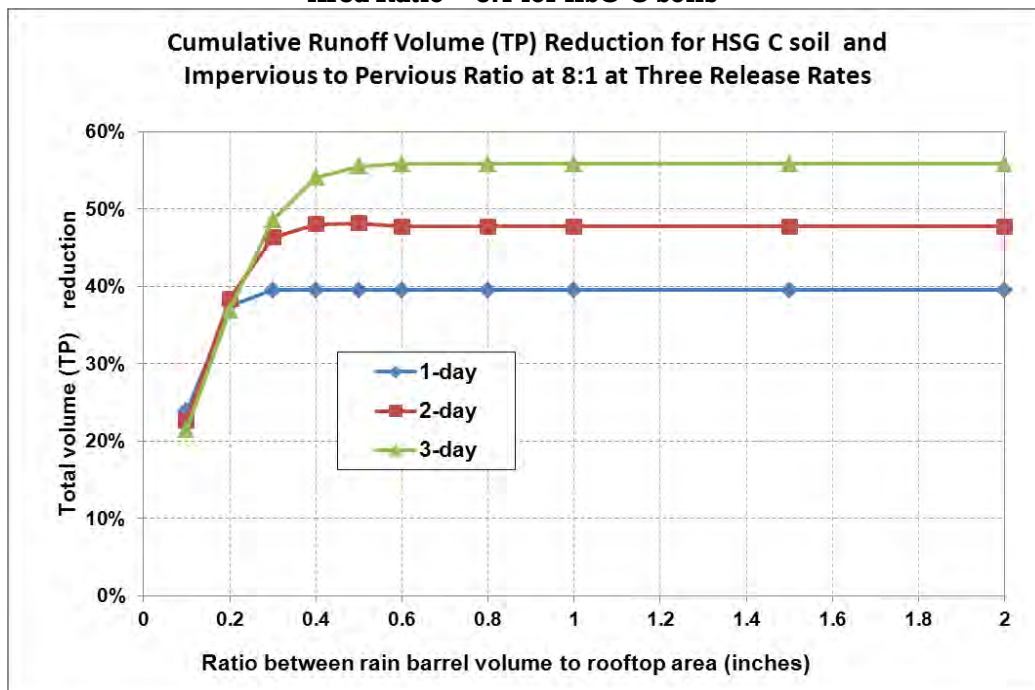
**Figure 3- 18: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG A Soils**



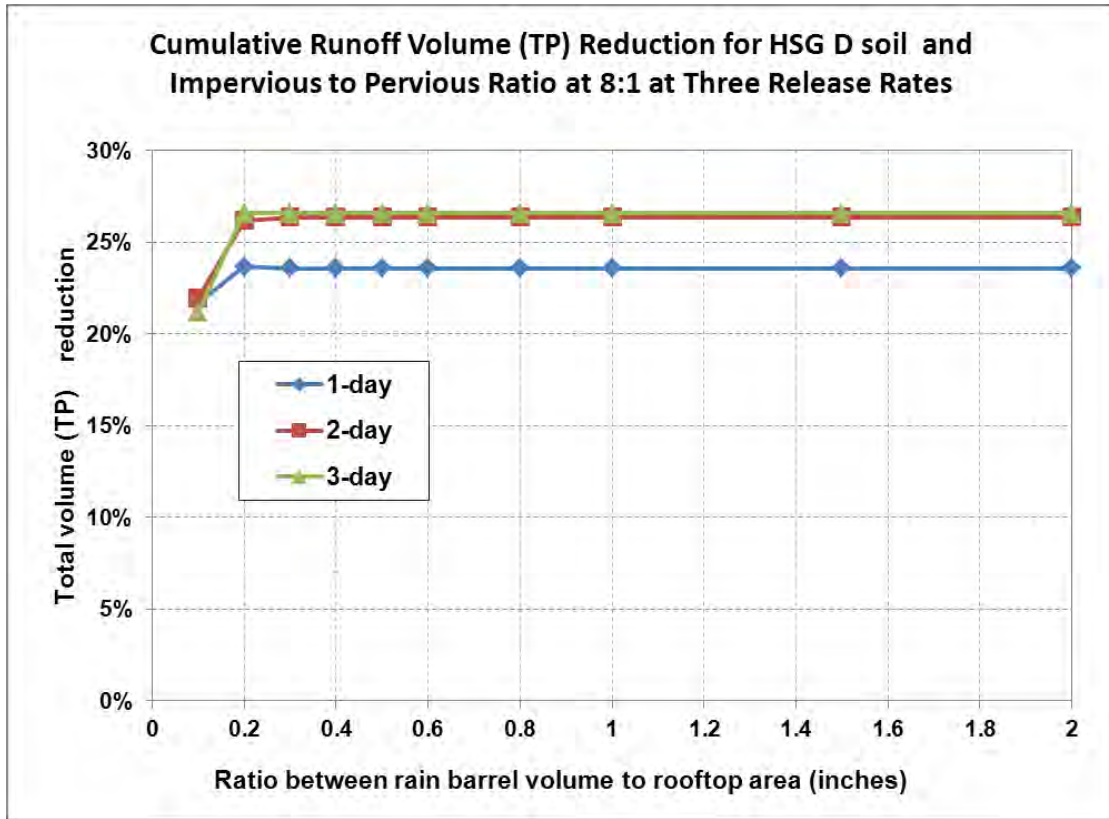
**Figure 3- 19: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG B Soils**



**Figure 3- 20: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG C Soils**



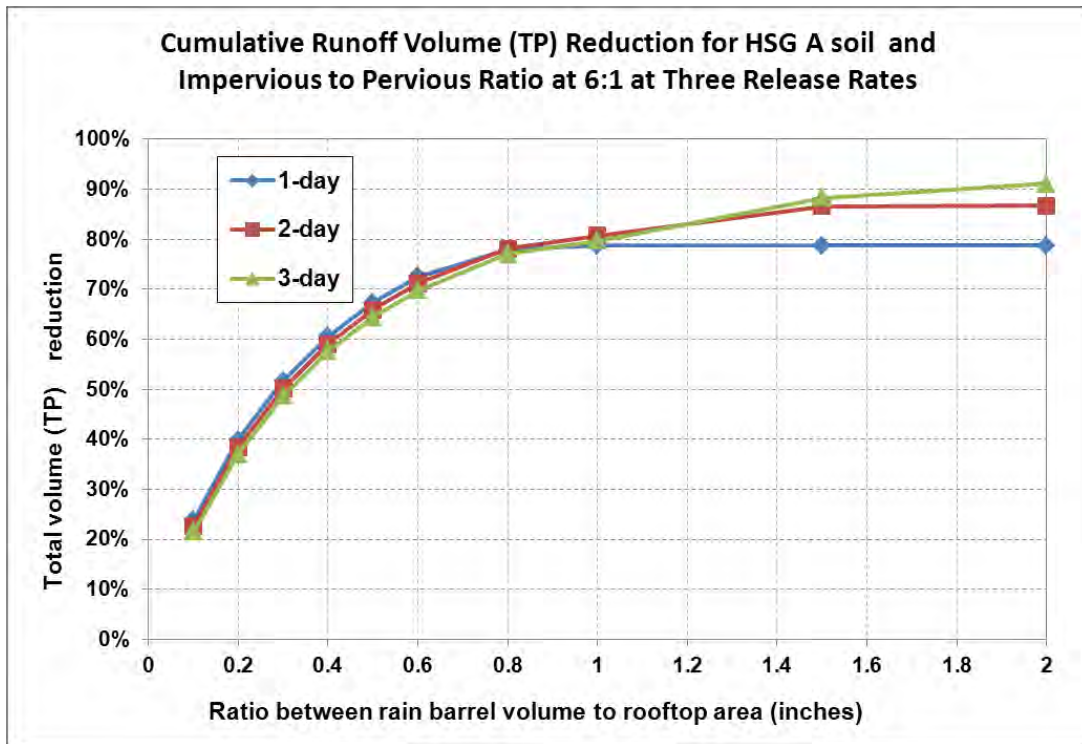
**Figure 3- 21: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 8:1 for HSG D Soils**



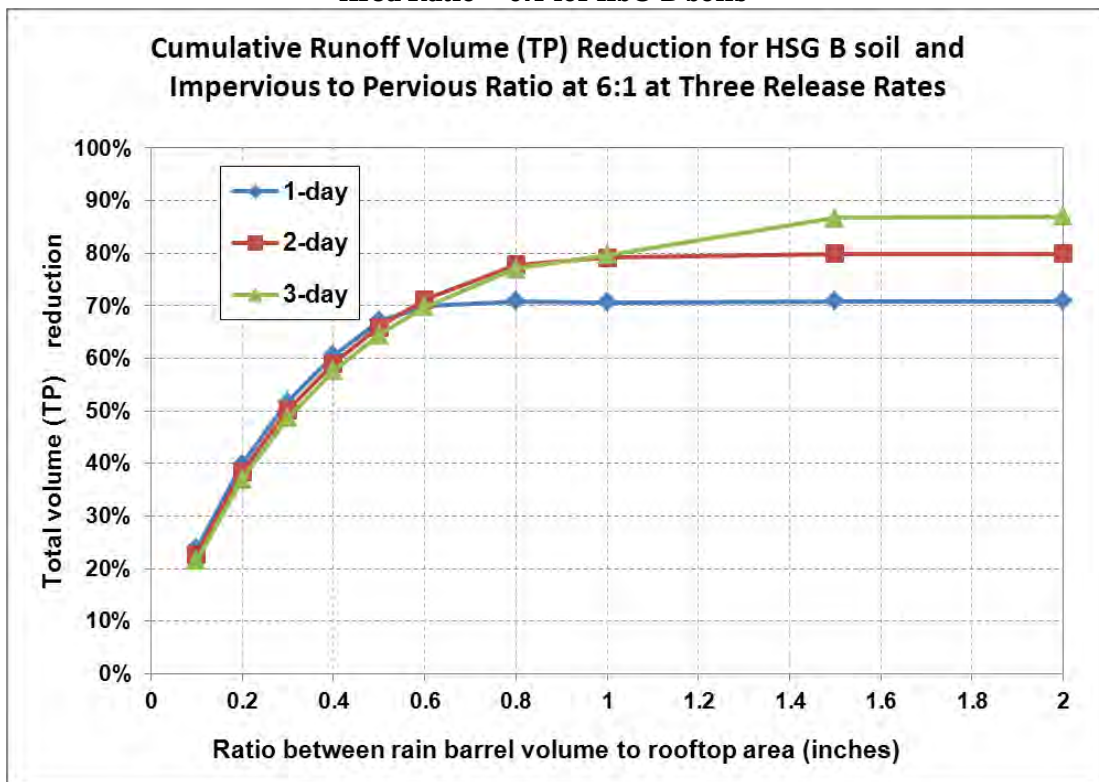
**Table 3- 23: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1**

Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1												
Rain barrel volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	23%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	28%	30%	33%
0.3 in	52%	50%	49%	52%	50%	49%	47%	50%	49%	29%	31%	34%
0.4 in	61%	59%	58%	61%	59%	58%	48%	55%	58%	29%	31%	34%
0.5 in	67%	66%	64%	67%	66%	64%	48%	57%	63%	29%	31%	34%
0.6 in	73%	71%	70%	70%	71%	70%	48%	57%	65%	29%	31%	34%
0.8 in	78%	78%	77%	71%	78%	77%	48%	57%	66%	29%	31%	34%
1.0 in	79%	81%	80%	71%	79%	80%	48%	57%	66%	29%	31%	34%
1.5 in	79%	87%	88%	71%	80%	87%	48%	57%	66%	29%	31%	34%
2.0 in	79%	87%	91%	71%	80%	87%	48%	57%	66%	29%	31%	34%

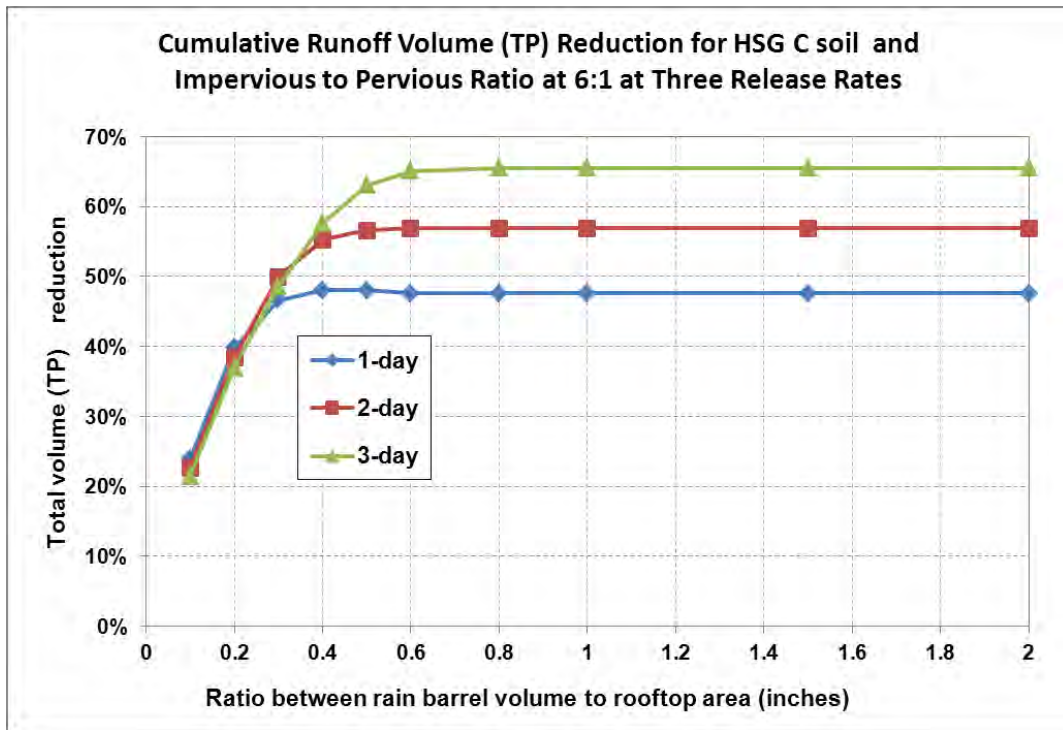
**Figure 3- 22: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG A Soils**



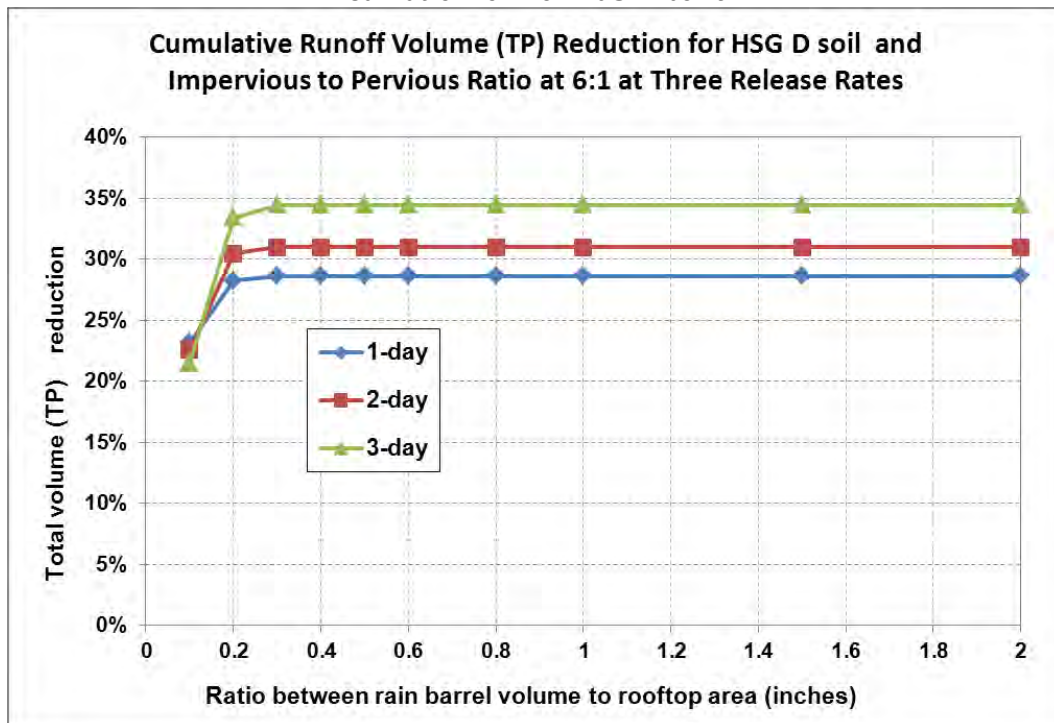
**Figure 3- 23: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG B Soils**



**Figure 3- 24: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG C Soils**



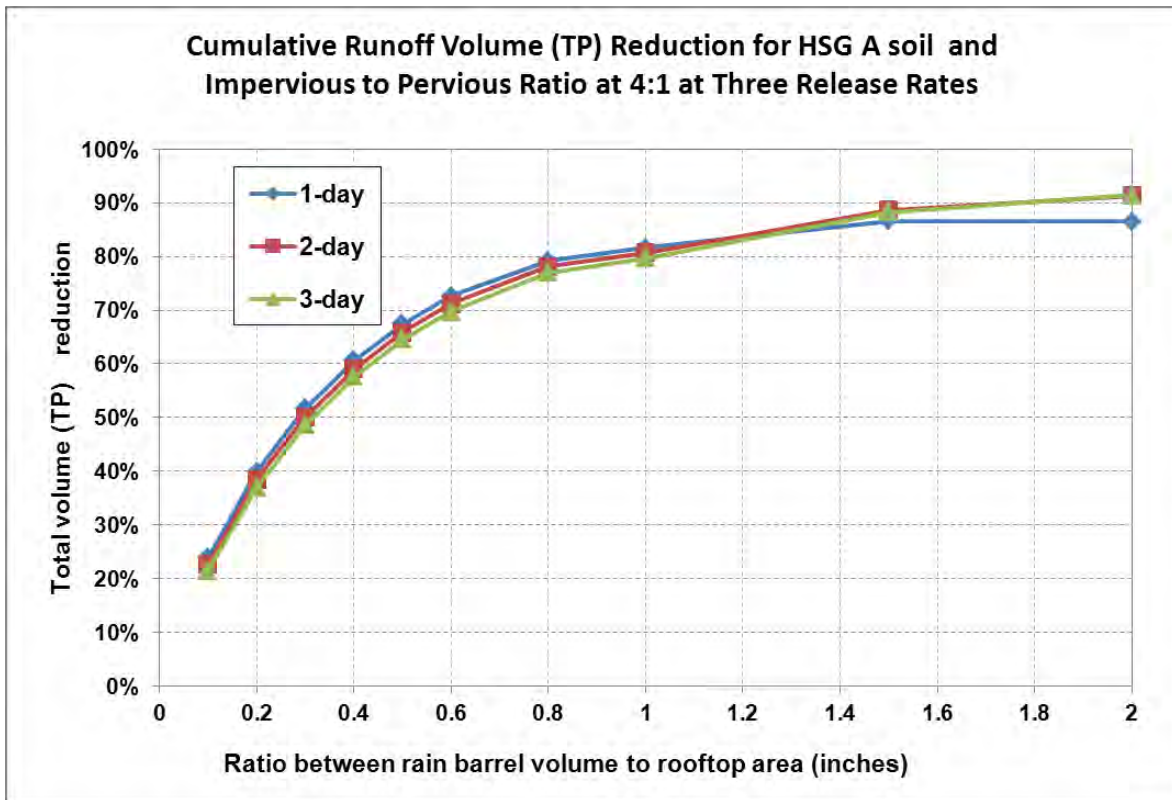
**Figure 3- 25: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 6:1 for HSG D Soils**



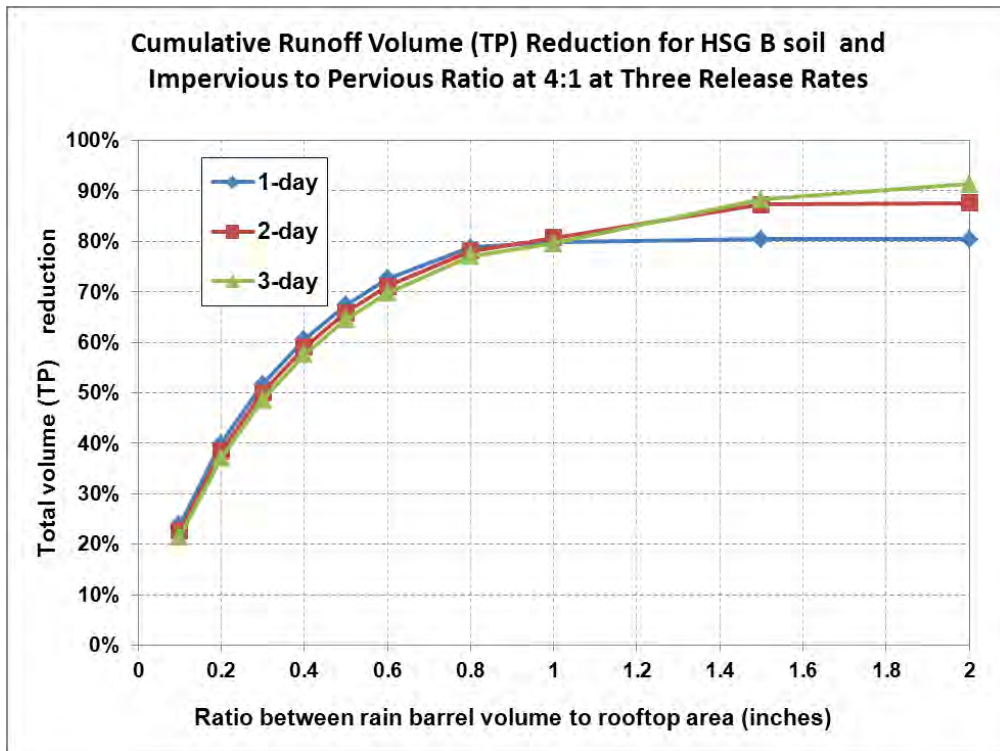
**Table 3- 24: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1**

Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1												
Storage volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	24%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	37%	37%	37%
0.3 in	52%	50%	49%	52%	50%	49%	52%	50%	49%	39%	42%	45%
0.4 in	61%	59%	58%	61%	59%	58%	58%	59%	58%	39%	42%	47%
0.5 in	67%	66%	64%	67%	66%	64%	60%	65%	64%	40%	42%	47%
0.6 in	73%	71%	70%	73%	71%	70%	61%	68%	70%	40%	42%	47%
0.8 in	79%	78%	77%	79%	78%	77%	61%	69%	75%	40%	42%	47%
1.0 in	82%	81%	80%	80%	81%	80%	61%	69%	76%	40%	42%	47%
1.5 in	87%	89%	88%	80%	87%	88%	61%	69%	76%	40%	42%	47%
2.0 in	87%	91%	91%	80%	88%	91%	61%	69%	76%	40%	42%	47%

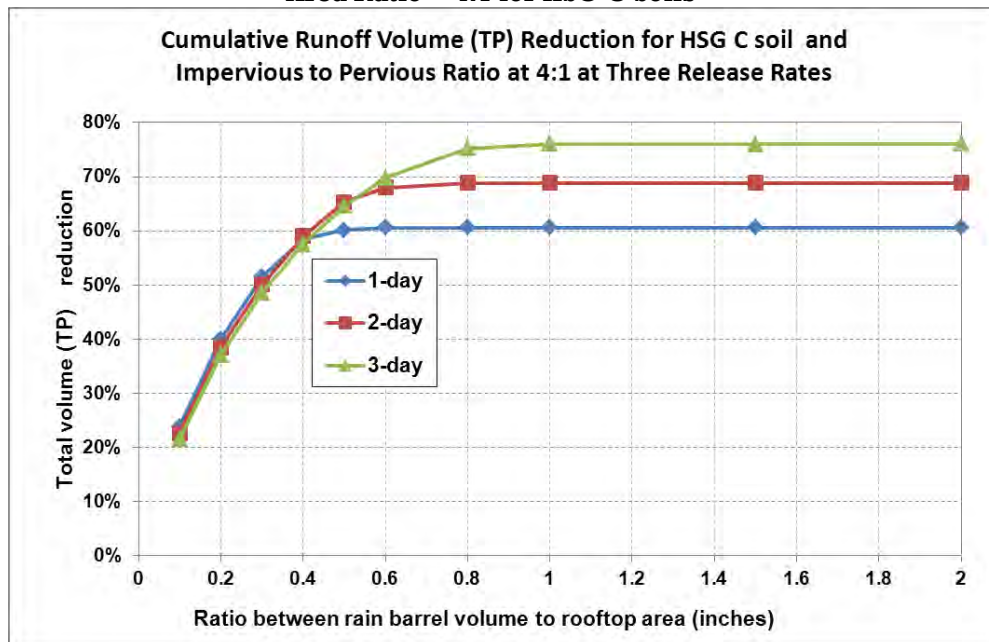
**Figure 3- 26: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG A Soils**



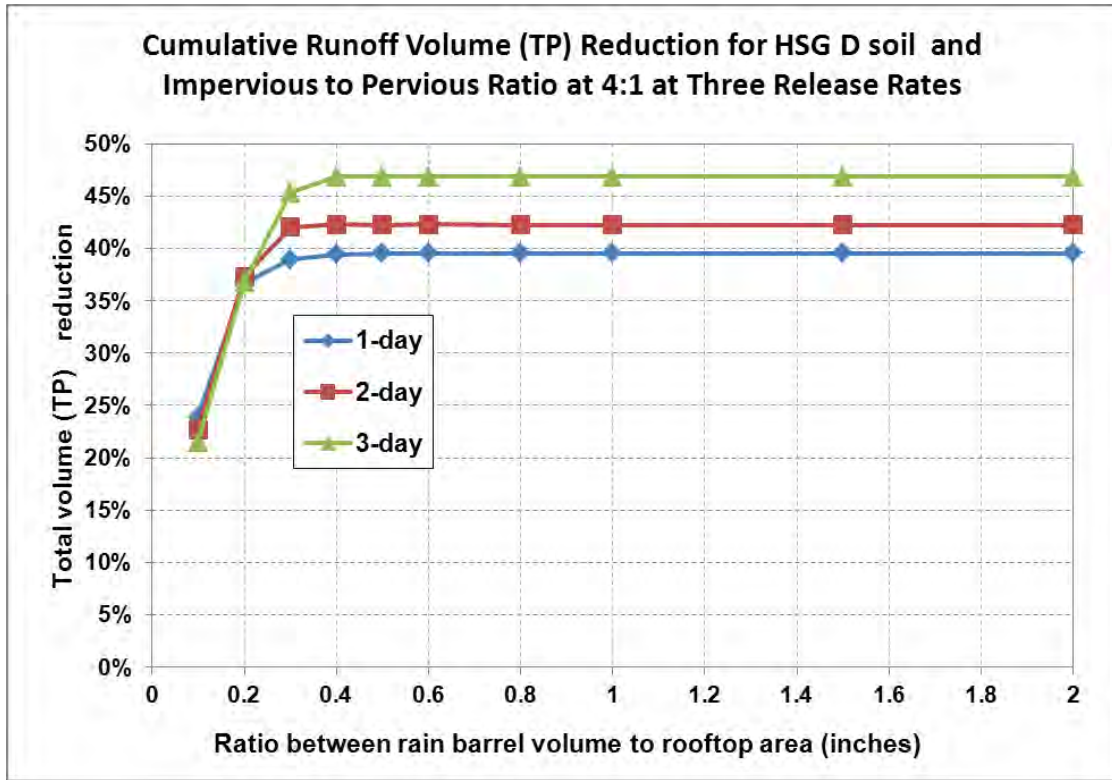
**Figure 3- 27: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG B Soils**



**Figure 3- 28: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG C Soils**



**Figure 3- 29: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 4:1 for HSG D Soils**

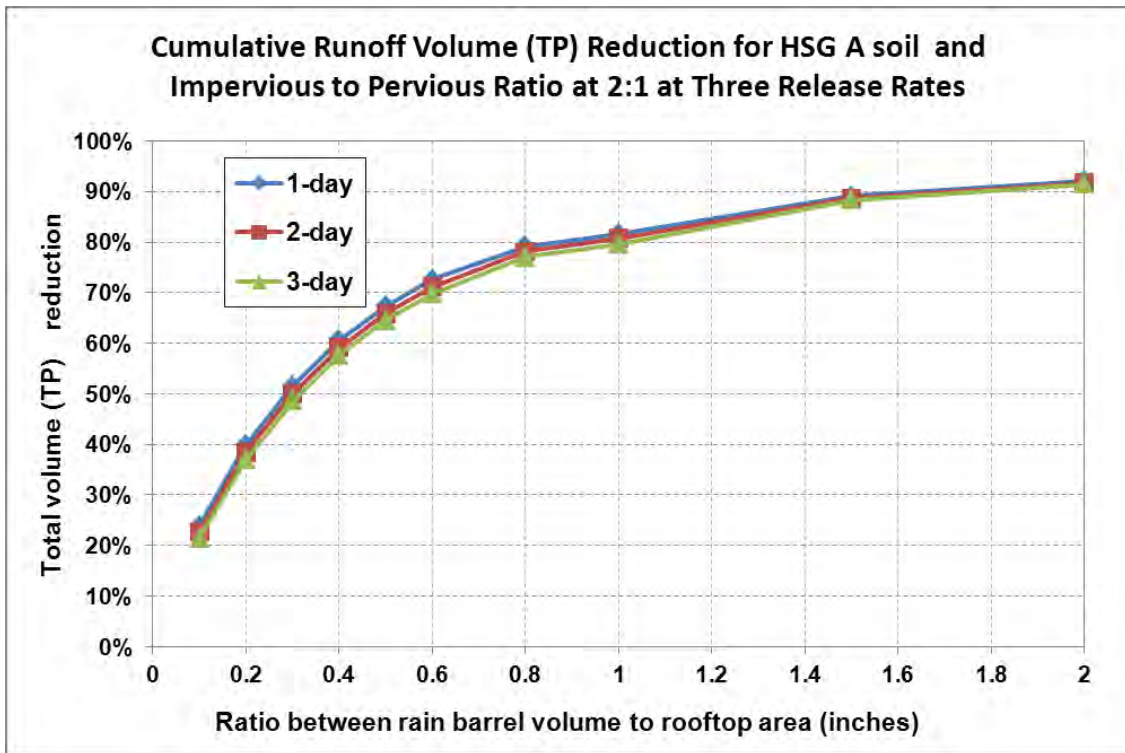


**Table 3- 25: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 2:1**

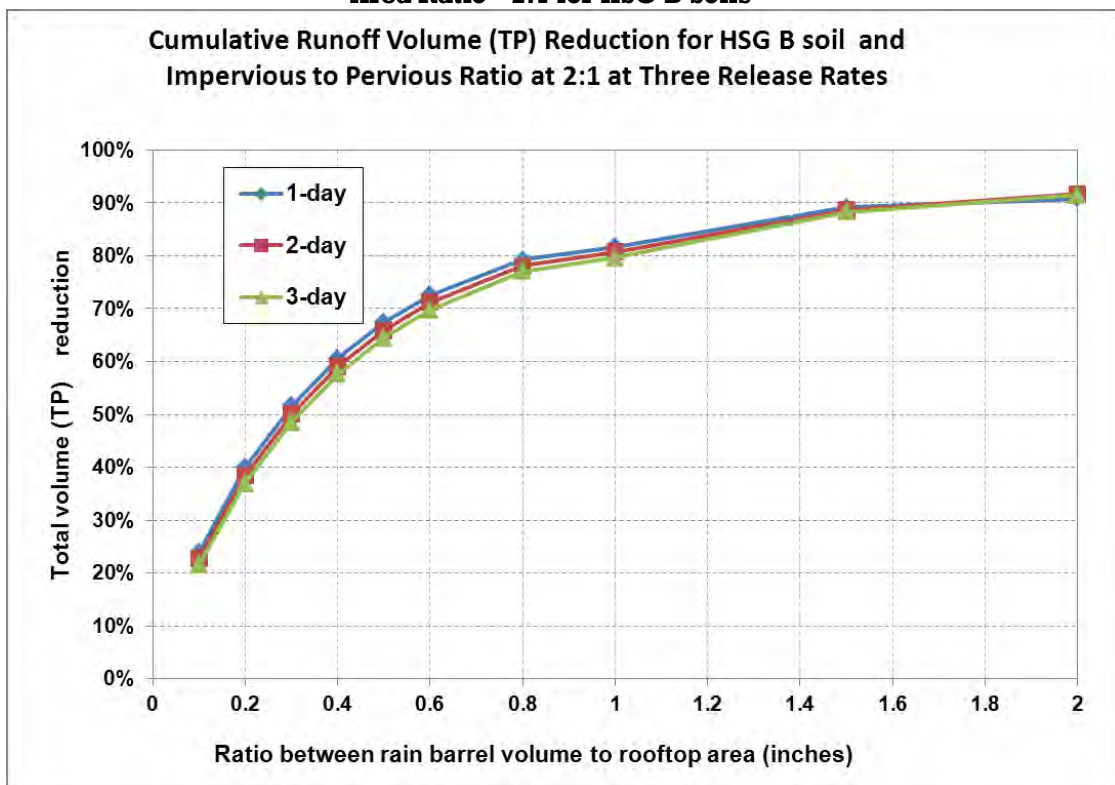
Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 2:1												
Storage volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	24%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	40%	38%	37%
0.3 in	52%	50%	49%	52%	50%	49%	52%	50%	49%	51%	50%	49%
0.4 in	61%	59%	58%	61%	59%	58%	61%	59%	58%	57%	58%	57%
0.5 in	67%	66%	64%	67%	66%	64%	67%	66%	64%	59%	62%	63%
0.6 in	73%	71%	70%	73%	71%	70%	72%	71%	70%	59%	62%	67%
0.8 in	79%	78%	77%	79%	78%	77%	77%	78%	77%	59%	62%	67%
1.0 in	82%	81%	80%	82%	81%	80%	78%	81%	80%	59%	62%	67%
1.5 in	89%	89%	88%	89%	89%	88%	78%	84%	88%	59%	62%	67%
2.0 in	92%	92%	91%	91%	92%	91%	78%	84%	89%	59%	62%	67%



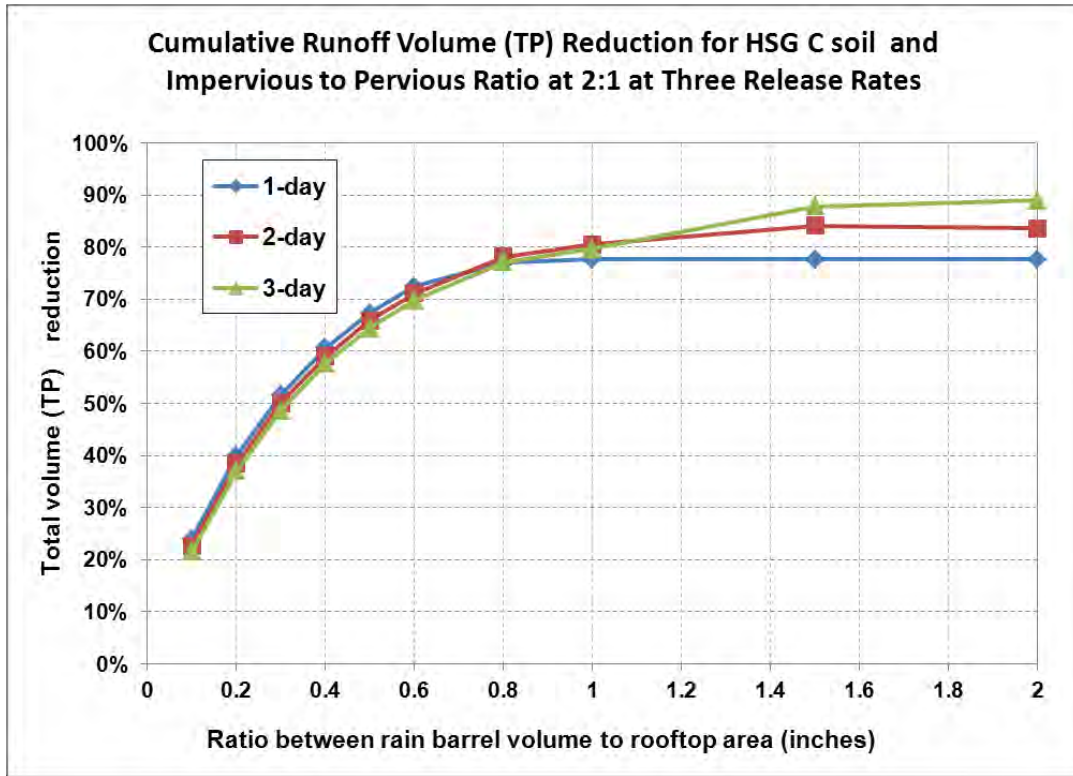
**Figure 3- 30: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG A Soils**



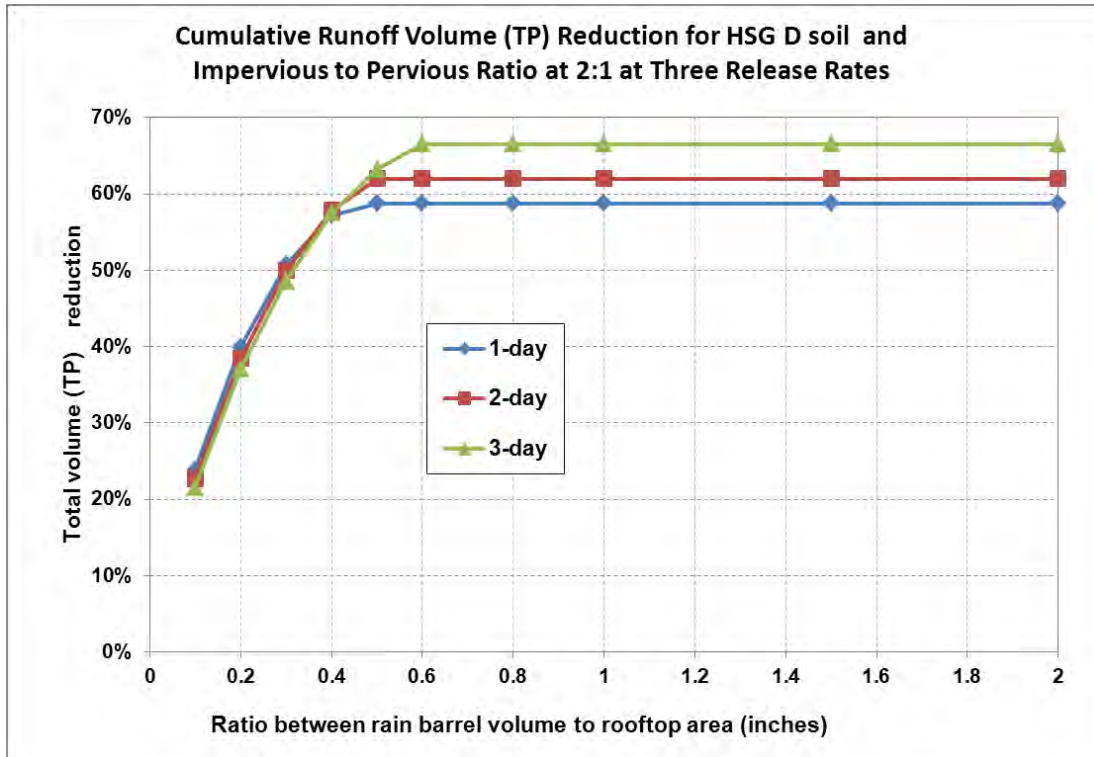
**Figure 3- 31: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG B Soils**



**Figure 3- 32: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG C Soils**



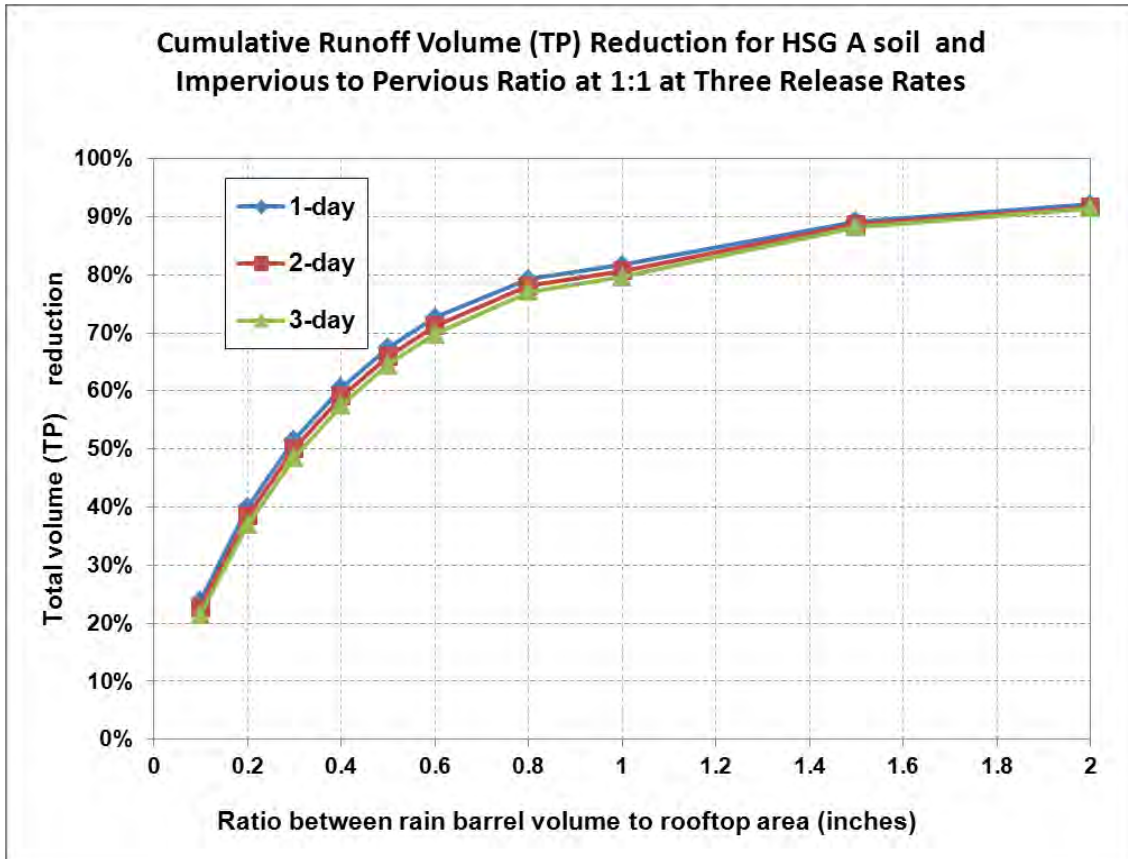
**Figure 3- 33: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio= 2:1 for HSG D Soils**



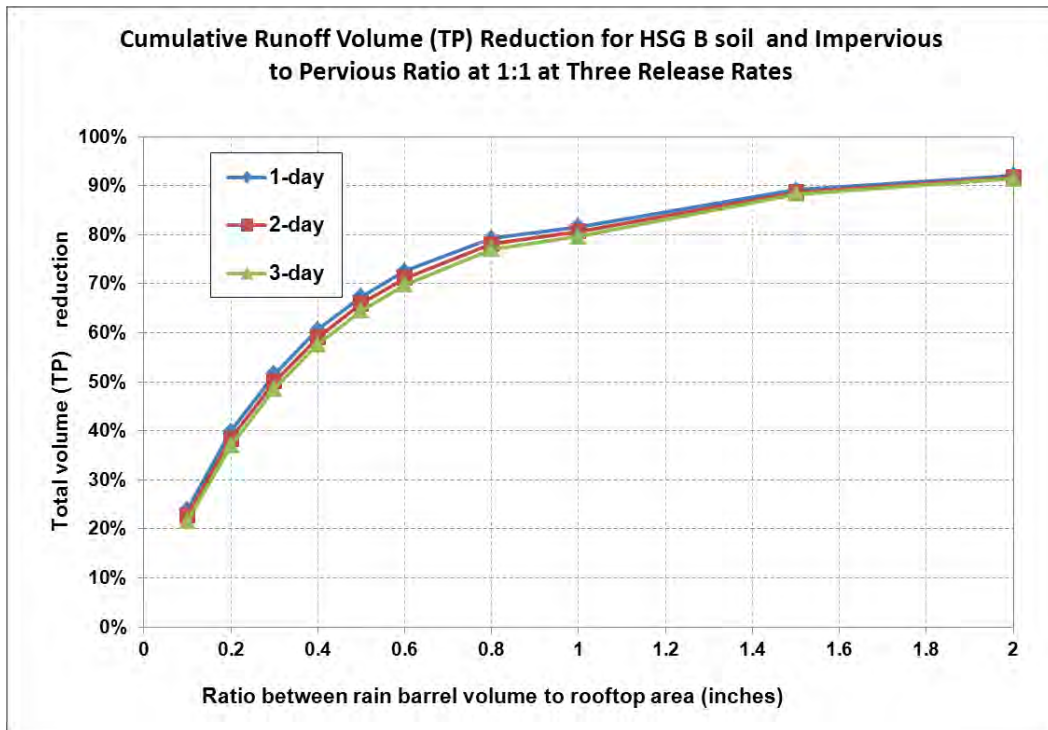
**Table 3- 26: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1**

Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1												
Storage volume to impervious area ratio	Total Runoff Volume and Phosphorus Load (TP) Reduction Percentages											
	HSG A			HSG B			HSG C			HSG D		
	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day	1-day	2-day	3-day
0.1 in	24%	23%	22%	24%	23%	22%	24%	23%	22%	24%	23%	22%
0.2 in	40%	38%	37%	40%	38%	37%	40%	38%	37%	40%	38%	37%
0.3 in	52%	50%	49%	52%	50%	49%	52%	50%	49%	52%	50%	49%
0.4 in	61%	59%	58%	61%	59%	58%	61%	59%	58%	61%	59%	58%
0.5 in	67%	66%	64%	67%	66%	64%	67%	66%	64%	67%	66%	64%
0.6 in	73%	71%	70%	73%	71%	70%	73%	71%	70%	72%	71%	70%
0.8 in	79%	78%	77%	79%	78%	77%	79%	78%	77%	78%	78%	77%
1.0 in	82%	81%	80%	82%	81%	80%	82%	81%	80%	79%	80%	80%
1.5 in	89%	89%	88%	89%	89%	88%	89%	89%	88%	80%	82%	86%
2.0 in	92%	92%	91%	92%	92%	91%	91%	92%	91%	80%	82%	86%

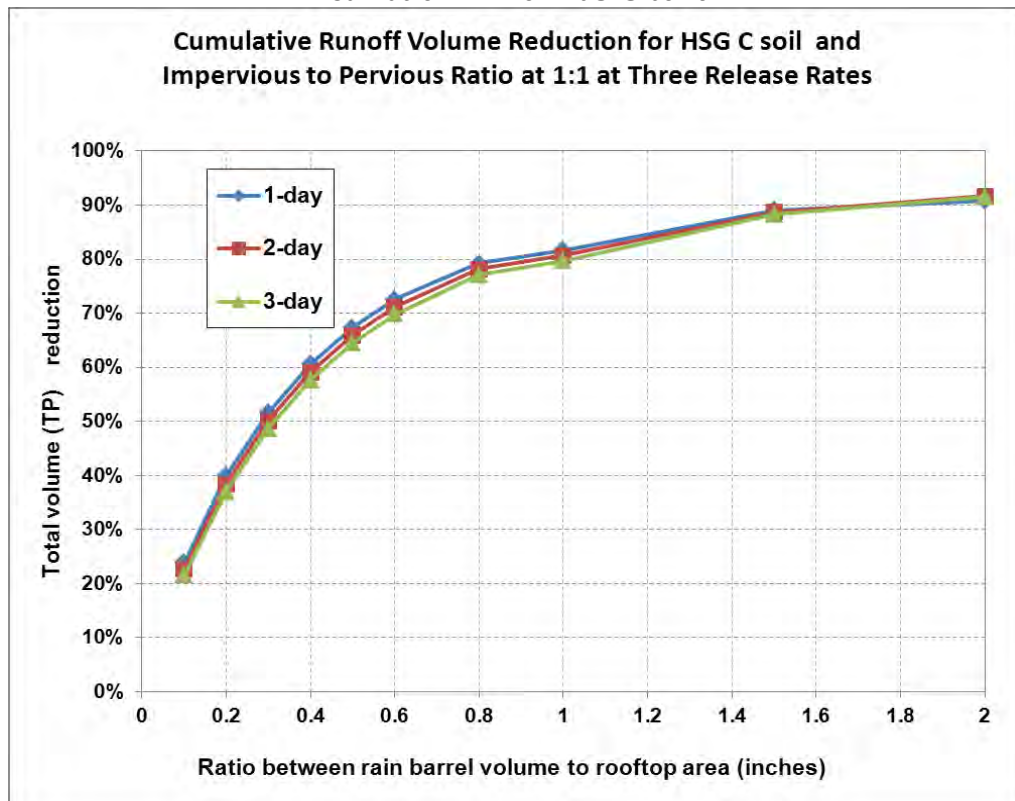
**Figure 3- 34: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG A Soils**



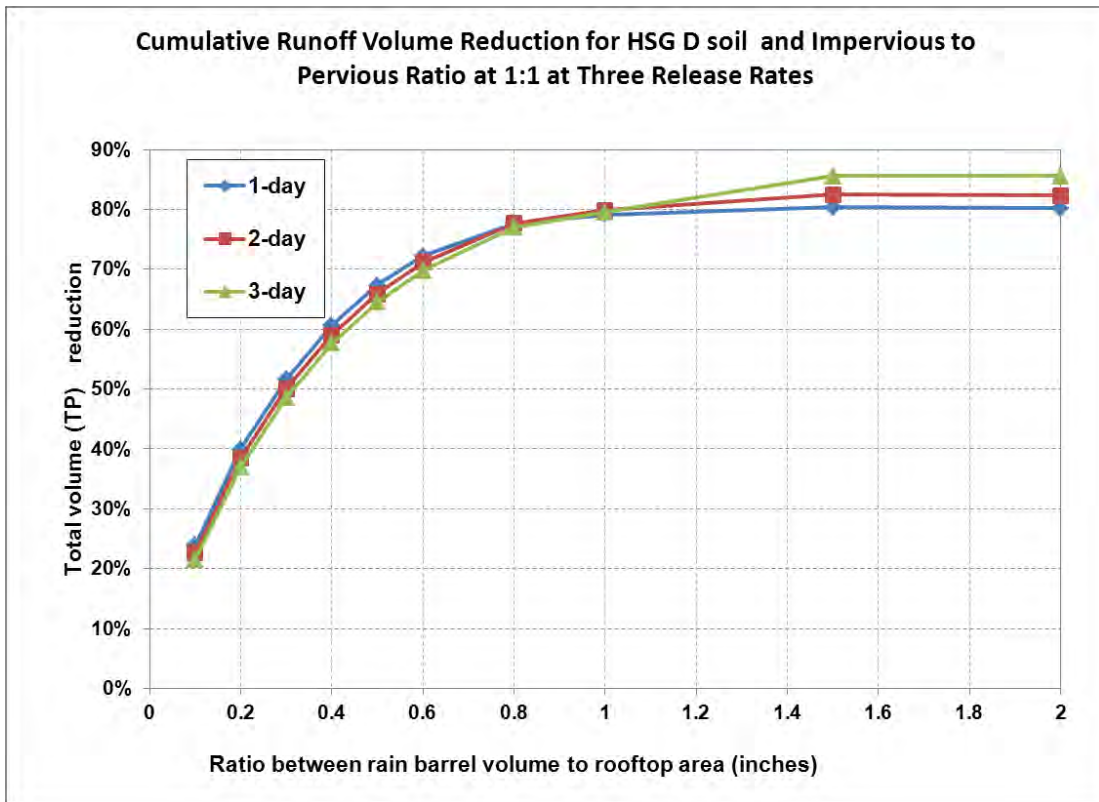
**Figure 3- 35: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG B Soils**



**Figure 3- 36: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG C Soils**



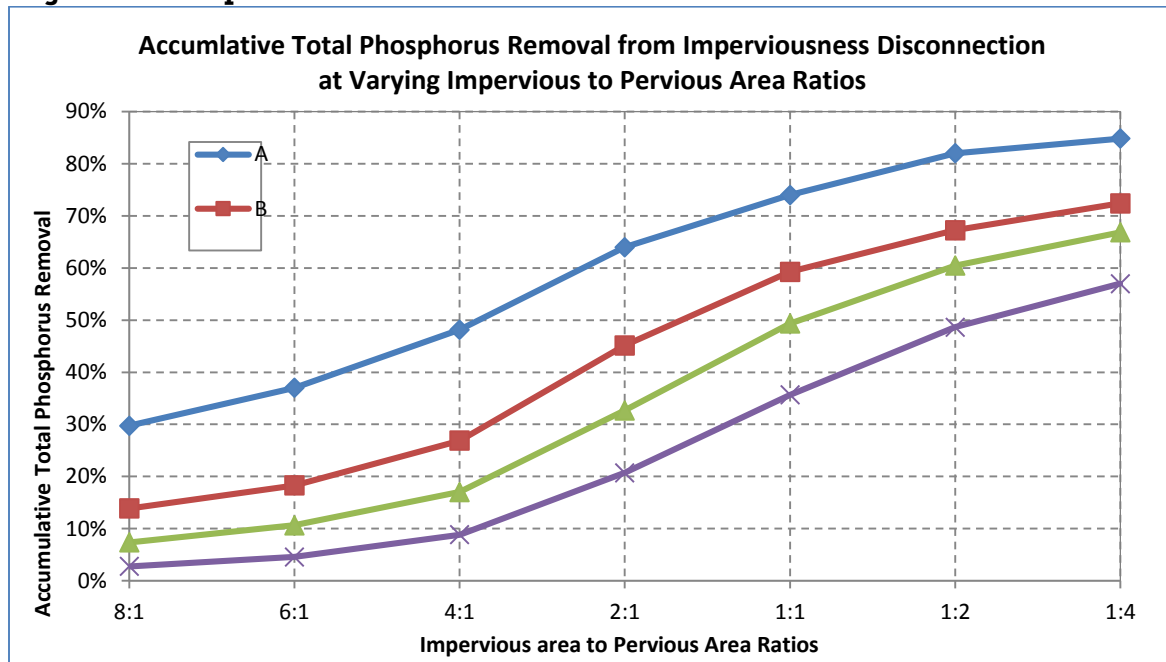
**Figure 3- 37: Impervious Area Disconnection through Storage: Impervious Area to Pervious Area Ratio = 1:1 for HSG D Soils**



**Table 3- 27: Impervious Area Disconnection Performance Table**

Impervious area to pervious area ratio	Soil type of Receiving Pervious Area			
	HSG A	HSG B	HSG C	HSG D
8:1	30%	14%	7%	3%
6:1	37%	18%	11%	5%
4:1	48%	27%	17%	9%
2:1	64%	45%	33%	21%
1:1	74%	59%	49%	36%
1:2	82%	67%	60%	49%
1:4	85%	72%	67%	57%

**Figure 3- 38: Impervious Area Disconnection Performance Curves**



**Table 3- 28: Performance Table for Conversion of Impervious Areas to Pervious Area based on Hydrological Soil Groups**

Land-Use Group	Cumulative Reduction in Annual Stormwater Phosphorus Load				
	Conversion of impervious area to pervious area-HSG A	Conversion of impervious area to pervious area-HSG B	Conversion of impervious area to pervious area-HSG C	Conversion of impervious area to pervious area-HSG C/D	Conversion of impervious area to pervious area-HSG D
Commercial (Com) and Industrial (Ind)	98.5%	93.5%	88.0%	83.5%	79.5%
Multi-Family (MFR) and High-Density Residential (HDR)	98.8%	95.0%	90.8%	87.3%	84.2%
Medium -Density Residential (MDR)	98.6%	94.1%	89.1%	85.0%	81.4%
Low Density Residential (LDR) - "Rural"	98.2%	92.4%	85.9%	80.6%	75.9%
Highway (HWY)	98.0%	91.3%	84.0%	78.0%	72.7%
Forest (For)	98.2%	92.4%	85.9%	80.6%	75.9%
Open Land (Open)	98.2%	92.4%	85.9%	80.6%	75.9%
Agriculture (Ag)	70.6%	70.6%	70.6%	70.6%	70.6%

Appendix F Attachment 3

**Table 3- 29: Performance Table for Conversion of Low Permeable Pervious Area to High Permeable Pervious Area based on Hydrological Soil Group**

Land Cover	Cumulative Reduction in Annual SW Phosphorus Load from Pervious Area				
	Conversion of pervious area HSG D to pervious area-HSG A	Conversion of pervious area HSG D to pervious area-HSG B	Conversion of pervious area HSG D to pervious area-HSG C	Conversion of pervious area HSG C to pervious area-HSG A	Conversion of pervious area HSG C to pervious area-HSG B
Developed Pervious Land	92.7%	68.3%	41.5%	83.5%	79.5%

**Table 3-30 Method for determining stormwater control design volume (DSV) (i.e., capacity) using Long-term cumulative performance curves**

Stormwater Control Type	Description	Applicable Structural Stormwater Control Performance Curve	Equation for calculating Design Storage Capacity for Estimating Cumulative Reductions using Performances Curves
<b>Infiltration Trench</b>	Provides temporary storage of runoff using the void spaces within the soil/sand/gravel mixture that is used to backfill the trench for subsequent infiltration into the surrounding sub-soils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = void space volumes of gravel and sand layers $DSV = (L \times W \times D_{stone} \times n_{stone}) + (L \times W \times D_{sand} \times n_{sand})$
<b>Subsurface Infiltration</b>	Provides temporary storage of runoff using the combination of storage structures (e.g., galleys, chambers, pipes, etc.) and void spaces within the soil/sand/gravel mixture that is used to backfill the system for subsequent infiltration into the surrounding sub-soils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Water storage volume of storage units and void space volumes of backfill materials. Example for subsurface galleys backfilled with washed stone: $DSV = (L \times W \times D)_{galley} + (L \times W \times D_{stone} \times n_{stone})$
<b>Surface Infiltration</b>	Provides temporary storage of runoff through surface ponding storage structures (e.g., basin or swale) for subsequent infiltration into the underlying soils.	Infiltration Basin (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Water volume of storage structure before bypass. Example for linear trapezoidal vegetated swale $DSV = (L \times ((W_{bottom} + W_{top@Dmax}) / 2) \times D)$
<b>Rain Garden/Bio-retention (no underdrains)</b>	Provides temporary storage of runoff through surface ponding and possibly void spaces within the soil/sand/gravel mixture that is used to filter runoff prior to infiltration into underlying soils.	Infiltration Basin (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Ponding water storage volume and void space volumes of soil filter media. Example for raingarden : $DSV = (A_{pond} \times D_{pond}) + (A_{soil} \times D_{soil} \times n_{soil \text{ mix}})$
<b>Tree Filter (no underdrain)</b>	Provides temporary storage of runoff through surface ponding and void spaces within the soil/sand/gravel mixture that is used to filter runoff prior to infiltration into underlying soils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = Ponding water storage volume and void space volumes of soil filter media. $DSV = (L \times W \times D_{ponding}) + (L \times W \times D_{soil} \times n_{soil \text{ mix}})$
<b>Bio-Filtration (w/underdrain)</b>	Provides temporary storage of runoff for filtering through an engineered soil media. The storage capacity includes void spaces in the filter media and temporary ponding at the surface. After runoff has passed through the filter media it is collected by an underdrain pipe for discharge. Manufactured or packaged bio-filter systems such as tree box filters may be suitable for using the bio-filtration performance results.	Bio-filtration	DSV = Ponding water storage volume and void space volume of soil filter media. Example of a linear biofilter: $DSV = (L \times W \times D_{ponding}) + (L \times W \times D_{soil} \times n_{soil})$
<b>Gravel Wetland</b>	Based on design by the UNH Stormwater Center (UNHSC). Provides temporary surface ponding storage of runoff in a vegetated wetland cell that is eventually routed to an underlying saturated gravel internal storage reservoir (ISR) for nitrogen treatment. Outflow is controlled by an elevated orifice that has its invert elevation equal to the top of the ISR layer and provides a retention time of at least 24 hours.	Gravel Wetland	DSV = pretreatment volume + ponding volume + void space volume of gravel ISR. $DSV = (A_{pretreatment} \times D_{pretreatment}) + (A_{wetland} \times D_{ponding}) + (A_{ISR} \times D_{gravel} \times n_{gravel})$
<b>Porous Pavement with subsurface infiltration</b>	Provides filtering of runoff through a filter course and temporary storage of runoff within the void spaces of a subsurface gravel reservoir prior to infiltration into subsoils.	Infiltration Trench (6 infiltration rates: 0.17, 0.27, 0.52, 1.02, 2.41 and 8.27 inches per hour)	DSV = void space volumes of gravel layer $DSV = (L \times W \times D_{stone} \times n_{stone})$
<b>Porous pavement w/ impermeable underliner w/underdrain</b>	Provides filtering of runoff through a filter course and temporary storage of runoff within the void spaces prior to discharge by way of an underdrain.	Porous Pavement	Depth of Filter Course = $D_{FC}$
<b>Wet Pond</b>	Provides treatment of runoff through routing through permanent pool.	Wet Pond	DSV= Permanent pool volume prior to high flow bypass $DSV = A_{pond} \times D_{pond}$ (does not include pretreatment volume)
<b>Extended Dry Detention Basin</b>	Provides temporary detention storage for the design storage volume to drain in 24 hours through multiple out let controls.	Dry Pond	DSV= Ponding volume prior to high flow bypass $DSV = A_{pond} \times D_{pond}$ (does not include pretreatment volume)
<b>Dry Water Quality Swale/Grass Swale</b>	Based on MA design standards. Provides temporary surface ponding storage of runoff in an open vegetated channel through permeable check dams. Treatment is provided by filtering of runoff by vegetation and check dams and infiltration into subsurface soils.	Grass swale	DSV = Volume of swale at full design depth $DSV = L_{swale} \times A_{swale}$
<b>Definitions:</b> DSV= Design Storage Volume = physical storage capacity to hold water; VSV = Void Space Volume; L = length, W = width, D = depth at design capacity before bypass, n = porosity fill material, A= average surface area for calculating volume; <b>Infiltration rate</b> = saturated soil hydraulic conductivity			



**Appendix G**  
**Massachusetts Small MS4 Permit Monitoring Requirements**  
**For Discharges into Impaired Waters – Parameters and Methods**

Pollutant Causing Impairment	Monitoring Parameter	EPA or Approved Method No.
Aluminum	Aluminum, Total	200.7; 200.8; 200.9
Ammonia (Un-ionized)	Ammonia – Nitrogen	350.1
Arsenic	Arsenic, Total	200.7; 200.8; 200.9
Cadmium	Cadmium, Total	200.7; 200.8; 200.9
Chlordane	NMR	608; 625
Chloride	Chloride	300
Chromium (total)	Chromium, Total	200.7; 200.8; 200.9
Copper	Copper, Total	200.7; 200.8; 200.9
DDT	NMR	608; 625
DEHP (Di-sec-octyl phthalate)	NMR	---
Dioxin (including 2,3,7,8-TCDD)	NMR	613; 1613
Dioxin (2,3,7,8-Tetrachlorodibenzo-p-dioxin only)	NMR	613
Lead	Lead, Total	200.7; 200.8; 200.9
Mercury in Water Column	NMR unless potentially present such (e.g., salvage yards crushing vehicles with Hg switches)	200.7; 200.8; 200.9
Nitrogen (Total)	Nitrogen, Total	351.1/351.2 + 353.2
Pentachlorophenol (PCP)	NMR	---
Petroleum Hydrocarbons	Oil and Grease	1664
Phosphorus (Total)	Phosphorus, Total	365.1; 365.2; 365.3; SM 4500-P-E
Polychlorinated biphenyls	NMR	---
Polycyclic Aromatic Hydrocarbons (PAHs) (Aquatic Ecosystems)	PAHs	610; 1625
Sulfide-Hydrogen Sulfide	NMR	---
Mercury in Fish Tissue	NMR	---
PCB in Fish Tissue	NMR	---
Total Dissolved Solids	Total Dissolved Solids	160.1
Total Suspended Solids (TSS)	Total Suspended Solids	160.2, 180.1
Turbidity	Total Suspended Solids and Turbidity	160.2, 180.1
Secchi disk transparency	Total Suspended Solids	160.2
Sediment Screening Value (Exceedence)	Total Suspended Solids	160.2

Sedimentation/Siltation	Total Suspended Solids	160.2
Bottom Deposits	Total Suspended Solids	160.2
Color	NMR	---
pH, High	pH	150.2
pH, Low	pH	150.2
Taste and Odor	NMR	---
Temperature, water	NMR	---
Salinity	Specific Conductance	120.1
Enterococcus	Enterococcus	1106.1; 1600; Enterolert® 12 22.
Escherichia coli	E. coli	1103.1; 1603; Colilert® 12 16, Colilert-18® 12 15 16.; mColiBlue- 24®17.
Fecal Coliform	Fecal Coliform	1680; 1681
Organic Enrichment (Sewage) Biological Indicators	Enterococcus (marine waters) or E. coli (freshwater)	1106.1; 1600
Debris/Floatables/Trash	NMR	or
Foam/Flocs/Scum/Oil Slicks	Contact MassDEP	1103.1; 1603
Oil and Grease	Oil and Grease	---
Chlorophyll-a	Total Phosphorus (freshwater)	---
	Total Nitrogen (marine waters)	1664
Nutrient/Eutrophication Biological Indicators	Total Phosphorus (freshwater)	365.1; 365.2; 365.3
	Total Nitrogen (marine waters)	351.1/351.2 + 353.2
Dissolved oxygen saturation / Oxygen, Dissolved	Dissolved Oxygen	365.1; 365.2; 365.3
	Temperature	351.1/351.2 + 353.2
	BOD <sub>5</sub>	360.1; 360.2
	Total Phosphorus (freshwater)	SM-2550
	Total Nitrogen (marine waters)	SM-5210
Excess Algal Growth	Total Phosphorus (freshwater)	365.1; 365.2; 365.3
	Total Nitrogen (marine waters)	351.1/351.2 + 353.2
Aquatic Plants (Macrophytes)	NMR	---

Abnormal Fish deformities, erosions, lesions, tumors (DELTS)	NMR	---
Abnormal Fish Histology (Lesions)	NMR	---
Estuarine Bioassessments	Contact MassDEP	---
Fishes Bioassessments	Contact MassDEP	---
Aquatic Macroinvertebrate Bioassessments	Contact MassDEP	---
Combined Biota/Habitat Bioassessments	Contact MassDEP	---
Habitat Assessment (Streams)	Contact MassDEP	---
Lack of a coldwater assemblage	Contact MassDEP	---
Fish Kills	Contact MassDEP	---
Whole Effluent Toxicity (WET)	Contact MassDEP	---
Ambient Bioassays -- Chronic Aquatic Toxicity	Contact MassDEP	---
Sediment Bioassays -- Acute Toxicity Freshwater	Contact MassDEP	---
Sediment Bioassays -- Chronic Toxicity Freshwater	Contact MassDEP	---
Fish-Passage Barrier	NMR	---
Alteration in stream-side or littoral vegetative covers	NMR	---
Low flow alterations	NMR	---
Other flow regime alterations	NMR	---
Physical substrate habitat alterations	NMR	---
Other anthropogenic substrate alterations	NMR	---
Non-Native Aquatic Plants	NMR	---
Eurasian Water Milfoil, <i>Myriophyllum spicatum</i>	NMR	---
Zebra mussel, <i>Dreissena polymorph</i>	NMR	---
Other	Contact MassDEP	---

Notes:

NMR” indicates no monitoring required

“Total Phosphorus (freshwater)” indicates monitoring required for total phosphorus where stormwater discharges to a water body that is freshwater

“Total Nitrogen (marine water)” indicates monitoring required for total nitrogen where stormwater discharges to a water body that is a marine or estuarine water

**APPENDIX H**

Requirements Related to Discharges to Certain Water Quality Limited Waterbodies

**Table of Contents**

- I. Discharges to water quality limited waterbodies and their tributaries where nitrogen is the cause of the impairment ..... 1
- II. Discharges to water quality limited waterbodies and their tributaries where phosphorus is the cause of the impairment ..... 5
- III. Discharges to water quality limited waterbodies where bacteria or pathogens is the cause of the impairment ..... 8
- IV. Discharges to water quality limited waterbodies where chloride is the cause of the impairment ..... 10
- V. Discharges to water quality limited waterbodies and their tributaries where solids, oil and grease (hydrocarbons), or metals is the cause of the impairment ..... 13

Attachment 1- Nitrogen Reduction Credits For Selected Structural BMPs

**I. Discharges to water quality limited waterbodies and their tributaries where nitrogen is the cause of the impairment**

1. Part 2.2.2.a.i. of the permit identifies the permittees subject to additional requirements to address nitrogen in their stormwater discharges because they discharge to waterbodies that are water quality limited due to nitrogen, or their tributaries, without an EPA approved TMDL. Permittees identified in part 2.2.2.a.i of the permit must identify and implement BMPs designed to reduce nitrogen discharges in the impaired catchment(s). To address nitrogen discharges each permittee shall comply with the following requirements:

a. Additional or Enhanced BMPs

i. The permittee remains subject to all the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:

1. Part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (April/May) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the Fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual

message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of nitrogen to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part II and III as well as Appendix F part A.III, A.IV, A.V, B.I, B.II and B.III where appropriate.

2. Part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs to reduce nitrogen discharges.
3. Part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: establish requirements for use of slow release fertilizers on permittee owned property currently using fertilizer, in addition to reducing and managing fertilizer use as provided in 2.3.7.1; establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increase street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Nitrogen Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Nitrogen Source Identification Report. The report shall include the following elements:
  1. Calculation of total MS4 area draining to the water quality limited water segments or their tributaries, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
  2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
  3. Impervious area and DCIA for the target catchment
  4. Identification, delineation and prioritization of potential catchments with high nitrogen loading
  5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during redevelopment
- ii. The final Nitrogen Source Identification Report shall be submitted to EPA as part of the year 4 annual report.

c. Potential Structural BMPs

1. The next planned infrastructure, resurfacing or redevelopment activity planned for the property (if applicable) OR planned retrofit date;
        2. The estimated cost of redevelopment or retrofit BMPs; and
        3. The engineering and regulatory feasibility of redevelopment or retrofit BMPs.
      - ii. The permittee shall provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual report. The permittee shall plan and install a minimum of one structural BMP as a demonstration project within the drainage area of the water quality limited water or its tributaries within six years of the permit effective date. The demonstration project shall be installed targeting a catchment with high nitrogen load potential. The permittee shall install the remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report.
      - iii. Any structural BMPs listed in Table 3 of Attachment 1 to Appendix H already existing or installed in the regulated area by the permittee or its agents shall be tracked and the permittee shall estimate the nitrogen removal by the BMP consistent with Attachment 1 to Appendix H. The permittee shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated nitrogen removed in mass per year by the BMP in each annual report.
    2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part I.1. applicable to it when in compliance with this part.
      - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
        - i. The receiving water and all downstream segments are determined to no longer be impaired due to nitrogen by MassDEP and EPA concurs with such determination.
        - ii. An EPA approved TMDL for the receiving water or downstream receiving water indicates that no additional stormwater controls for the control of nitrogen are necessary for the permittee's discharge based on wasteload allocations as part of the approved TMDL.
      - b. In such a case, the permittee shall document the date of the determination provided for in paragraph a. above or the approved TMDL date in its SWMP and is relieved of any additional requirements of Appendix H part I.1. as of the applicable date and the permittee shall comply with the following:

- i. The permittee shall identify in its SWMP all activities that have been implemented in accordance with the requirements of Appendix H part I.1. as of the applicable date to reduce nitrogen in its discharges, including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
- ii. The permittee shall continue to implement all requirements of Appendix H part I.1. required to be done prior to the date of determination or the date of the approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

## **II. Discharges to water quality limited waterbodies and their tributaries where phosphorus is the cause of the impairment**

1. Part 2.2.2.b.i. of the permit identifies the permittees subject to additional requirements to address phosphorus in their stormwater discharges because they discharge to waterbodies that are water quality limited due to phosphorus, or their tributaries, without an EPA approved TMDL. Permittees identified in part 2.2.2.b.i. of the permit must identify and implement BMPs designed to reduce phosphorus discharges in the impaired catchment(s). To address phosphorus discharges each permittee shall comply with the following requirements:

- a. Additional or Enhanced BMPs

- i. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:

1. Part 2.3.2, Public education and outreach: The permittee shall supplement its Residential and Business/Commercial/Institution program with annual timed messages on specific topics. The permittee shall distribute an annual message in the spring (March/April) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release and phosphorous-free fertilizers. The permittee shall distribute an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee shall distribute an annual message in the fall (August/September/October) timeframe encouraging the proper disposal of leaf litter. The permittee shall deliver an annual message on each of these topics, unless the permittee determines that one or more of these issues is not a significant contributor of phosphorous to discharges from the MS4 and the permittee retains documentation of this finding in the SWMP. All public education messages can be combined with requirements of Appendix H part I and III as well as Appendix F part A.III, A.IV, A.V, B.I, B.II and B.III where appropriate.
2. Part 2.3.6, Stormwater Management in New Development and Redevelopment: the requirement for adoption/amendment of the permittee's ordinance or other regulatory mechanism shall include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal; retrofit inventory and priority ranking under 2.3.6.1.b shall include consideration of BMPs that infiltrate stormwater where feasible.
3. Part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: Establish procedures to properly manage grass cuttings and leaf litter on permittee property, including prohibiting blowing organic waste materials onto adjacent impervious surfaces; increased street sweeping frequency of all municipal owned streets and parking lots subject to Permit part 2.3.7.a.iii.(c) to a



minimum of two times per year, once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall).

b. Phosphorus Source Identification Report

- i. Within four years of the permit effective date the permittee shall complete a Phosphorus Source Identification Report. The report shall include the following elements:
  1. Calculation of total MS4 area draining to the water quality limited receiving water segments or their tributaries, incorporating updated mapping of the MS4 and catchment delineations produced pursuant to part 2.3.4.6,
  2. All screening and monitoring results pursuant to part 2.3.4.7.d., targeting the receiving water segment(s)
  3. Impervious area and DCIA for the target catchment
  4. Identification, delineation and prioritization of potential catchments with high phosphorus loading
  5. Identification of potential retrofit opportunities or opportunities for the installation of structural BMPs during redevelopment, including the removal of impervious area
- ii. The phosphorus source identification report shall be submitted to EPA as part of the year 4 annual report.

c. Potential Structural BMPs

- i. Within five years of the permit effective date, the permittee shall evaluate all permittee-owned properties identified as presenting retrofit opportunities or areas for structural BMP installation under permit part 2.3.6.d.ii or identified in the Phosphorus Source Identification Report that are within the drainage area of the water quality limited water or its tributaries. The evaluation shall include:
  1. The next planned infrastructure, resurfacing or redevelopment activity planned for the property (if applicable) OR planned retrofit date;
  2. The estimated cost of redevelopment or retrofit BMPs; and
  3. The engineering and regulatory feasibility of redevelopment or retrofit BMPs.
- ii. The permittee shall provide a listing of planned structural BMPs and a plan and schedule for implementation in the year 5 annual report. The permittee shall plan and install a minimum of one structural BMP as a demonstration project within the drainage area of the water quality limited water or its tributaries within six years of the permit effective date. The demonstration project shall be installed targeting a catchment with high phosphorus load potential. The permittee shall install the

remainder of the structural BMPs in accordance with the plan and schedule provided in the year 5 annual report.

- iii. Any structural BMPs installed in the regulated area by the permittee or its agents shall be tracked and the permittee shall estimate the phosphorus removal by the BMP consistent with Attachment 3 to Appendix F. The permittee shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated phosphorus removed in mass per year by the BMP in each annual report.
2. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part II.1. applicable to it when in compliance with this part.
    - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
      - i. The receiving water and all downstream segments are determined to no longer be impaired due to phosphorus by MassDEP and EPA concurs with such determination.
      - ii. An EPA approved TMDL for the receiving water or downstream receiving water indicates that no additional stormwater controls for the control of phosphorus are necessary for the permittee's discharge based on wasteload allocations as part of the approved TMDL.
    - b. In such a case, the permittee shall document the date of the determination provided for in paragraph a. above or the approved TMDL date in its SWMP and is relieved of any additional requirements of Appendix H part II.1. as of the applicable date and the permittee shall comply with the following:
      - i. The permittee shall identify in its SWMP all activities that have been implemented in accordance with the requirements of Appendix H part II.1. as of the applicable date to reduce phosphorus in its discharges, including implementation schedules for non structural BMPs and any maintenance requirements for structural BMPs
      - ii. The permittee shall continue to implement all requirements of Appendix H part II.1. required to be done prior to the date of determination or the date of the approved TMDL, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications.

**III. Discharges to water quality limited waterbodies where bacteria or pathogens is the cause of the impairment**

1. Consistent with part 2.2.2.c.i. of the permit, permittees that discharge to waterbodies that are water quality limited due to bacteria or pathogens, without an EPA approved TMDL, are subject to the following additional requirements to address bacteria or pathogens in their stormwater discharges.
2. Additional or Enhanced BMPs
  - a. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:
    - i. Part 2.3.2. Public Education and outreach: The permittee shall supplement its Residential program with an annual message encouraging the proper management of pet waste, including noting any existing ordinances where appropriate. The permittee or its agents shall disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time. Education materials shall describe the detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance. The permittee shall also provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens. All public education messages can be combined with requirements of Appendix H part I and II as well as Appendix F part A.III, A.IV, A.V, B.I, B.II and B.III where appropriate.
    - ii. Part 2.3.4 Illicit Discharge: The permittee shall implement the illicit discharge program required by this permit. Catchments draining to any waterbody impaired for bacteria or pathogens shall be designated either Problem Catchments or HIGH priority in implementation of the IDDE program.
3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part III.2. applicable to it when in compliance with this part.
  - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
    - i. The receiving water is determined to be no longer impaired due to bacteria or pathogens by MassDEP and EPA concurs with such a determination.
    - ii. An EPA approved TMDL for the receiving water indicates that no additional stormwater controls are necessary for the control of bacteria or pathogens from the permittee's discharge based on wasteload allocations as part of the approved TMDL.
    - iii. The permittee's discharge is determined to be below applicable water quality criteria<sup>1</sup> and EPA agrees with such a determination. The permittee shall submit data to EPA that accurately characterizes the concentration of bacteria or pathogens in their discharge. The characterization shall include water quality

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<sup>1</sup> Applicable water quality criteria are the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

and flow data sufficient to accurately assess the concentration of bacteria or pathogens in all seasons during storm events of multiple sizes and for the duration of the storm events including the first flush, peak storm flow and return to baseflow.

- b. In such a case, the permittee shall document the date of the determination, date of approved TMDL or date of EPA concurrence that the discharge meets water quality criteria in its SWMP and is relieved of any additional requirements of Appendix H part III.2. as of that date and the permittee shall comply with the following:
  - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix H part III.2. to date to reduce bacteria or pathogens in its discharges, including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
  - ii. The permittee shall continue to implement all requirements of Appendix H part III.3. required to be done prior to the date of determination date, date of approved TMDL, or date of EPA concurrence that the discharge meets water quality criteria, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications

**IV. Discharges to water quality limited waterbodies where chloride is the cause of the impairment**

1. Consistent with part 2.2.2.c.i. of the permit, permittees that discharge to waterbodies that are water quality limited due to chloride, without an EPA approved TMDL, are subject to the following additional requirements to address chloride in their stormwater discharges.
2. Permittees discharging to a waterbody listed as impaired due to chloride in categories 5 or 4b on the Massachusetts Integrated Report of waters listed pursuant to Clean Water Act sections 303(d) and 305(b) shall develop a Salt Reduction Plan that includes specific actions designed to achieve salt reduction on municipal roads and facilities, and on private facilities that discharge to its MS4 in the impaired catchment(s). The Salt Reduction Plan shall be completed within three years of the effective date of the permit and include the BMPs in part IV.4. below. The Salt Reduction Plan shall be fully implemented five years after the effective date of the permit.
3. Permittees that, during the permit term, become aware that their discharge is to a waterbody that is impaired due to chloride must update their Salt Reduction Plan within 60 days of becoming aware of the situation to include salt reduction practices targeted at lowering chloride in discharges to the impaired waterbody. If the permittee does not have a Salt Reduction Plan already in place, then the permittee shall complete a Salt Reduction Plan that includes the BMPs in part IV 4) below within 3 years of becoming aware of the situation and fully implement the Salt Reduction Plan within 5 years of becoming aware of the situation.
4. Additional or Enhanced BMPs
  - a. For municipally maintained surfaces:
    - i. Tracking of the types and amount of salt applied to all permittee owned and maintained surfaces and reporting of salt use beginning in the year of the completion of the Salt Reduction Plan in the permittee's annual reports;
    - ii. Planned activities for salt reduction on municipally owned and maintained surfaces, which shall include but are not limited to the following unless the permittee determines one or more of the following is not applicable to its system and documents that determination as part of the Salt Reduction Plan:
      - Operational changes such as pre-wetting, pre-treating the salt stockpile, increasing plowing prior to de-icing, monitoring of road surface temperature, etc.;
      - Implementation of new or modified equipment providing pre-wetting capability, better calibration rates, or other capability for minimizing salt use;
      - Training for municipal staff and/or contractors engaged in winter maintenance activities;
      - Adoption of guidelines for application rates for roads and parking lots (see *Winter Parking Lot and Sidewalk Maintenance*

*Manual (Revised edition June 2008)*

<http://www.pca.state.mn.us/publications/parkinglotmanual.pdf>;

and the application guidelines on page 17 of *Minnesota Snow and Ice Control: Field Handbook for Snow Operators* (September 2012)

<http://www.mnltap.umn.edu/publications/handbooks/documents/snowice.pdf> for examples );

- Regular calibration of spreading equipment;
- Designation of no-salt and/or low salt zones;
- Measures to prevent exposure of salt stockpiles (if any) to precipitation and runoff; and
- An estimate of the total tonnage of salt reduction expected by each activity.

- b. For privately maintained facilities that discharge to the MS4:
    - i. Establish an ordinance, bylaw, or other regulatory mechanism requiring measures to prevent exposure of any salt stockpiles to precipitation and runoff at all commercial and industrial properties within the regulated area.
    - ii. Part 2.3.2. Public Education and Outreach: The permittee shall supplement its Commercial/Industrial education program with an annual message to private road salt applicators and commercial and industrial site owners on the proper storage and application rates of winter deicing material. The educational materials shall be disseminated in the November/December timeframe and shall describe steps that can be taken to minimize salt use and protect local waterbodies.
    - iii. Part 2.3.6, Stormwater Management in New Development and Redevelopment – establish procedures and requirements to minimize salt usage and require the use of salt alternatives where the permittee deems necessary.
  - c. The completed Salt Reduction Plan shall be submitted to EPA along with the annual report following the Salt Reduction Plan’s completion. Each subsequent annual report shall include an update on Plan implementation progress, any updates to the Salt Reduction Plan deemed necessary by the permittee, as well as the types and amount of salt applied to all permittee owned and maintained surfaces.
5. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part IV as follows:
- a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
    - i. The receiving water is determined to be no longer impaired due to chloride by MassDEP and EPA concurs with such a determination.
    - ii. An EPA approved TMDL for the receiving water indicates that no additional stormwater controls are necessary for the control of chloride from the

- permittee's discharge based on wasteload allocations as part of the approved TMDL.
- iii. The permittee's discharge is determined to be below applicable water quality criteria<sup>2</sup> and EPA agrees with such a determination. The permittee shall submit data to EPA that accurately characterizes the concentration of chloride in their discharge during the deicing season (November – March). The characterization shall include water quality and flow data sufficient to accurately assess the concentration of chloride in the deicing season during storm events of multiple sizes and for the duration of the storm events including the first flush, peak storm flow and return to baseflow and include samples collected during deicing activities.
  - b. In such a case, the permittee shall document the date of the determination, date of approved TMDL or date of EPA concurrence that the discharge meets water quality criteria in its SWMP and is relieved of any additional requirements of Appendix H part IV as of that date and the permittee shall comply with the following:
    - i. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix H part IV to date to reduce chloride in its discharges, including implementation schedules for non-structural BMPs
    - ii. The permittee shall continue to implement all requirements of Appendix H part IV required to be done by the date of determination date, date of approved TMDL, or date of EPA concurrence that the discharge meets water quality criteria, including ongoing implementation of identified non-structural BMPs

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<sup>2</sup> Applicable water quality criteria are the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

**V. Discharges to water quality limited waterbodies and their tributaries where solids, oil and grease (hydrocarbons), or metals is the cause of the impairment**

1. Consistent with part 2.2.2.c.i. of the permit, permittees that discharge to waterbodies that are water quality limited due to solids, metals, or oil and grease (hydrocarbons), without an EPA approved TMDL, are subject to the following additional requirements to address solids, metals, or oil and grease (hydrocarbons) in their stormwater discharges.
2. Additional or Enhanced BMPs
  - a. The permittee remains subject to the requirements of part 2.3. of the permit and shall include the following enhancements to the BMPs required by part 2.3 of the permit:
    - i. Part 2.3.6, Stormwater Management in New Development and Redevelopment: stormwater management systems designed on commercial and industrial land use area draining to the water quality limited waterbody shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event. EPA also encourages the permittee to require any stormwater management system designed to infiltrate stormwater on commercial or industrial sites to provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration of the same volume of runoff to be infiltrated, prior to infiltration.
    - ii. Part 2.3.7, Good House Keeping and Pollution Prevention for Permittee Owned Operations: increased street sweeping frequency of all municipal owned streets and parking lots to a schedule determined by the permittee to target areas with potential for high pollutant loads. This may include, but is not limited to, increased street sweeping frequency in commercial areas and high density residential areas, or drainage areas with a large amount of impervious area. Prioritize inspection and maintenance for catch basins to ensure that no sump shall be more than 50 percent full. Clean catch basins more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings. Each annual report shall include the street sweeping schedule determined by the permittee to target high pollutant loads.
3. At any time during the permit term the permittee may be relieved of additional requirements in Appendix H part V.2. applicable to it when in compliance with this part.
  - a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:
    - i. The receiving water is determined to be no longer impaired due to solids, metals, or oil and grease (hydrocarbons) by MassDEP and EPA concurs with such a determination.
    - ii. An EPA approved TMDL for the receiving water indicates that no additional stormwater controls are necessary for the control of solids, metals, or oil and grease (hydrocarbons) from the permittee's discharge based on wasteload allocations as part of the approved TMDL.



- iii. The permittee's discharge is determined to be below applicable water quality criteria and EPA agrees with such a determination<sup>3</sup>. The permittee shall submit data to EPA that accurately characterizes the concentration of bacteria or pathogens in their discharge. The characterization shall include water quality and flow data sufficient to accurately assess the concentration of bacteria or pathogens in all seasons during storm events of multiple sizes and for the duration of the storm events including the first flush, peak storm flow and return to baseflow.
- b. In such a case, the permittee shall document the date of the determination, date of approved TMDL or date of EPA concurrence that the discharge meets water quality criteria in its SWMP and is relieved of any additional requirements of Appendix H part V.2. as of that date and the permittee shall comply with the following:
  - iv. The permittee shall identify in its SWMP all activities implemented in accordance with the requirements of Appendix H part V.2. to date to reduce solids, metals, or oil and grease (hydrocarbons) in its discharges, including implementation schedules for non-structural BMPs and any maintenance requirements for structural BMPs
  - v. The permittee shall continue to implement all requirements of Appendix H part V.3. required to be done by the date of determination date, date of approved TMDL, or date of EPA concurrence that the discharge meets water quality criteria, including ongoing implementation of identified non-structural BMPs and routine maintenance and replacement of all structural BMPs in accordance with manufacturer or design specifications

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<sup>3</sup> Applicable water quality criteria are the state standards that have been federally approved as of the effective date of this permit and are compiled by EPA at <http://www.epa.gov/waterscience/standards/wqslibrary/>

## ATTACHMENT 1 TO APPENDIX H

The estimates of nitrogen load reductions resulting from BMP installation are intended for informational purposes only and there is no associated permittee-specific required nitrogen load reduction in the Draft Permit. Nitrogen load reduction estimates calculated consistent with the methodologies below may be used by the permittee to comply with future permit requirements providing the EPA determines the calculated reductions are appropriate for demonstrating compliance with future permit requirements. This attachment provides the method and an example to calculate the BMP nitrogen load as well as methods to calculate nitrogen load reductions for structural BMPs in an impaired watershed.

### **BMP N Load:**

The **BMP N Load** is the annual nitrogen load from the drainage area to each proposed or existing BMP used by permittee. This measure is used to estimate the amount of annual nitrogen load that the BMP will receive or treat (BMP N Load).

To calculate the BMP N Load for a given BMP:

- 1) Determine the total drainage area to the BMP and sort the total drainage area into two categories: total impervious area (IA) and total pervious area (PA);
- 2) Calculate the nitrogen load associated with impervious area (N Load<sub>IA</sub>) and the pervious area (N Load<sub>PA</sub>) by multiplying the IA and PA by the appropriate land use-based nitrogen load export rate provided in Table 1; and
- 3) Determine the total nitrogen load to the BMP by summing the calculated impervious and pervious subarea nitrogen loads.

**Table 1: Annual nitrogen load export rates**

Nitrogen Source Category by Land Use	Land Surface Cover	Nitrogen Load Export Rate, lbs/ac/yr	Nitrogen Load Export Rate, kg/ha/yr
All Impervious Cover	Impervious	14.1	15.8
*Developed Land Pervious (DevPERV)- HSG A	Pervious	0.3	0.3
*Developed Land Pervious (DevPERV)- HSG B	Pervious	1.2	1.3
*Developed Land Pervious (DevPERV) – HSG C	Pervious	2.4	2.7
*Developed Land Pervious (DevPERV) - HSG C/D	Pervious	3.0	3.4
*Developed Land Pervious (DevPERV) - HSG D	Pervious	3.7	4.1
Notes: For pervious areas, if the hydrologic soil group (HSG) is known, use the appropriate value from this table. If the HSG is not known, assume HSG C/D conditions for the nitrogen load export rate.			

**Example 1 to determine nitrogen load to a proposed BMP when the contributing drainage area is 100% impervious:** A permittee is proposing a storm water infiltration system that will treat runoff from 1.49 acres of impervious area.

**Table 1-1: Design parameters for Bio-filtration w/ ISR systems for Example 1**

Components of representation	Parameters	Value
<b>Ponding</b>	Maximum depth	0.33 ft
	Surface area	645 ft <sup>2</sup>
<b>Soil mix</b>	Depth	2.0 ft
	Porosity	0.24
	Hydraulic conductivity	2.5 inches/hour
<b>Stone Reservoir (ISR)</b>	Depth	2.50 ft
	Porosity	0.42
	Hydraulic conductivity	500 inches/hour
<b>ISR Volume: System Storage Volume</b>	Ratio	0.56
<b>Orifices</b>	Diameter	12 in
		Installed 2.5 above impermeable soil layer

Determine:

- A) Percent nitrogen load reduction (BMP Reduction %-N) for the specified bio-filtration w/ISR system and contributing impervious drainage area; and
- B) Nitrogen reduction in pounds that would be accomplished by the bio-filtration w/ISR system (BMP-Reduction lbs-N)

**Solution:**

- 1) The BMP is a bio-filtration w/ISR system that will treat runoff from 1.49 acres of impervious area (IA = 1.49 acre);
- 2) The available storage volume capacity (ft<sup>3</sup>) of the bio-filtration w/ISR system (BMP-Volume<sub>BMP-ft<sup>3</sup></sub>) is determined using the surface area of the system, depth of ponding, the porosity of the filter media and the porosity of the stone reservoir:

$$\begin{aligned}
 \text{BMP-Volume}_{\text{BMP-ft}^3} &= \text{Surface area} \times (\text{pond maximum depth} + (\text{soil mix depth} \times \text{soil mix porosity}) + \text{stone reservoir depth} \times \text{gravel layer porosity}) \\
 &= 520 \text{ ft}^2 \times (0.33 \text{ ft} + (2.0 \text{ ft} \times 0.24) + (2.5 \text{ ft} \times 0.42)) \\
 &= 1,200 \text{ ft}^3
 \end{aligned}$$

- 3) The available storage volume capacity of the bio-filtration w/ISR system in inches of runoff from the contributing impervious area (BMP-Volume<sub>IA-in</sub>) is calculated using equation 1:

$$\text{BMP-Volume}_{\text{IA-in}} = (\text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)} \times 12 \text{ in/ft} \times 1 \text{ acre} / 43560 \text{ ft}^2) \text{ (Equation 1)}$$

**Example 1 Continued:**

$$\begin{aligned} \text{BMP-Volume}_{\text{IA-in}} &= (1,200 \text{ ft}^3/1.49 \text{ acre}) \times 12 \text{ in/ft} \times 1 \text{ acre}/43560 \text{ ft}^2 \\ &= \mathbf{0.22 \text{ in}} \end{aligned}$$

- 4) Using the Regional Performance Curve shown in Figure 1 for a bio-filtration w/ ISR system, a **61%** nitrogen load reduction (BMP Reduction %-N) is determined for a bio-filtration w/ ISR systems sized for 0.22 in of runoff from 1.49 acres of impervious area; and
- 5) Calculate the nitrogen load reduction in pounds of nitrogen for the bio-filtration w/ISR system (BMP Reduction  $\text{lbs-N}$ ) using the BMP Load calculation method shown above in Example 1 and the BMP Reduction %-N determined in step 4 by using equation 2.

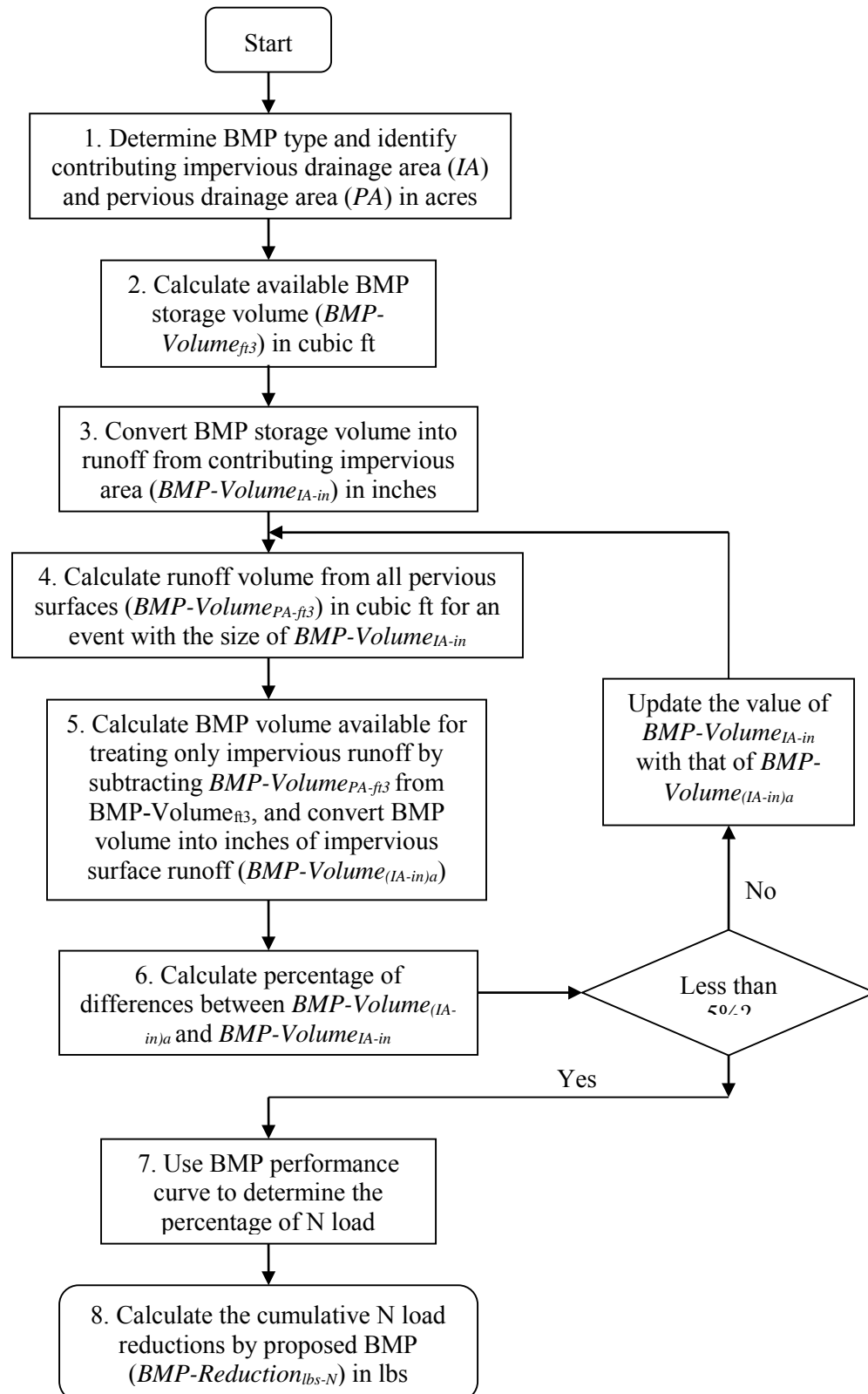
First, the BMP Load is determined as specified in Example 1:

$$\begin{aligned} \text{BMP Load} &= \text{IA (acre)} \times 14.1 \text{ lb/ac/yr} \\ &= 1.49 \text{ acres} \times 14.1 \text{ lbs/acre/yr} \\ &= 21.0 \text{ lbs/yr} \end{aligned}$$

$$\text{BMP Reduction}_{\text{lbs-N}} = \text{BMP Load} \times (\text{BMP Reduction } \%-N/100) \text{ (Equation 2)}$$

$$\begin{aligned} \text{BMP Reduction}_{\text{lbs-N}} &= 21 \text{ lbs/yr} \times (61/100) \\ &= \mathbf{12.8 \text{ lbs/yr}} \end{aligned}$$

**Method to determine the nitrogen load reduction for a structural BMP with a known storage volume when the contributing drainage area has impervious and pervious surfaces**



**Flow Chart 2 (previous page). Method to determine the nitrogen load reduction for a BMP with known storage volume when both pervious and impervious drainage areas are present.**

- 1) Identify the type of structural BMP and characterize the contributing drainage area to the structural BMP by identifying the following information for the impervious and pervious surfaces:

**Impervious area (IA)** – Area (acre) and export rate (Table 1)

**Pervious area (PA)** – Area (acre) and runoff depth based on hydrologic soil group (HSG) and size of rainfall event. Table 2 provides values of runoff depth for various rainfall depths and HSGs. Soils are assigned to an HSG based on their permeability. HSG categories for pervious areas in the Watershed shall be estimated by consulting local soil surveys prepared by the National Resource Conservation Service (NRCS) or by a storm water professional evaluating soil testing results from the Watershed. If the HSG condition is not known, a HSG D soil condition should be assumed.

**Table 2: Developed Land Pervious Area Runoff Depths  
based on Precipitation depth and Hydrological Soil Groups (HSGs)**

Rainfall Depth, Inches	Runoff Depth, inches		
	Pervious HSG A/B	Pervious HSG C	Pervious HSG D
0.10	0.00	0.00	0.00
0.20	0.00	0.01	0.02
0.40	0.00	0.03	0.06
0.50	0.00	0.05	0.09
0.60	0.01	0.06	0.11
0.80	0.02	0.09	0.16
1.00	0.03	0.12	0.21
1.20	0.04	0.14	0.39
1.50	0.11	0.39	0.72
2.00	0.24	0.69	1.08

Notes: Runoff depths derived from combination of volumetric runoff coefficients from Table 5 of *Small Storm Hydrology and Why it is Important for the Design of Stormwater Control Practices*, Pitt, 1999 and using the Stormwater Management Model (SWMM) in continuous model mode for hourly precipitation data for Boston, MA, 1998-2002.

- 2) Determine the available storage volume (ft<sup>3</sup>) of the structural BMP (BMP-Volume ft<sup>3</sup>) using the BMP dimensions and design specifications (e.g., maximum storage depth, filter media porosity);

- 3) To estimate the nitrogen load reduction of a BMP with a known storage volume capacity, it is first necessary to determine the portion of available BMP storage capacity (BMP-Volume<sub>ft<sup>3</sup></sub>) that would treat the runoff volume generated from the contributing impervious area (IA) for a rainfall event with a depth of *i* inches (in). This will require knowing the corresponding amount of runoff volume that would be generated from the contributing pervious area (PA) for the same rainfall event (depth of *i* inches). Using equation 3 below, solve for the BMP capacity that would be available to treat runoff from the contributing impervious area for the unknown rainfall depth of *i* inches (see equation 4):

$$\text{BMP-Volume}_{\text{ft}^3} = \text{BMP-Volume}_{(\text{IA-ft}^3)_i} + \text{BMP-Volume}_{(\text{PA-ft}^3)_i} \quad \text{(Equation 3)}$$

Where:

BMP-Volume<sub>ft<sup>3</sup></sub> = the available storage volume of the BMP  
 BMP-Volume<sub>(IA-ft<sup>3</sup>)*i*</sub> = the available storage volume of the BMP that would fully treat runoff generated from the contributing impervious area for a rainfall event of size *i* inches  
 BMP-Volume<sub>(PA-ft<sup>3</sup>)*i*</sub> = the available storage volume of the BMP that would fully treat runoff generated from the contributing pervious area for a rainfall event of size *i* inches

Solving for BMP-Volume<sub>(IA-ft<sup>3</sup>)*i*</sub>:

$$\text{BMP-Volume}_{(\text{IA-ft}^3)_i} = \text{BMP-Volume}_{\text{ft}^3} - \text{BMP-Volume}_{(\text{PA-ft}^3)_i} \quad \text{(Equation 4)}$$

To determine BMP-Volume<sub>(IA-ft<sup>3</sup>)*i*</sub>, requires performing an iterative process of refining estimates of the rainfall depth used to calculate runoff volumes until the rainfall depth used results in the sum of runoff volumes from the contributing IA and PA equaling the available BMP storage capacity (BMP-Volume<sub>ft<sup>3</sup></sub>). For the purpose of estimating BMP performance, it will be considered adequate when the IA runoff depth (in) is within 5% IA runoff depth used in the previous iteration.

For the first iteration (1), convert the BMP-Volume<sub>ft<sup>3</sup></sub> determined in step 2 into inches of runoff from the contributing impervious area (BMP Volume<sub>(IA-in)1</sub>) using equation 5.

$$\text{BMP-Volume}_{(\text{IA-in})1} = (\text{BMP-Volume}_{\text{ft}^3} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 5)}$$

For iterations 2 through *n* (2...*n*), convert the BMP Volume<sub>(IA-ft<sup>3</sup>)2...*n*</sub>, determined in step 5a below, into inches of runoff from the contributing impervious area (BMP Volume<sub>(IA-in)2...*n*</sub>) using equation 6.

$$\text{BMP-Volume}_{(\text{IA-in})2...n} = (\text{BMP-Volume}_{(\text{IA-ft}^3)2...n} / \text{IA (acre)}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \quad \text{(Equation 6)}$$

- 4) For 1 to *n* iterations, use the pervious runoff depth information from Table 2 and equation 7 to determine the total volume of runoff (ft<sup>3</sup>) from the contributing PA (BMP Volume

$_{PA-ft^3}$ ) for a rainfall size equal to the sum of BMP-Volume  $_{(IA-in)1}$ , determined in step 3. The runoff volume for each distinct pervious area must be determined.

$$\text{BMP Volume }_{(PA-ft^3)1..n} = \sum ((PA \times (\text{runoff depth})_{(PA1, PA2..PAN)}) \times (3,630 \text{ ft}^3/\text{acre-in})$$

**(Equation 7)**

- 5) For iteration 1, estimate the portion of BMP Volume that is available to treat runoff from only the IA by subtracting BMP-Volume  $_{PA-ft^3}$ , determined in step 4, from BMP-Volume  $_{ft^3}$ , determined in step 2, and convert to inches of runoff from IA (see equations 8 and 9):

$$\text{BMP-Volume }_{(IA-ft^3)2} = ((\text{BMP-Volume}_{ft^3} - \text{BMP Volume }_{(PA-ft^3)1}) \quad \text{(Equation 8)}$$

$$\text{BMP-Volume }_{(IA-in)2} = (\text{BMP-Volume }_{(IA-ft^3)2}/IA \text{ (acre)}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2)$$

**(Equation 9)**

If additional iterations (i.e., 2 through n) are needed, estimate the portion of BMP volume that is available to treat runoff from only the IA (BMP-Volume  $_{(IA-in)3..n+1}$ ) by subtracting BMP Volume  $_{(PA-ft^3)2..n}$ , determined in step 4, from BMP Volume  $_{(IA-ft^3)3..n+1}$ , determined in step 5, and by converting to inches of runoff from IA using equation 9):

- 6) For iteration A (an iteration between 1 and n+1), compare BMP Volume  $_{(IA-in)a}$  to BMP Volume  $_{(IA-in)a-1}$  determined from the previous iteration (a-1). If the difference in these values is greater than 5% of BMP Volume  $_{(IA-in)a}$  then repeat steps 4 and 5, using BMP Volume  $_{(IA-in)a}$  as the new starting value for the next iteration (a+1). If the difference is less than or equal to 5 % of BMP Volume  $_{(IA-in)a}$  then the permittee may proceed to step 7.
- 7) Determine the % nitrogen load reduction for the structural BMP (BMP Reduction  $_{\%N}$ ) using the appropriate BMP curve on Figure 1 or 2 and the BMP-Volume  $_{(IA-in)n}$  calculated in the final iteration of step 5; and
- 8) Calculate the nitrogen load reduction in pounds of nitrogen for the structural BMP (BMP Reduction  $_{lbs-N}$ ) using the BMP Load as calculated above in Example 1 and the percent nitrogen load reduction (BMP Reduction  $_{\%N}$ ) determined in step 7 by using equation 10:

$$\text{BMP Reduction }_{lbs-N} = \text{BMP Load} \times (\text{BMP Reduction }_{\%N}/100) \quad \text{(Equation 10)}$$

**Example 2: Determine the nitrogen load reduction for a structural BMP with a known design volume when the contributing drainage area has impervious and pervious surfaces**

A permittee is considering an infiltration basin to capture and treat runoff from a portion of the Watershed draining to the impaired waterbody. The contributing drainage area is 16.55 acres and is 71% impervious. The pervious drainage area (PA) is 80% HSG D and 20% HSG C. An infiltration basin with the following specifications can be placed at the down-gradient end of the contributing drainage area where soil testing results indicates an infiltration rate (IR) of 0.28 in/hr:



**Example continued:**

Structure	Bottom area (acre)	Top surface area (acre)	Maximum pond depth (ft)	Design storage volume (ft <sup>3</sup> )	Infiltration Rate (in/hr)
Infiltration basin	0.65	0.69	1.65	48,155	0.28

Determine the:

- A) Percent nitrogen load reduction (BMP Reduction %<sub>-N</sub>) for the specified infiltration basin and the contributing impervious and pervious drainage area; and
- B) Nitrogen reduction in pounds that would be accomplished by the BMP (BMP-Reduction lbs<sub>-N</sub>)

**Solution:**

- 1) A surface infiltration basin is being considered. Information for the contributing impervious (IA) and pervious (PA) areas are summarized in below.

**Impervious area characteristics**

ID	% Impervious	Area (acre)
IA1	100	11.75

**Pervious area characteristics**

ID	Area (acre)	Hydrologic Soil Group (HSG)
PA1	3.84	D
PA2	0.96	C

- 2) The available storage volume (ft<sup>3</sup>) of the infiltration basin (BMP-Volume ft<sup>3</sup>) is determined from the design details and basin dimensions; BMP-Volume ft<sup>3</sup> = 48,155 ft<sup>3</sup>.
- 3) To determine what the BMP design storage volume is in terms of runoff depth (in) from IA, an iterative process is undertaken:

**Solution Iteration 1**

For the first iteration (1), the BMP-Volume ft<sup>3</sup> is converted into inches of runoff from the contributing impervious area (BMP Volume (IA-in)<sub>1</sub>) using equation 5.

$$\begin{aligned} \text{BMP Volume (IA-in)}_1 &= (48,155 \text{ ft}^3 / 11.75 \text{ acre}) \times (12 \text{ in/ft} / 43,560 \text{ ft}^2/\text{acre}) \\ &= 1.13 \text{ in} \end{aligned}$$

**Solution Continued:**

**4-1)** The total volume of runoff ( $\text{ft}^3$ ) from the contributing PA (BMP Volume  $_{\text{PA-ft}^3}$ ) for a rainfall size equal to the sum of BMP Volume  $_{(\text{IA-in})1}$  determined in step 3 is determined

for each distinct pervious area using the information from Table 2 and equation 7.

Interpolation was used to determine runoff depths.

$$\begin{aligned}\text{BMP Volume }_{(\text{PA-ft}^3)1} &= ((3.84 \text{ acre} \times (0.33 \text{ in}) + (0.96 \text{ acre} \times (0.13 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in}) \\ &= 5052 \text{ ft}^3\end{aligned}$$

**5-1)** For iteration 1, the portion of BMP Volume that is available to treat runoff from only the IA is estimated by subtracting the BMP Volume  $_{(\text{PA-ft}^3)1}$ , determined in step 4-1, from BMP Volume  $_{\text{ft}^3}$ , determined in step 2, and converted to inches of runoff from IA:

$$\begin{aligned}\text{BMP Volume }_{(\text{IA-ft}^3)2} &= 48,155 \text{ ft}^3 - 5052 \text{ ft}^3 \\ &= 43,103 \text{ ft}^3\end{aligned}$$

$$\begin{aligned}\text{BMP Volume }_{(\text{IA-in})2} &= (43,103 \text{ ft}^3/11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2) \\ &= 1.01 \text{ in}\end{aligned}$$

**6-1)** The % difference between BMP Volume  $_{(\text{IA-in})2}$ , 1.01 in, and BMP Volume  $_{(\text{IA-in})1}$ , 1.13 in is determined and found to be significantly greater than 5%:

$$\begin{aligned}\% \text{ Difference} &= ((1.13 \text{ in} - 1.01 \text{ in})/1.01 \text{ in}) \times 100 \\ &= 12\%\end{aligned}$$

Therefore, steps 4 through 6 are repeated starting with BMP Volume  $_{(\text{IA-in})2} = 1.01 \text{ in}$ .

**Solution Iteration 2**

$$\begin{aligned}\text{4-2) BMP-Volume }_{(\text{PA-ft}^3)2} &= ((3.84 \text{ acre} \times 0.21 \text{ in}) + (0.96 \text{ acre} \times 0.12 \text{ in})) \times 3,630 \text{ ft}^3/\text{acre-in} \\ &= 3,358 \text{ ft}^3\end{aligned}$$

$$\begin{aligned}\text{5-2) BMP-Volume }_{(\text{IA-ft}^3)3} &= 48,155 \text{ ft}^3 - 3,358 \text{ ft}^3 \\ &= 44,797 \text{ ft}^3\end{aligned}$$

$$\begin{aligned}\text{BMP-Volume }_{(\text{IA-in})3} &= (44,797 \text{ ft}^3/11.75 \text{ acre}) \times (12 \text{ in/ft} \times 1 \text{ acre}/43,560 \text{ ft}^2) \\ &= 1.05 \text{ in}\end{aligned}$$

$$\begin{aligned}\text{6-2) \% Difference} &= ((1.05 \text{ in} - 1.01 \text{ in})/1.05 \text{ in}) \times 100 \\ &= 4\%\end{aligned}$$

The difference of 4% is acceptable.

**Solution Continued:**

- 7) The % nitrogen load reduction for the infiltration basin (BMP Reduction %-N) is determined by using the RR treatment curve in Figure 2 and the treatment volume (BMP-Volume<sub>Net IA-in</sub> = 1.05 in) calculated in step 5-2 and is **BMP Reduction %-N = 56%**.
- 9) The nitrogen load reduction in pounds of nitrogen (BMP-Reduction<sub>lbs-N</sub>) for the proposed infiltration basin is calculated by using equation 11 with the BMP Load (as determined by the procedure in Example 4-1) and the N<sub>target</sub> of 56%.

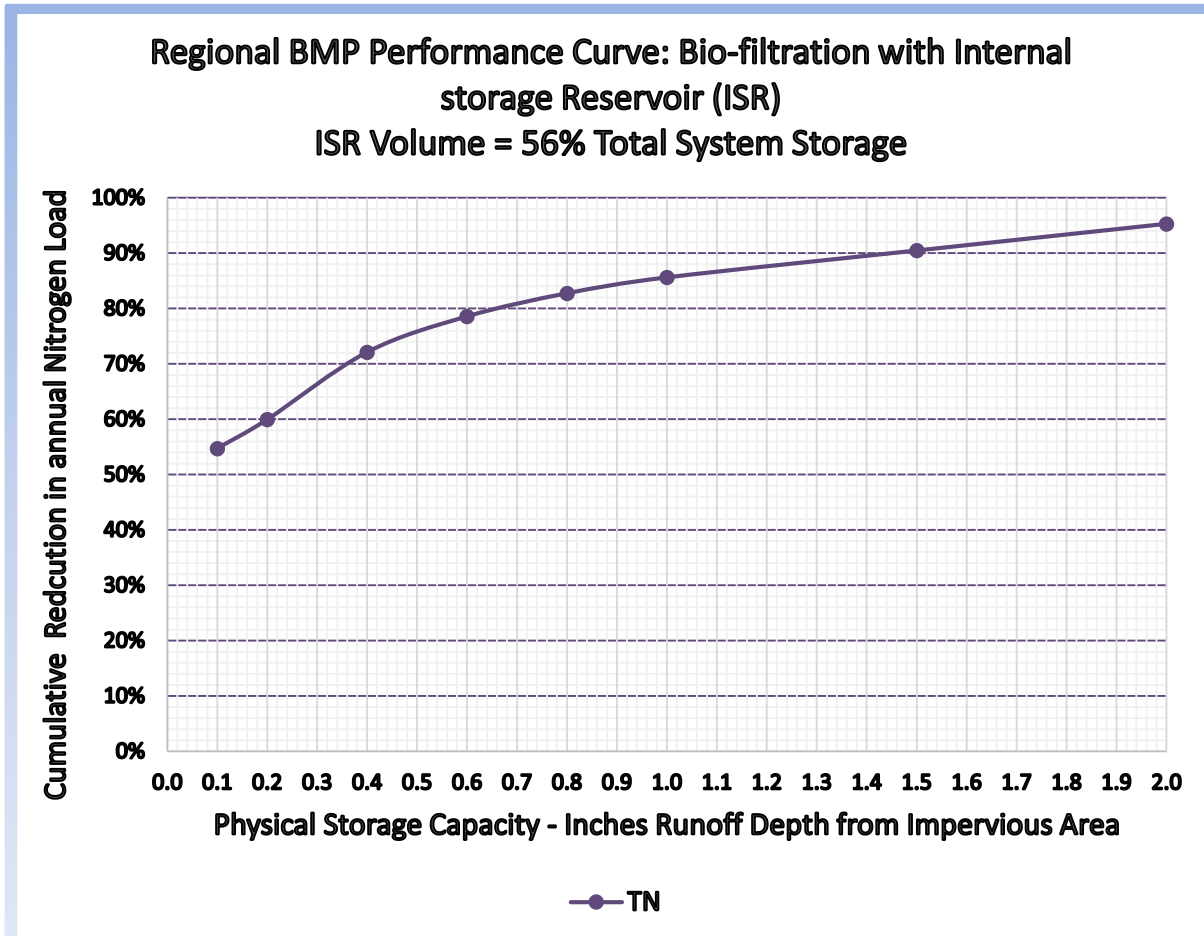
$$\text{BMP-Reduction}_{\text{lbs-N}} = \text{BMP N Load} \times (\text{N}_{\text{target}} / 100) \quad \text{(Equation 11)}$$

Following example 1, the BMP load is calculated:

$$\begin{aligned} \text{BMP N Load} &= (\text{IA} \times \text{impervious cover nitrogen export loading rate}) \\ &\quad + (\text{PA}_{\text{HSG D}} \times \text{pervious cover nitrogen export loading rate, HSG D}) \\ &\quad + (\text{PA}_{\text{HSG C}} \times \text{pervious cover nitrogen export loading rate, HSG C}) \\ &= (16.55 \text{ acre} \times 15.4 \text{ lbs/acre/yr}) + (3.84 \text{ acre} \times 3.7 \text{ lbs/acre/yr}) + \\ &\quad (0.96 \text{ acre} \times 2.4 \text{ lbs/acre/yr}) \\ &= 271.4 \text{ lbs/yr} \end{aligned}$$

$$\text{BMP-Reduction}_{\text{lbs-N}} = 275.13 \text{ lbs/yr} \times 56/100 = \mathbf{152.0 \text{ lbs/yr}}$$

**Figure 1: Regional BMP Performance Curve for Annual Nitrogen Load Removal: System Design by the University of New Hampshire Stormwater Center (UNHSWC)**

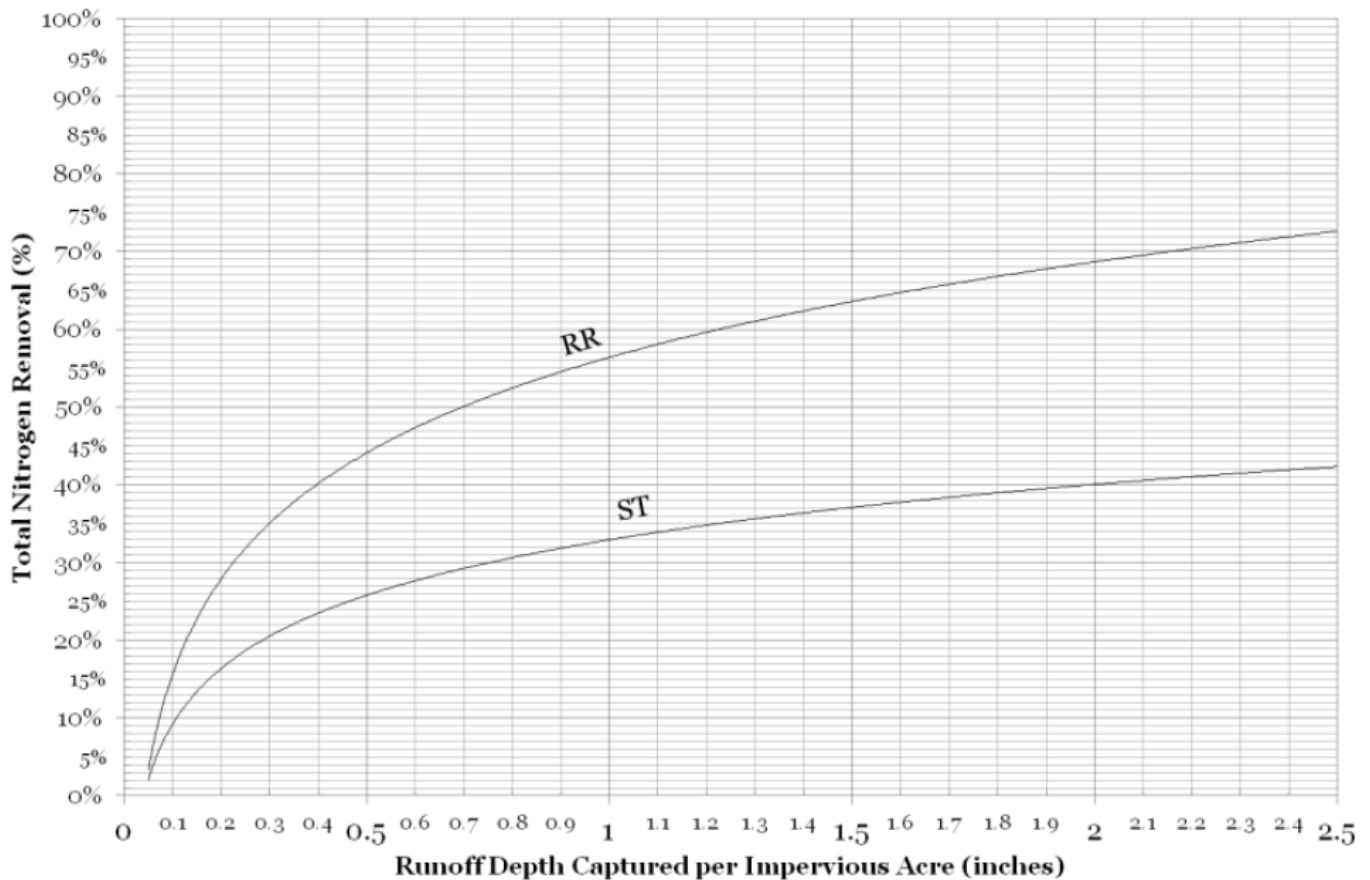


**Table 3. Classification of BMP to Determine Nitrogen Reduction<sup>1</sup>**

Structural BMP	Classification
Infiltration Trench	Runoff Reduction (RR)
Infiltration Basin or other surface infiltration practice	Runoff Reduction (RR)
Bioretention Practice	Runoff Reduction (RR)
Gravel Wetland System	Stormwater Treatment (ST)
Porous Pavement	Runoff Reduction (RR)
Wet Pond or wet detention basin	Stormwater Treatment (ST)
Dry Pond or detention basin	Runoff Reduction (RR)
Water Quality Swale	Runoff Reduction (RR)

<sup>1</sup>Recommendations of the Expert Panel to Define Removal Rates for New State Stormwater Performance Standards <http://chesapeakestormwater.net/wp-content/plugins/download-monitor/download.php?id=25>, Retrieved 12/14/2012

**Figure 2: Total Nitrogen Removal for RR and ST Practices**



Adopted from: Final CBP Approved Expert Panel Report on Stormwater Retrofits <http://chesapeakestormwater.net/wp-content/plugins/download-monitor/download.php?id=25>, Retrieved 12/14/2012

APPENDIX D

2016 MS4 Notice of Intent



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

VIA EMAIL

April 5, 2019

Joseph J. Domelowicz, Jr.  
Town Manager

And;

Timothy J. Olson  
Director of Public Works  
577 Bay Road  
P.O. Box 429  
Hamilton, MA. 01936  
tolson@hamiltonma.gov

Re: National Pollutant Discharge Elimination System Permit ID #: MAR041196, Town of Hamilton

Dear Timothy J. Olson:

The 2016 NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (MS4 General Permit) is a jointly issued EPA-MassDEP permit. Your Notice of Intent (NOI) for coverage under this MS4 General Permit has been reviewed by EPA and appears to be complete. You are hereby granted authorization by EPA and MassDEP to discharge stormwater from your MS4 in accordance with the applicable terms and conditions of the MS4 General Permit, including all relevant and applicable Appendices. This authorization to discharge expires at midnight on **June 30, 2022**.

For those permittees that certified Endangered Species Act eligibility under Criterion C in their NOI, this authorization letter also serves as EPA's concurrence with your determination that your discharges will have no effect on the listed species present in your action area, based on the information provided in your NOI.

As a reminder, your first annual report is due by **September 30, 2019** for the reporting period from May 1, 2018 through June 30, 2019.

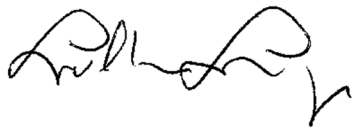
Information about the permit and available resources can be found on our website: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>. Should you have any questions regarding this permit please contact Newton Tedder at [tedder.newton@epa.gov](mailto:tedder.newton@epa.gov) or (617) 918-1038.

Sincerely,

A handwritten signature in blue ink that reads "Thelma Murphy". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Thelma Murphy, Chief  
Stormwater and Construction Permits Section  
Office of Ecosystem Protection  
United States Environmental Protection Agency, Region 1

and;

A handwritten signature in black ink that reads "Lealdon Langley". The signature is cursive and somewhat stylized, with a prominent loop at the end.

Lealdon Langley, Director  
Wetlands and Wastewater Program  
Bureau of Water Resources  
Massachusetts Department of Environmental Protection



Part I: General Conditions

**General Information**

Name of Municipality or Organization:  State:

EPA NPDES Permit Number (if applicable):

**Primary MS4 Program Manager Contact Information**

Name:  Title:

Street Address Line 1:

Street Address Line 2:

City:  State:  Zip Code:

Email:  Phone Number:

Fax Number:

**Other Information**

Stormwater Management Program (SWMP) Location (web address or physical location, if already completed):

**Eligibility Determination**

Endangered Species Act (ESA) Determination Complete?  Eligibility Criteria (check all that apply):  A  B  C

National Historic Preservation Act (NHPA) Determination Complete?  Eligibility Criteria (check all that apply):  A  B  C

Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

<b>MS4 Infrastructure</b> (if covered under the 2003 permit)	
<b>Estimated Percent of Outfall Map Complete?</b> <i>(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)</i>	<input type="text" value="100%"/> If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY): <input type="text"/>
Web address where MS4 map is published: <small>If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)</small>	<input type="text" value="A PDF of the Town's Drainage Map, including all outfalls and receiving waters is attached."/>
<b>Regulatory Authorities</b> (if covered under the 2003 permit)	
<b>Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?</b> <i>(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)</i>	<input type="text" value="Yes"/> Effective Date or Estimated Date of Adoption (MM/DD/YY): <input type="text" value="10/22/07"/>
<b>Construction/Erosion and Sediment Control (ESC) Authority Adopted?</b> <i>(Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)</i>	<input type="text" value="Yes"/> Effective Date or Estimated Date of Adoption (MM/DD/YY): <input type="text" value="10/22/07"/>
<b>Post- Construction Stormwater Management Adopted?</b> <i>(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)</i>	<input type="text" value="Yes"/> Effective Date or Estimated Date of Adoption (MM/DD/YY): <input type="text" value="10/22/07"/>



Click to lengthen table

## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

#### MCM 1: Public Education and Outreach

<b>BMP Media/Category</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Targeted Audience</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b>	<b>Beginning Year of BMP Implementation</b>
Displays/Posters/Kiosks	Continue to increase General Public-Knowledge of the impact of stormwater discharges to water bodies within the community. Identify ways the public can reduce pollutants in stormwater runoff.	Residents	DPW Operations	Supply Town offices/library/schools with displays and/or posters. Track number of posters/displays utilized.	FY2019
Brochures/Pamphlets	Distribute educational materials to locations likely to impact stormwater regarding best management practices, including equipment, waste disposal, dumpster maintenance, use and storage of de-icing materials, and parking lot sweeping	Industrial Facilities	DPW Operations	Track the number of industrial facilities reached.	FY2019
Brochures/Pamphlets	Continue to educate Contractors on the Town's stormwater erosion and sediment control requirements.	Developers (construction)	Planning/DPW Operations	Distribute/make brochures available at Town Hall and maintain a list of all recipients.	FY2020

<p>Web Page</p>	<p>Update the Town's website to include information on vehicle maintenance, fertilizer use, parking lot sweeping, ice removal optimization, and waste/material storage for local businesses.</p>	<p>Businesses, Institutions and Commercial Facilities</p>	<p>DPW Operations/Town Manager</p>	<p>Modify the ThinkBlue targeted information for use on the Town's website and track interaction with the site.</p>	<p>FY2020</p>
<p>Web Page</p>	<p>Continue to maintain and update the Town's website to provide information to residents regarding stormwater management and the Town's illicit discharge detection and elimination program.</p>	<p>Residents</p>	<p>Dpw Operations/ Town Manager</p>	<p>Continue to update website annually, track interaction with the site and who the information is reaching.</p>	<p>FY2021</p>
<p>Brochures/Pamphlets</p>	<p>Make available to developers information on green infrastructure practices for construction projects.</p>	<p>Developers (construction)</p>	<p>Planning/DPW Operations</p>	<p>Distribute/make brochures available at Town Hall and maintain a list of all recipients.</p>	<p>FY2021</p>
<p>Brochures/Pamphlets</p>	<p>Distribute educational materials to industrial properties regarding stormwater best management practices, including equipment inspection, waste disposal, dumpster maintenance, use and storage of de-icing materials, and parking lot sweeping.</p>	<p>Industrial Facilities</p>	<p>DPW Operations</p>	<p>Track the number of industrial facilities reached.</p>	<p>FY2022</p>



## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description <small>(enter your own text to override the drop down menu)</small>	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>	Additional Description/ Measurable Goal	Beginning Year of BMP Imple- mentation
Public Review	SWMP Review	DPW Operations	Allow for public review of the SWMP annually. Post the SWMP and Annual Reports on the Town's website and/or make them available at Town Hall.	FY2019
Public Participation	Clean-up Day	DPW Operations	Support annual Clean-up Days. Report on amount of debris collected annually through this event.	FY2019
Public Participation	Monitoring Teams	DPW Operations	Make public announcements to gain participation in inspection and monitoring of catch basins, culverts, and drainage structures.	FY2019
Public Participation	Household hazardous waste	DPW Operations	Allow for residents to dispose of hazardous waste annually in the fall. Track number of residents that participate, and amount and types of materials collected.	FY2019
Public Participation	Stormwater Hotline	DPW Operations	Continue to support stormwater hotline to encourage residents to report issues to DPW. Track number of calls received.	FY2019
Public Participation	Electronic Waste Collection	DPW Operations	Allow for residents to dispose of electronic waste on a monthly basis.	FY2019





## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 3: Illicit Discharge Detection and Elimination (IDDE)

<b>BMP Categorization</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
SSO inventory	The Town does not have any municipally owned or maintained sanitary sewers in Town so this BMP is not applicable.	N/A	N/A	N/A
Update GIS Drainage Map	Update drainage map in accordance with permit conditions and update annually during IDDE program implementation.	DPW Operations	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	FY2020
Written IDDE program	Create written IDDE program to meet permit conditions.	DPW Operations	Complete within 1 year of the effective date of permit and update as required.	FY2019
Implement IDDE program	Implement catchment investigations according to program and permit conditions.	DPW Operations	Begin within two years of permit effective date, and complete 10 years after effective date of permit. Track annually the number of illicit connections that are identified and removed.	FY2020
Employee training	Train employees on IDDE program components and implementation.	Health Department/DPW Operations	Provide training to municipal employees annually. Track the number of employees that receive training.	FY2019
Conduct dry weather screening and sampling	Conduct dry weather outfall screening and sampling in accordance with permit conditions.	DPW Operations	Complete within 3 years of permit effective date. Track number of outfalls that are screened and sampled annually.	FY2021




## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 4: Construction Site Stormwater Runoff Control

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Review existing written procedures for site inspections and enforcement and update as needed to meet permit requirements.	Planning, DPW Operations	Complete within 1 year of the effective date of permit. Report on the number of site inspections and enforcement actions annually.	FY2019
Site plan review	Develop written procedures for site plan review that meet permit requirements and begin implementation.	Planning, DPW Operations	Complete within 1 year of the effective date of permit. Report on the number of site plan reviews conducted, inspections conducted, and enforcement actions taken annually.	FY2019
Erosion and Sediment Control	Continue to enforce the Town's existing Stormwater Management Rules and Regulations requiring sediment and erosion controls. Review and update existing regulations as needed to ensure that construction operators implement a sediment and erosion control program that includes BMPs that are appropriate for conditions at the construction site in accordance with permit requirements.	Planning, DPW Operations	Continue to enforce existing sediment and erosion control requirements, and update regulations as needed within one year of the permit effective date.	FY2019



## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
As-built plans for on-site stormwater control	Continue enforcing existing procedures requiring submission of as-built drawings and an Operation & Maintenance Plan for projects disturbing more than 1 acre. Update as-built requirements, and O&M requirements as needed to comply with permit requirements.	Planning, DPW Operations	Require submission of as-built plans and long term O&M for completed projects. Complete within 2 years of permit effective date.	FY2020
Target & rank properties for BMP retrofitting	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce frequency, volume, and pollutant loads associated with stormwater discharges, and update annually.	DPW Operations	Complete 4 years after effective date of permit and report annually on retrofitted properties.	FY2022
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist.	Planning, DPW Operations	Complete 4 years after effective date of permit and implement recommendations of report, where feasible.	FY2022

<p>Street design and parking lot guidelines</p>	<p>Develop a report assessing requirements that affect the creation of impervious cover to determine if changes to design standards for streets and parking lots can be modified to support low impact design options.</p>	<p>Planning, DPW Operations</p>	<p>Complete within 4 years of permit effective date and implement recommendations of report, where feasible.</p>	<p>FY2022</p>
<p>Ensure any stormwater controls or management practices for new development and redevelopment meet the retention or treatment requirements of the permit and all applicable requirements of the Massachusetts Stormwater Handbook</p>	<p>The Town's existing Stormwater Regulations currently require compliance with the Stormwater Management Standards, and include performance criteria for stormwater management systems post-development. Review, and update existing regulations as needed, to meet retention and treatment requirements of the permit.</p>	<p>Planning, DPW Operations</p>	<p>Complete within two years of permit effective date.</p>	<p>FY2020</p>





## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary (continued)

#### MCM 6: Municipal Good Housekeeping and Pollution Prevention

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment,	DPW Operations	Complete and implement 2 years after effective date of permit.	FY2020
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	DPW Operations	Complete 2 years after effective date of permit and update annually.	FY2020
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure.	DPW Operations	Complete 2 years after effective date of permit	FY2020
Stormwater Pollution Prevention Plan (SWPPP) Development, Inspections and Training	Create SWPPPs for DPW garage, and other waste-handling facilities	DPW Operations	Complete and implement 2 years after effective date of permit. Perform quarterly site inspections and train employees on SWPPP implementation. Record inspections performed and number of employees that receive training.	FY2020
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule.	DPW Operations	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material removed annually.	FY2019

Street sweeping program	Continue street sweeping program and confirm all streets and permittee-owned parking lots are in accordance with permit conditions.	DPW Operations	Sweep all streets and permittee-owned parking lots once per year in the spring and report annually the miles of roadway swept or the volume of material removed.	FY2019
Road salt use optimization program	Establish and implement a program to minimize the use of road salt.	DPW Operations	Implement salt use optimization during deicing season.	FY2019
Inspection and maintenance of stormwater treatment structures	Establish and implement inspection and maintenance procedures and frequencies.	DPW Operations	Inspect and maintain treatment structures at least annually.	FY2019
Catch Basin Optimization	Develop and implement a plan to optimize inspection, cleaning, and maintenance of catch basins to ensure that permit conditions are met.	DPW Operations	Complete within two years of permit effective date.	FY2020

### Notice of Intent (NOI) for coverage under Small MS4 General Permit

#### Part III: Stormwater Management Program Summary (continued)

#### Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

Applicable TMDL	Action Description	Responsible Department/Parties (enter your own text to override the drop down menu)
N/A		

### Notice of Intent (NOI) for coverage under Small MS4 General Permit

#### Part III: Stormwater Management Program Summary (continued)

#### Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

Pollutant	Waterbody ID(s)	Action Description	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>
Fecal Coliform	Miles River (MA92-03)	Adhere to requirements in part III of Appendix H	DPW Operations

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1 and 2.2.2 that you have identified as not applicable to your MS4 because you do not discharge to the impaired water body or a tributary to an impaired water body due to nitrogen or phosphorus. Provide all supporting documentation below or attach additional documents if necessary. Also, provide any additional information about your MS4 program below.

Through consultation with the US Fish & Wildlife, it was determined that the only threatened species within Hamilton are the northern long-eared bat and the small whorled pogonia . Actions currently proposed within this Notice of Intent will not affect these species. As Best Management Practices are constructed in the future, the Town will consult with US Fish & Wildlife prior to construction activities.

# Notice of Intent (NOI) for coverage under Small MS4 General Permit

## Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

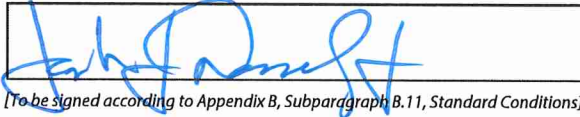
Name:

Joseph J. Domelowicz, Jr.

Title:

Town Manager

Signature:



[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Date:

9/28/18

Note: When prompted during signing, save the document under a new file name



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104  
<http://www.fws.gov/newengland>

In Reply Refer To:

July 31, 2018

Consultation Code: 05E1NE00-2018-SLI-2571

Event Code: 05E1NE00-2018-E-06022

Project Name: Hamilton - MS4 Permit Compliance

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-



## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

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## Project Summary

Consultation Code: 05E1NE00-2018-SLI-2571

Event Code: 05E1NE00-2018-E-06022

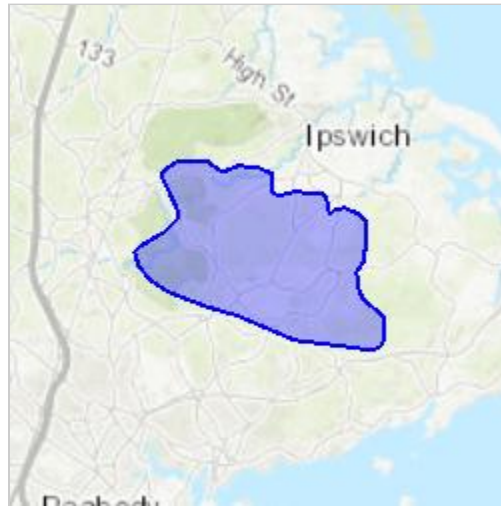
Project Name: Hamilton - MS4 Permit Compliance

Project Type: \*\* OTHER \*\*

Project Description: Location is the Town of Hamilton. The purpose is to complete an endangered species determination to assist the Town in obtaining coverage under the Massachusetts MS4 Permit, which became effective on July 1, 2018.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.62750730902007N70.86661104118672W>



Counties: Essex, MA

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## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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APPENDIX E

2003 MS4 Annual Reports Reference

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## 2003 MS4 PERMIT ANNUAL REPORTS REFERENCE

Year 1 Annual Report (2003-2004)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2004/Hamiltonma04.pdf>

Year 2 Annual Report (2004-2005)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2005/HamiltonMA05.pdf>

Year 3 Annual Report (2005-2006)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2006/Hamilton06rpt.pdf>

Year 4 Annual Report (2006-2007)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2007/Hamilton07.pdf>

Year 5 Annual Report (2007-2008)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2008/Hamilton08.pdf>

Year 6 Annual Report (2008-2009)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2009/Hamilton09.pdf>

Year 7 Annual Report (2009-2010)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2010/Hamilton10.pdf>

Year 8 Annual Report (2010-2011)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2011/Hamilton11.pdf>

Year 9 Annual Report (2011-2012)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2012/Hamilton12.pdf>

Year 10 Annual Report (2012-2013)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2013/Hamilton13.pdf>

Year 11 Annual Report (2013-2014)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2014/Hamilton14.pdf>

Year 12 Annual Report (2014-2015)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2015/Hamilton15.pdf>

Year 13 Annual Report (2015-2016)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2016/Hamilton16.pdf>

Year 14 Annual Report (2016-2017)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2017/Hamilton17.pdf>

Year 15 Annual Report (2017-2018)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/ma/reports/2018/Hamilton18.pdf>

APPENDIX F

MS4 Checklist by Permit Year

Checklist for Year 1 MS4 Permit Requirements – Hamilton, MA

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
10/1/2018	Notice of Intent (NOI)	Prepare and Submit NOI for Permit Coverage 90 days from the permit effective date	1.7.2 & Appendix E	Yes
6/30/2019	Stormwater Management Plan (SWMP)	Develop written SWMP	1.10	Yes
6/30/2019	Public Education	Fulfill public education initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.2	Yes
6/30/2019	Public Participation	Fulfill public participation initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.3	Yes
6/30/2019	Illicit Discharge Detection and Elimination (IDDE) Plan	Develop written IDDE plan to satisfy permit requirements.	2.3.4.6	Yes
6/30/2019	Catchment Delineation	Delineate outfall & interconnection catchment areas.	2.3.4.5	Yes
6/30/2019	Catchment Prioritization & Ranking	Assess and rank the potential for all catchments to have illicit discharges.	2.3.4.7	Yes
6/30/2019	IDDE Employee Training	Continue to train municipal employees on illicit discharge detection and monitoring.	2.3.4.11	Yes
6/30/2019	Construction Site Runoff Control Regulatory Updates/SOPs	Create written procedures for inspection of construction sites for proper sediment & erosion controls, and conducting site plan reviews. Incorporate requirements for waste control. Reference Stormwater Manual for Sediment & Erosion Control BMPs.	2.3.5.c	Yes
6/30/2019	Street Sweeping	Sweep streets a minimum of once a year in the spring. Include miles cleaned or volume or mass of material removed in the annual report.	2.3.7.a.iii.3	Yes

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2019	Catch Basin Cleaning	Clean catch basins annually to ensure the no catch basin is more than 50% full. Report catch basins cleaned and volume of material removed annually.	2.3.7.a.iii.3	Yes
6/30/2019	Winter Road Maintenance SOP	Develop and implement winter road maintenance procedures including use and storage of sand/salt, and snow storage practices.	2.3.7.a.iii.5	Yes
6/30/2019	Stormwater BMP Inspection & Maintenance	Inspect all stormwater treatment structures (BMPs) at least annually and conduct maintenance as necessary. Track number of structures maintained and inspected annually.	2.3.7.a.iii.6	N/A Town does not own any stormwater treatment structures/ BMPs

#### Checklist for Year 2 MS4 Permit Requirements – Hamilton, MA

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2020	Stormwater Management Plan (SWMP)	Update written SWMP	1.10	
6/30/2020	Public Education	Fulfill public education initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.2	
6/30/2020	Public Participation	Fulfill public participation initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.3	
6/30/2020	Update Drainage Map	Update town-wide MS4 mapping to include impaired waters, BMPs, interconnections, and open channel conveyances.	2.3.4.5	
6/30/2020	IDDE Employee Training	Continue to train municipal employees on illicit discharge detection and monitoring.	2.3.4.11	
6/30/2025	IDDE Investigation of Problem Catchments	Begin investigation of problem catchments	2.3.4.8.a	



Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2020	Post-Construction Stormwater Runoff Control Regulatory Updates	Update existing stormwater regulations as needed to include compliance with the Stormwater Management Standards, to meet retention and treatment requirements, to meet as-built requirements and provide for long term operation & maintenance of BMPs.	2.3.6.a.ii	
6/30/2020	Inventory of Municipal Facilities	Develop an inventory of all permittee-owned facilities.	2.3.7.a.ii	
6/30/2020	Operation and Maintenance Procedures	Develop a written set of O&M procedures for municipal facilities, activities and MS4 infrastructure	2.3.7.a.i & 2.3.7.a.iii	
6/30/2020	Stormwater Pollution Prevention Plans (SWPPP)	Develop written SWPPPs for municipal waste handling facilities.	2.3.7.b	
6/30/2020	Street Sweeping	Sweep streets a minimum of once a year in the spring. Include miles cleaned or volume or mass of material removed in the annual report.	2.3.7.a.iii.3	
6/30/2020	Catch Basin Cleaning Optimization	Develop and implement a catch basin cleaning schedule with a goal of ensuring no catch basin is more than 50 % full. Document catch basins inspected and cleaned, including total mass removed and proper disposal.	2.3.7.a.iii.2	
6/30/2020	Stormwater BMP Inspection & Maintenance	Inspect all stormwater treatment structures (BMPs) at least annually and conduct maintenance as necessary. Track number of structures maintained and inspected annually.	2.3.7.a.iii.6	

**Checklist for Year 3 MS4 Permit Requirements – Hamilton, MA**

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2021	Stormwater Management Plan (SWMP)	Update written SWMP	1.10	

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2021	Public Education	Fulfill public education initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.2	
6/30/2021	Public Participation	Fulfill public participation initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.3	
6/30/2021	Update Drainage Map	Update town-wide drainage mapping as needed to include MS4 infrastructure.	2.3.4.5	
6/30/2021	IDDE Employee Training	Continue to train municipal employees on illicit discharge detection and monitoring.	2.3.4.11	
6/30/2021	Dry Weather Outfall Screening and Sampling	Sample all outfalls and interconnections (excluding problem outfalls and excluded outfalls) for dry weather flow and sample flow if present.	2.3.4.7.b	
6/30/2021	Update Catchment Ranking	Update catchment ranking and prioritization based on dry weather outfall sampling data.	2.3.4.7.b.iii.c.iii	
6/30/2025	Continue IDDE Investigation of Problem Catchments	Continue investigation of problem catchments	2.3.4.8.a	
6/30/2028	Begin IDDE Investigation of High and Low Priority Catchments	Begin investigation of high and low priority catchments	2.3.4.8.a	
6/30/2021	Street Sweeping	Sweep streets a minimum of once a year in the spring. Include miles cleaned or volume or mass of material removed in the annual report.	2.3.7.a.iii.3	
6/30/2021	Catch Basin Cleaning	Clean catch basins annually to ensure the no catch basin is more than 50% full. Report catch basins cleaned and volume of material removed annually.	2.3.7.a.iii.3	
6/30/2021	Stormwater BMP Inspection & Maintenance	Inspect all stormwater treatment structures (BMPs) at least annually and conduct maintenance as necessary. Track number of structures maintained and inspected annually.	2.3.7.a.iii.6	

Checklist for Year 4 MS4 Permit Requirements – Hamilton, MA

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2022	Stormwater Management Plan (SWMP)	Update written SWMP	1.10	
6/30/2022	Public Education	Fulfill public education initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.2	
6/30/2022	Public Participation	Fulfill public participation initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.3	
6/30/2022	Update Drainage Map	Update town-wide drainage mapping as needed to include MS4 infrastructure.	2.3.4.5	
6/30/2022	IDDE Employee Training	Continue to train municipal employees on illicit discharge detection and monitoring.	2.3.4.11	
6/30/2025	Continue IDDE Investigation of Problem Catchments	Continue investigation of problem catchments	2.3.4.8.a	
6/30/2028	Continue IDDE Investigation of High and Low Priority Catchments	Continue investigation of high and low priority catchments	2.3.4.8.a	
6/30/2028	Begin Wet Weather Outfall Screening and Sampling	Begin sampling outfalls and interconnections with System Vulnerability Factors during wet weather	2.3.4.8.c	
6/30/2022	Street Design and Parking Lot Guidelines	Develop a report assessing requirements that affect the creation of impervious cover to determine if design standards for streets and parking lots can be modified to support low impact design options.	2.3.6.b	
6/30/2022	Green Infrastructure Practices	Develop a report assessing the barriers and incentives for Green Infrastructure/LID techniques.	2.3.6.c	
6/30/2022	BMP Retrofit Identification	Identify 5 permittee-owned properties that could be retrofitted with stormwater BMPs.	2.3.6.d	
6/30/2022	Street Sweeping	Sweep streets a minimum of once a year in the spring. Include miles cleaned or volume or mass of material removed in the annual report.	2.3.7.a.iii.3	

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2022	Catch Basin Cleaning	Clean catch basins annually to ensure the no catch basin is more than 50% full. Report catch basins cleaned and volume of material removed annually.	2.3.7.a.iii.3	
6/30/2022	Stormwater BMP Inspection & Maintenance	Inspect all stormwater treatment structures (BMPs) at least annually and conduct maintenance as necessary. Track number of structures maintained and inspected annually.	2.3.7.a.iii.6	

#### Checklist for Year 5 MS4 Permit Requirements – Hamilton, MA

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2023	Stormwater Management Plan (SWMP)	Update written SWMP	1.10	
6/30/2023	Public Education	Fulfill public education initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.2	
6/30/2023	Public Participation	Fulfill public participation initiatives aimed at target audiences as outlined in the Town's NOI and this SWMP	2.3.3	
6/30/2023	Update Drainage Map	Update town-wide drainage mapping as needed to include MS4 infrastructure.	2.3.4.5	
6/30/2023	IDDE Employee Training	Continue to train municipal employees on illicit discharge detection and monitoring.	2.3.4.11	
6/30/2025	Continue IDDE Investigation of Problem Catchments	Continue investigation of problem catchments	2.3.4.8.a	
6/30/2028	Continue IDDE Investigation of High and Low Priority Catchments	Continue investigation of high and low priority catchments	2.3.4.8.a	
6/30/2028	Continue Wet Weather Outfall Screening and Sampling	Begin sampling outfalls and interconnections with System Vulnerability Factors during wet weather	2.3.4.8.c	

Completion Due Date	Requirement	Task	Permit Section for Reference	Completed?
6/30/2023	Street Sweeping	Sweep streets a minimum of once a year in the spring. Include miles cleaned or volume or mass of material removed in the annual report.	2.3.7.a.iii.3	
6/30/2023	Catch Basin Cleaning	Clean catch basins annually to ensure the no catch basin is more than 50% full. Report catch basins cleaned and volume of material removed annually.	2.3.7.a.iii.3	
6/30/2023	Stormwater BMP Inspection & Maintenance	Inspect all stormwater treatment structures (BMPs) at least annually and conduct maintenance as necessary. Track number of structures maintained and inspected annually.	2.3.7.a.iii.6	

## APPENDIX G

### Public Education Materials



## Put Hazards in Their Place: Safe Storage and Handling Tips for Chemicals and Hazardous Materials

As an industry owner, you are responsible for all pollutants that leave your property. You play a big role in keeping our waterways clean and healthy! Follow these tips to properly store and handle materials like pesticides, fertilizers, and oils.

### DO



- Maintain accurate records and Material Safety Data Sheet (MSDS) information for stored materials at your site.
- Store chemicals and hazardous materials according to manufacturer's instructions. Storage areas should be dry, cool, well-ventilated, and insulated.
- Check storage areas often for leaks and spills. Be sure storage areas are equipped with easily accessible spill cleanup kits.

### DON'T



- Don't leave materials out in the open. Store them indoors in covered, sealed containers, such as a locked cabinet.
- Don't dump excess, outdated, or waste materials in storm drains or other stormwater structures. Dispose of them according to the manufacturer's instructions and local regulations.
- Don't store materials incorrectly. Waste materials should be kept in secure, labeled containers.

### Why is this necessary?

Rain that falls on and around your site can pick up trash and dirt as it drains away. Much of this water, or stormwater, ends up in our lakes, rivers, and streams. It's the fastest growing type of water pollution in Massachusetts. Stormwater pollution is bad business for our State's waterways. It harms fish and wildlife, makes our water unsafe to drink, and can spoil outdoor activities.

Industrial facilities can do their part to keep Massachusetts' waterways clean.

Find more tips like these at [www.ThinkBlueMassachusetts.org](http://www.ThinkBlueMassachusetts.org).





## Do Your “Doody” for Clean Water

You hate stepping in it. And fish hate swimming in it, too! Dogs produce a lot of waste which, if not disposed of properly, can end up in our waterways. Do your part to keep our waters and public areas clean and healthy! Bag your pet’s waste and throw it in a trashcan.

**DO**



**DON'T**



**Did you know that the average dog can produce nearly a pound of waste each day?**

- Pet waste left on lawns and in public spaces is not only gross. It can be quite harmful too.
- Pet waste contains twice as much bacteria as human waste!
- If left in your yard, pet waste can kill grass and other plants.
- Adults and children who come in contact with it can get sick.
- When pet waste washes into storm drains and waterways, it can make the water unhealthy for people and wildlife.
- Pet waste in waterways can even cause algae to grow, making the water turn an unpleasant green color.

**Do your "doody" in both public areas and in your yard.**

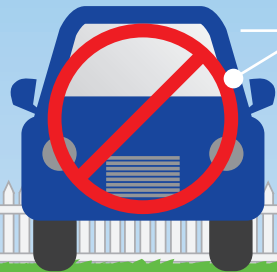
To learn more, visit the [www.ThinkBlueMassachusetts.org](http://www.ThinkBlueMassachusetts.org)



# Do Your Part. Be SepticSmart!



**Shield Your Field**  
Divert rain and surface water away and avoid parking vehicles and planting trees on your drainfield.



**Don't Overload the Commode**  
Don't flush diapers, wipes or other items meant for a trashcan down the toilet.



**Think at the Sink**  
Limit use of your garbage disposal and avoid pouring fats, grease, solids and harsh chemicals down the drain.



**Don't Strain Your Drain**  
Use water efficiently and stagger use of water-based appliances, such as your washing machine or dishwasher.

**Protect It and Inspect It**  
A typical septic system should be serviced every one to three years by a septic service professional.

**Pump Your Tank**  
Ensure your septic tank is pumped at regular intervals as recommended by a professional.

**Keep It Clean**  
If you are on a well, test your drinking water regularly to ensure it remains clean and free of contamination.

**Drainfield**  
**Groundwater Recharge**



**Aquifer**





# Clean water begins with you. Let's Think Blue.



Polluted runoff threatens the health of Massachusetts water. You can do your part at home, at work and at play to help keep our streams clear of pollution after rain and snow melt.

For more tips and information visit [www.thinkbluemassachusetts.org](http://www.thinkbluemassachusetts.org).



**Scoop it!** Pet waste is gross and can make you sick. Bag and dispose of solid pet waste in trash cans.

**Close it!** Rain water running off of trash cans sends waste into nearby streams. Close your trash can lids, cover dumpsters, and properly dispose of trash to keep pollution locked away.



**Stop it!** Stormwater pollution often begins at construction sites, but it doesn't have to. Take steps on your job site to prevent dirt from washing into nearby streams, roads and storm drains.

**Catch it!** Industries and businesses can keep oil, gas, and grease from washing into streams. Use drip pans to catch fluids. Keep absorbent materials close by to clean up small spills. Fix leaks and clean up spills quickly.



Learn more at [www.ThinkBlueMassachusetts.org](http://www.ThinkBlueMassachusetts.org)

## What's the Problem with Dog Waste?

Dog waste left in our yards, forest areas and parks can have many adverse effects on the environment.

It's full of harmful bacteria and excess nutrients.

Besides being a neighborhood nuisance, dog waste can make people sick, especially children who are more likely to come into contact with it while playing.

Dog waste left on lawns can also kill or damage grass and other plants.

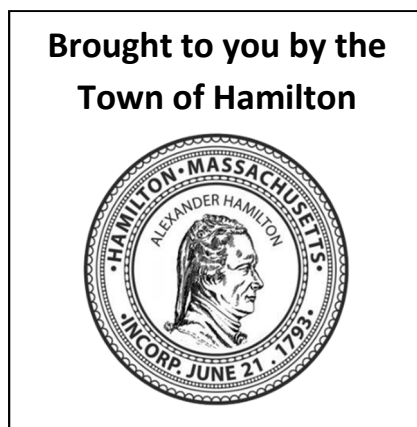
When dog waste is washed into lakes or streams, the waste decays, uses up oxygen in the water, and sometimes releases ammonia. This can kill fish!

Dog waste also contains nutrients that encourage weed and algae growth.

Too much of these nutrients turn water cloudy and green . . . imagine this in your backyard pond or stream!



Managing dog waste properly is something easy that everyone can do to make a difference in the quality of our surface waters.



## DOG WASTE AND SURFACE WATER QUALITY

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### Did You Know?

There are over \_\_\_\_ licensed dogs in our town.

Each of these dogs produces about  $\frac{3}{4}$  pound of solid waste and over 7 billion bacteria daily!



Rainfall and snowmelt in the Town of Hamilton goes untreated into our stormwater system, then directly into local streams, ponds, rivers and lakes.

As it flows, stormwater picks up contaminants and pollutants in its path.

That's why it's important to make sure that dog waste and its pollutants do not end up in the storm drains.

## What's So Bad About Dog Waste?

*Bacteria and other parasites found in pet waste, such as Giardia and Cryptosporidium, can survive for long periods when left on the ground.*

*During a rain storm, these pollutants can be washed into local rivers and ponds and into local drinking water supplies.*

Individual actions can result in significant water quality improvements when carried out by many people.

Unlike some forms of stormwater pollutants, individual people can easily and economically manage dog waste and help keep our waters safe and aesthetically pleasing.

## How You Can Help



**BRING IT** – Always bring a plastic bag when you walk your dog.

**BAG IT** – Use the bag as a glove to pick up the dog waste. Scoop it up and turn the bag inside out around the waste.

**DISPOSE IT** – Properly dispose of dog waste by putting it in a trash can. **Never throw dog waste down a storm drain.**

### AND REMEMBER

- Pick up after your pet in your yard
- Only bring your dog where dogs are allowed.

## APPENDIX H

### Regulatory Mechanisms

grievance to such other Board, Commission, or official whose jurisdiction may be more appropriate to address the grievance. A Board, Commission, or official may refer the grievance to the Agricultural Commission, which shall then undertake such efforts as it deems reasonable and appropriate to facilitate an agreement to resolve the grievance. The Agricultural Commission shall file a report with the referring Board, Commission, or official within 30 days after receipt of the referral, unless the referring Board, Commission, or official establishes a different deadline or the parties to the dispute agree to a different deadline. Nothing herein shall impair or limit any other remedy available to an aggrieved party, suspend the time within which any such remedy must be pursued, or impair or limit the authority of the Board of Health or any other government body or official to respond to cases of imminent danger or public health risk.

### **Section 6 Severability Clause**

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Hamilton hereby declares the provisions of this Bylaw to be severable.

## **CHAPTER XXIX**

### **STORMWATER MANAGEMENT**

#### **1. PURPOSE AND INTENT:**

The purpose and intent of this bylaw are to:

- A. protect water resources
- B. require practices that mitigate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
- C. promote infiltration and the recharge of groundwater;
- D. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process, and are implemented and maintained;
- E. encourage the use of Low-Impact Development practices such as reducing impervious cover and the preservation of green space and other natural areas, to the maximum extent practicable;
- F. comply with state and federal statutes and regulations relating to stormwater discharges;
- G. establish the Town of Hamilton as the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

## **2. DEFINITIONS**

**ABUTTER:** The owner(s) of land abutting the legal boundaries of the land on which the land-disturbing activity is proposed.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act M.G.L. c. 131, §40, and its implementing regulations.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Stormwater Management Permit for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY:** The Planning Board, the Zoning Board of Appeals, and/or their respective employees or agents designated to enforce this by-law.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEARING:** Any activity that removes the vegetative surface cover.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**GRADING:** Changing the level or shape of the ground surface.

**GRUBBING:** The act of clearing land surface by digging up roots and stumps

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**LOW IMPACT DEVELOPMENT:** A set of strategies that seek to maintain natural systems during the development process. The idea is to create homes and businesses that are integrated into the landscape, not imposed on it. Natural areas and important features are protected, and stormwater is managed with a distributed network of swales and rain gardens, rather than a centralized system of pipes and ponds.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 and Massachusetts Clean Waters Act M.G.L. c. 21, §26-53. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hamilton.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

**OUTFALL:** The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

**OWNER:** A person with a legal or equitable interest in property.

**PERMIT AUTHORITY:** The Planning Board or the Zoning Board of Appeals, as outlined in Section 5.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.



**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STORMWATER:** Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

**STORMWATER MANAGEMENT PLAN:** A plan required as part of the application for a Stormwater Management Permit. See Section 6 and Planning Board Rules and Regulations. A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

### **3. AUTHORITY**

- A. This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR §22.34
- B. Nothing in this Bylaw is intended to replace the requirements of any other bylaw that has been made or may be adopted by the Town of Hamilton.

### **4. APPLICABILITY**

- A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including clearing, grading and excavation, that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town's Municipal Separate Storm Sewer System.

B. Construction activities that are exempt are:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations 310 CMR 10.04 and MGL Chapter 40A, §3;
2. Maintenance of existing landscaping, gardens, or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil material, or alteration of drainage patterns;
3. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
4. Normal maintenance of Town owned public land, ways, and appurtenances;
5. Repair or maintenance of an individual subsurface septic disposal system, and related elements such as pipes, etc., provided that the post-repair condition drainage is equal to the pre-repair condition.
6. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw section.
7. Maintenance, reconstruction or resurfacing of any public or private way; and the installation of drainage structures or utilities within or associated with such ways that have been approved by the appropriate authorities provided that written notice be filed with the Planning Board fourteen (14) days prior to commencement of activity;

**5. RESPONSIBILITY FOR ADMINISTRATION**

- A. For the purpose of this Bylaw section, as noted in B. below, the term Permit Authority shall indicate the Planning Board or the Zoning Board of Appeals, as appropriate. Any powers granted to or duties imposed upon the Permit Authority may be delegated in writing by the Permit Authority to its employees or agents.
- B. To the extent that the Zoning Board of Appeals is the Permit Authority under M.G.L. Chapter 40B and for certain activity, development, construction or reconstruction under the Zoning Bylaw for which the Applicant must also seek a Storm water Management Permit, then the Zoning Board of Appeals shall also be the Permit Authority in that instance.
- C. For all other applications which fall under the purview of this bylaw, the Planning Board shall be the Permit Authority.
- D. Applications, plans and accompanying data under this bylaw may be filed simultaneously with and may be incorporated into those plans and documents required in other permitting processes.
- E. Planning Board Rules and Regulations. The Planning Board shall adopt, and may periodically

amend Rules and Regulations to effectuate the purposes of this Bylaw section. Failure by the Planning Board to promulgate such Rules and Regulations shall not have the effect of suspending or invalidating this bylaw. The Rules and Regulations shall include but shall not be limited to: the size, quantity, and distribution of plans; filing fee; required details for Storm water Management Plan; Operation and Maintenance Plan; and Inspection and Site Supervision, etc.

#### F. Storm water Management Manual

1. The Permit Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Storm water Management Policy to execute the provisions of this Bylaw. This Policy includes a list of acceptable storm water treatment practices, including the specific design criteria for each. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Regulations, storm water treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
2. Storm water Credit System. The Permit Authority may adopt a Storm water Credit System as part of the regulations authorized by this Bylaw section. This credit system will allow applicants the option to use better site design practices to reduce some of the requirements specified in the criteria section of the Regulations. Failure of the Permit Authority to promulgate such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

## 6. PERMITS AND PROCEDURES

### A. Application.

A completed application for a Storm water Management Permit (SMP) shall be filed with the Permit Authority. The Storm water Management Permit Application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessors Office (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water);
3. Storm water Management Plan and project description;
4. Operation and Maintenance Plan;
5. payment of the application and review fees;
6. one (1) complete copy filed with the Town Clerk, by the Applicant, which shall serve to establish

the filing date.

7. A full electronic copy submitted by e-mail or on a CD.

See Storm water Management Permit Rules and Regulations for additional filing requirements.

- B. Entry. Filing an application for a permit grants the Permit Authority or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions, after proper notification to the Applicant at least 24 hours in advance.

#### C. Public Hearing

1. If an application is filed concurrently for a Definitive Subdivision Plan approval, for a project under the Zoning Bylaw, or for a 40B filing, the public hearing and decision requirements shall follow the requirements of the particular application.
2. To the extent possible, required hearings of the Permit Authority shall run concurrently with the Storm water Management Permit hearing, and every effort shall be made to handle the permitting process expeditiously.
3. If an application is filed independently of other filings, the Permit Authority shall hold a public hearing within sixty (60) days of the receipt of a complete application and shall take final action within sixty (60) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Permit Authority. Notice of the public hearing shall be given by publication in a newspaper of local circulation, public posting, and by certified mail at the Applicant's expense to abutters at least fourteen (14) days prior to the hearing date. The Permit Authority shall make the application available for inspection by the public during business hours at the Hamilton Town Hall.

#### D. Information requests.

The applicant shall submit all additional information requested by the Permit Authority to issue a decision on the application.

#### E. Waivers

1. The Permit Authority may waive strict compliance with any requirement of this bylaw or the Rules and Regulations of the Planning Board, where
  - a. Such action is allowed by federal, state and local statutes and/or regulations
  - b. It is in the public interest
  - c. It is not consistent with the purpose and intent of this bylaw.
2. Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purpose or objectives of this bylaw.

3. All waiver requests shall be discussed and voted on at the Public Hearing for the project.
4. If in the Permit Authority's opinion, additional time or information is required for review of a waiver request, the Permit Authority may continue the hearing to a date certain announced at the meeting. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

F. Actions by the Permit Authority may include:

1. Approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. Approve the Stormwater Management Permit Application and issue a permit with conditions, modifications or restrictions that the Permit Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;
3. Disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

G. Failure of the Permit Authority to take final action. Failure of the Permit Authority to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Permit Authority's action, the Stormwater Management Permit shall be issued by the Town Clerk.

H. Vote required. A simple majority of the Permit Authority shall be required in order to grant a Stormwater Management Permit.

I. The Permit Authority shall enforce all violations of the Stormwater Management Permit approval and conditions. See Section 12. below for enforcement of violations of this bylaw section which do not fall under a valid Stormwater Management Permit.

J. Appeals A decision of the Permit Authority shall be final. Further relief of a decision by the Permit Authority made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days of filing a Decision with the Town Clerk, in accordance with M.G.L. Ch. 249 §4.

## **7. FINAL REPORT**

Upon completion of the work, the Applicant shall submit a report (including certified as-built construction plans, as outlined in Subdivision Regulations, Section IV.B.8.a), from a Registered Professional Engineer (P.E.), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

## **8. CERTIFICATE OF COMPLETION**

The Permit Authority will issue a letter certifying completion upon receipt and approval of the Final Report and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

## **9. EMPLOYMENT OF OUTSIDE CONSULTANTS**

The Permit Authority may employ outside consultants, at the Applicant's expense, under the terms of the Zoning Bylaw, and Planning Board Rules and Regulations, to assist in its permit decision, including but not limited to plan review, drainage and stormwater analysis; to determine conformance with this Bylaw section and other requirements; and for construction inspection, etc.

## **10. PERFORMANCE GUARANTEE**

- A. The Permit Authority may require the Applicant to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security as performance guarantee, to be in an amount deemed sufficient by the Permit Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Permit Authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Permit Authority has received the Final Report as required by Section 7 of this bylaw and issued a Certificate of Completion.
- B. The Planning Board Rules and Regulations shall establish reasonable criteria for assessing the Performance Guarantee.

## **11. DURATION OF STORMWATER MANAGEMENT PERMIT**

A Stormwater Management Permit is granted for a period of three years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause as shown.

## **12. ENFORCEMENT of VIOLATIONS Which do not Fall under a Stormwater Management Permit**

- A. In any instance where a SWM Permit has not been applied for or granted, a disturbance of earth equal to or greater than one acre of land shall constitute a violation of this bylaw section. The Planning Board, or an authorized agent of the Planning Board, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

## B. Orders

1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:
  - (a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land-disturbance permit;
  - (b) maintenance, installation or performance of additional erosion and sediment control measures;
  - (c) monitoring, analyses, and reporting
  - (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the property owner shall reimburse the Town expenses.
3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Hamilton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in M.G.L. Ch. 59, §57, after the thirty-first day following the day on which the costs were due.

C. **Criminal Penalties** Any person who violates any provision of this Bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Hamilton.

D. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch.. 40 §21D and General Bylaw Chapter XIII, *Penalties for Violation* in which case the Planning Board shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00.

Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

- E. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.
- F. Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

### **13. SEVERABILITY**

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

## **CHAPTER XXX**

### **ILLICIT DISCHARGE DETECTION AND ELIMINATION BY-LAW**

#### **1. PURPOSE**

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. The objectives of this By-Law are:

1. to prevent Pollutants from entering the town's municipal separate storm drain system (MS4);
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
5. to establish the legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.

#### **2. DEFINITIONS**

For the purposes of this By-Law, the following shall mean:

**AUTHORIZED ENFORCEMENT AGENCY:** The Board of Selectmen, as the Board of Public Works, with the Director of Public Works as its Designated Agent.



**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) as hereafter amended.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any Pollutant or combination of Pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

**GROUNDWATER:** Water beneath the surface of the ground.

**ILLICIT CONNECTION:** A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-Law.

**ILLICIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 8, of this By-Law.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

**MUNICIPAL SEPARATE STORM DRAIN SYSTEM (MS4) or MUNICIPAL STORM SEWER SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hamilton.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of Pollutants to waters of the United States.

**NON-STORMWATER DISCHARGE:** Discharge to the municipal storm drain system not composed entirely of stormwater.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth.

Pollutants shall include without limitation:

1. paints, varnishes, and solvents;
2. oil and other automotive fluids;
3. non-hazardous liquid and solid wastes and yard wastes;
4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations;
5. pesticides, herbicides, and fertilizers;
6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. dissolved and particulate metals;
8. animal wastes;
9. rock, sand, salt, soils;
10. construction wastes and residues; and
11. noxious or offensive matter of any kind.

**PROCESS WASTEWATER:** Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**STORMWATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.

**SURFACE WATER DISCHARGE PERMIT:** A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of Pollutants to waters of the Commonwealth of Massachusetts.

**TOXIC OR HAZARDOUS MATERIAL or WASTE:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any

synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch. 21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**WASTEWATER:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

### **3. APPLICABILITY**

This By-Law shall apply to flows entering the municipally owned storm drainage system.

### **4. AUTHORITY**

A. This By-Law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR §122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

B. Nothing in this By-Law is intended to replace the requirements or authority of any other By-Law, state, federal, or superseding authority.

### **5. RESPONSIBILITY FOR ADMINISTRATION**

The Town Manager shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Town Manager may be delegated in writing by him to the Designated Agent or to another authorized agent.

### **6. REGULATIONS**

The Board of Selectmen may promulgate Rules and Regulations to effectuate the purposes of this By-Law. Failure by the Board to promulgate such Rules and Regulations shall not have the effect of suspending or invalidating this By-Law.

## 7. PROHIBITED ACTIVITIES

A. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any Pollutant or non-stormwater discharge into the municipal separate storm drain system (MS4), into a watercourse, or into the waters of the Commonwealth.

B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Designated Agent.

## 8. EXEMPTIONS

A. Discharge or flow resulting from fire fighting activities.

B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a Pollutant to the municipal storm drain system **and such discharge complies with the requirements of Chapter X, Section 9 of these By-laws.**

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Water from individual residential car washing;

11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. Plowing, sanding, and salting, and other measures during snow and ice conditions;
13. Discharge from street sweeping;
14. Dye testing, provided verbal notification is given to the Designated Agent at least 7 days prior to the time of the test;
15. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
16. Discharge for which advanced written approval is received from the Designated Agent as necessary to protect public health, safety, welfare or the environment.
17. Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Town Manager, the Board of Selectmen or the Board of Health.

## **9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS**

The Designated Agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

## **10. NOTIFICATION OF SPILLS**

A. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of Pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release.

B. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police Departments and the Designated Agent. In the event of a release of non-hazardous material, the reporting person shall notify the Designated Agent no later than the next

business day. The reporting person shall provide to the Designated Agent written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter.

C. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **11. ENFORCEMENT**

A. The Town Manager shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief. If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders. The Town Manager may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

C. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

D. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Town Manager within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Town Manager, affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59 §57 after the thirty-first day at which the costs first become due.

E. Criminal Penalties. Any person who violates any provision of this By-Law, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Hamilton.

F. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Hamilton may elect to utilize the non-criminal disposition procedure set forth in M. G.L. Ch. 40 §21D and General By-Law Chapter XIII, in which case the Board of Selectmen shall be the enforcing person. The penalty for each violation shall be \$100.00 for the first offense, \$200.00 for the second violation,

and \$300.00 for the third violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

G. Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town Manager may enter upon privately owned property for the purpose of performing his duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the Town Manager deems reasonably necessary.

H. Appeals. The decisions or orders of the Town Manager shall be final. Further relief shall be to a court of competent jurisdiction.

I. Remedies Not Exclusive, . The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

## **SECTION 12. SEVERABILITY**

The provisions of this By-Law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

## **SECTION 13. TRANSITIONAL PROVISIONS**

Property owners shall have 90 days from the effective date of the By-Law to comply with its provisions or petition the Board of Selectmen for an extension provided good cause is shown for the failure to comply with the By-Law during the specified period.

## **CHAPTER XXXI**

### **TOWN OF HAMILTON ADOPTION OF HISTORIC DISTRICT BY-LAW**

1. There is hereby established a Historic District, hereinafter called "The District" under the provisions of General Laws, Chapter 40C, as amended, bounded and described as set forth in the copy of the by-law on file with the Town Clerk.

The metes and bounds are shown on a map entitled "Hamilton Historic District, Established 1972" filed with the Town Clerk and to be recorded with the Essex South District Registry of Deeds. Said map is designated as the map required for filing in accordance with the fourth paragraph of Section 3 of said Chapter 40C, as amended. The sources of said map are Assessors Maps #40 and #49 on file with the Board of Assessors of Hamilton.

# **Town of Hamilton**

## **Stormwater Management Permit Rules & Regulations August 2010**

### **1. INTRODUCTION**

The Stormwater Management Permit Rules and Regulations are promulgated under the Authority of Town of Hamilton General Bylaw Ch. XXIX, Stormwater Management (the “Bylaw”). These Rules and Regulations shall be adopted by the Planning Board following a duly posted and noticed Public Hearing, vote of the Board, and filing of final document with the Town Clerk. The Rules and Regulations may be amended by following the same procedure.

### **2. DEFINITIONS**

All definitions in the Bylaw apply to this section as well

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel of similar earth material.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**LOW IMPACT DEVELOPMENT:** A set of strategies that seek to maintain natural systems during the development process. The idea is to create homes and businesses that are integrated into the landscape, not imposed on it. Natural areas and important features are protected, and stormwater is managed with a distributed network of swales and rain gardens, rather than a centralized system of pipes and ponds.

**OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic,



recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Surface Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards as set forth in the Massachusetts Stormwater Management Policy. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

**PERMIT AUTHORITY:** Shall be the Planning Board or Zoning Board of Appeals.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

**WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Hamilton Wetland Bylaw.

### **3A. APPLICABILITY – SMALLER PROJECTS**

#### **A. Applications:**

##### Applications for Smaller Projects:

An abbreviated application for a Stormwater Management Permit (SMP) may be filed with the Permit Authority for any construction activity including clearing, grading and excavation that results in a land disturbance equal to or greater than one acre of land, but less than two acres of land for a single family residential construction or residential addition of less than 1,000 square feet (sf) of foundation to an existing dwelling provided construction will occur on:

1. an Approval Not Required lot that is not adjacent to another lot which is currently under construction and/or the adjacent lot has not been issued an occupancy permit,
2. a lot created by a previously approved subdivision plan dated 1990 or later which has access and frontage on a roadway that has an approved drainage system in place,
3. a lot that has less than 10,000 sf with a slope of 15% or greater,
4. a lot that has less than 20,000 sf with a slope of 10% or greater,
5. a lot that has less than 30,000 sf with a slope of 5% or greater,
6. a lot in which the area of work is determined to be under the jurisdiction of the Conservation Commission,
7. a lot that does not currently or propose to create a roof top greater than 1,000 sf with runoff from one discharge point,
8. a lot that does not have roof top runoff which commingles with paved surface Runoff or,
9. a lot that is not located in the Groundwater Protection Overlay District.

#### 4A. PERMIT PROCEDURES AND REQUIREMENTS – SMALLER PROJECTS

Abbreviated Stormwater Management Permit (ASMP) Application package shall include:

1. Completed Application Form, signed by all Owners and Applicants

Distribution of Plans:

If the Permit Authority is the:

- Zoning Board of Appeals: 11 copies
- Planning Board: 13 copies

The Permit Authority shall distribute via e-file a copy to each of the following: Board of Health, Building Inspector, Department of Public Works, Conservation Commission, the Planning Board and/or Zoning Board of Appeals as appropriate.

A. The Permit Authority shall examine the Application package for compliance with the Bylaw and these regulations. Incomplete applications will be returned to the Applicant with a list of missing information which must be supplied before a public meeting may be scheduled.

B. Entry. The filing of an application grants the Permitting Authority permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

2. A copy of the recorded deed to the property.

3. Fees per the following Fee Schedule:

A. Filing Fee:

Single Dwelling Application: \$100.00 plus \$10.00 per each 1,000 square foot of land disturbance in excess of one acre, to a maximum of \$500.00

Re-submittal or Modification Fee: Single Dwelling Application: \$100.00

B. Technical Review may take place in conjunction with outside technical review of the accompanying plan filed under M.G.L. Chapter 44, Section 81, M.G.L. Chapter 40A, and M.G.L. Chapter 40B. Employment of Outside Consultants under the terms of M.G.L. Chapter 44, Section 53G, is authorized for review under these chapters and Section 8 of these Rules and Regulations.

4. The name and address of the property owner and the Applicant, if different from the property owner; a narrative describing the nature and location of the project and the site, complete dimensions and area; the zoning classification(s) that apply to the property; Assessor's Map and lot numbers; the proposed building or

addition size with a breakdown of proposed uses; and projected parking spaces required for the development.

5. A list of requested Waivers.
6. A full electronic copy submitted by e-mail or on a CD to the Permit Authority.
7. One (1) complete copy shall be filed by the Applicant with the Town Clerk. The date of receipt by the Town Clerk shall be the official filing date.
8. Stormwater Management Plan and project description.
  - A. The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The Applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements.
  - B. The design requirements of the Stormwater Management Plan shall include at a minimum but not be limited to the following:
    1. Minimize total area of disturbance;
    2. Sequence activities to minimize simultaneous areas of disturbance;
    3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
    4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
    5. Divert uncontaminated water around disturbed areas;
    6. Maximize groundwater recharge;
    7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
    8. Prevent off-site transport of sediment;
    9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);

10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Properly manage on-site construction and waste materials; and
14. Prevent off-site vehicle tracking of sediments.

C. Standards:

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy which are as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - a. Suitable nonstructural practices for source control and pollution prevention and implemented;

- b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - c. Stormwater management BMPs are maintained as designed.
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
  6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
  7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
  8. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- D. The Stormwater Management Plan Content. This Stormwater Management Plan shall contain sufficient information for the Permit Authority to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II, or more recent editions. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. All plan sheets shall be 24" x 36" in size. The Plan shall include at a minimum but not be limited to the following information:
1. Names, addresses, and telephone numbers of the owner, Applicant, and person(s) or firm(s) preparing the plan;
  2. A Locus map with title, date, north arrow, names of abutters, existing zoning and land uses, scale, and legend;
  3. Existing and proposed zoning and land use;
  4. Location of existing and proposed utilities;

5. Location and description of natural features including;
  - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
  - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
  - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within one hundred (100') feet of any construction activity.
6. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
7. Existing soils, volume and nature of imported soil materials;
8. The site's existing & proposed topography with contours at 2 foot intervals;
9. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
10. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
11. A delineation of 100-year flood plains, if applicable;
12. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
13. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
14. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths;

15. Location and details of proposed erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
16. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
17. A description and drawings of all components of the proposed drainage system including:
  - a. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
  - b. all measures for the detention, retention or infiltration of water,
  - c. all measures for the protection of water quality,
  - d. the structural details for all components of the proposed drainage systems and stormwater management facilities,
  - e. notes on drawings specifying materials to be used, construction specifications, and typicals,
  - f. expected hydrology with supporting calculations.
18. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
19. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy Include Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
  - a. Description of the design storm frequency, intensity and duration; time of concentration;
  - b. Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group;
  - c. Peak runoff rates and total runoff volumes for each watershed area;
  - d. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;



- e. Infiltration rates, where applicable;
  - f. Culvert capacities;
  - g. Flow velocities;
  - h. Data on the increase in rate and volume of runoff for the specified design storms, and
  - i. Documentation of sources for all computation methods and field test results.
20. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, vegetative controls, and other stabilization measures;
  21. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  22. A maintenance schedule for the period of construction,
  23. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  24. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts;
  25. Such other information as is required by the Permit Authority.

E. Low Impact Development Techniques:

The use of low-impact development techniques is required, where applicable. The Applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings indigenous to the area. The use of recycled or recaptured rainwater is encouraged. (A Low Impact Development Handbook and other references are available from the Planning Board Office.)

F. Project Changes:

The Applicant, or their agent, shall notify the Permit Authority in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater

Management Permit before any change or alteration occurs. If the Permit Authority determines that the change or alteration is significant, based on the design requirements and accepted construction practices, the Permit Authority may require that a Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Abbreviated Stormwater Management Permit occurs during a project, the Permit Authority may require the installation of interim measures before approving the change.

### **3B. APPLICABILITY – LARGER PROJECTS**

#### Application for Larger Projects:

A completed application for a Stormwater Management Permit (SMP) shall be filed with the Permit Authority for any construction activity including clearing, grading and excavation, that results in a land disturbance equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land and does qualify for the Small Project Approval, draining to the Town’s Municipal Separate Storm Sewer System.

### **4.B PERMIT PROCEDURES AND REQUIREMENTS – LARGER PROJECTS**

The Stormwater Management Permit (SMP) Application package shall include:

1. Completed Application Form, signed by all Owners and Applicants

Distribution of Plans:

If the Permit Authority is the:

- Zoning Board of Appeals: 11 copies
- Planning Board: 13 copies

The Permit Authority shall distribute via e-file a copy to each of the following: Board of Health, Building Inspector, Department of Public Works, Conservation Commission, the Planning Board and/or Zoning Board of Appeals as appropriate.

A. The Permit Authority shall examine the Application package for compliance with the Bylaw and these regulations. Incomplete applications will be returned to the Applicant with a list of missing information which must be supplied before a public meeting may be scheduled.

B. Entry. The filing of an application grants the Permitting Authority permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

2. A copy of the recorded deed to the property;

3. A list of abutters, certified by the Assessors Office (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the Applicant, including any in another municipality or across a body of water) (“Abutters”);

4) Notice of Public Hearing shall be given by the Permit Authority in an official

publication of, or in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than fourteen days before the date of such public hearing. A copy of said notice shall be sent (Certified Mail with Return Receipt) by the Applicant to Abutters at least fourteen days prior to the date of the hearing. The Applicant shall bring the Certified Mail receipt cards, received from the Abutters, with him to the Public Hearing. All expenses incurred in advertising the hearing and mailing the notices shall be paid by the Applicant

5. Fees per the following Fee Schedule:

A. Filing Fee:

Single Dwelling Application: \$100.00 plus \$10.00 per each 1,000 square foot of land disturbance in excess of one acre, to a maximum of \$1,000.00

All Other Applications: \$200.00 plus \$10.00 per each 1,000 square foot of land disturbance in excess of one acre, to a maximum of \$1,000.00

Resubmittal or Modification Fee:

Single Dwelling Application: \$100.00

All Other Applications: \$400.00

B. Technical Review may take place in conjunction with outside technical review of the accompanying plan filed under M.G.L. Chapter 44, Section 81, M.G.L. Chapter 40A, and M.G.L. Chapter 40B. Employment of Outside Consultants under the terms of M.G.L. Chapter 44, Section 53G, is authorized for review under these chapters and Section 8 of these Rules and Regulations.

6. The name and address of the property owner and the Applicant, if different from the property owner; a narrative describing the nature and location of the project and the site, complete dimensions and area; the zoning classification(s) that apply to the property; Assessor's Map and lot numbers; the proposed building or addition size with a breakdown of proposed uses; and projected parking spaces required for the development.
7. Stormwater Management Plan and project description. (detailed later)
8. Operations and Maintenance Plan (detailed later)
9. A list of requested Waivers.
10. A full electronic copy submitted by e-mail or on a CD to the Permit Authority.
11. One (1) complete copy shall be filed by the Applicant with the Town Clerk. The date of receipt by the Town Clerk shall be the official filing date.

Stormwater Management Plan

- A. The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The Applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements.
  
- B. The design requirements of the Stormwater Management Plan shall include at a minimum but not be limited to the following:
  - 1. Minimize total area of disturbance;
  - 2. Sequence activities to minimize simultaneous areas of disturbance;
  - 3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
  - 4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  - 5. Divert uncontaminated water around disturbed areas;
  - 6. Maximize groundwater recharge;
  - 7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
  - 8. Prevent off-site transport of sediment;
  - 9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
  - 10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
  - 11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
  - 12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14

days after construction activity has temporarily or permanently ceased on that portion of the site;

13. Properly manage on-site construction and waste materials; and
14. Prevent off-site vehicle tracking of sediments.

C. Standards:

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - a. Suitable nonstructural practices for source control and pollution prevention and implemented;
  - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - c. Stormwater management BMPs are maintained as designed.
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater

Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.

7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
  8. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
  9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed. When one or more of the Standards cannot be met, an Applicant may demonstrate that an equivalent level of environmental protection will be provided.
- D. The Stormwater Management Plan Content. This Stormwater Management Plan shall contain sufficient information for the Permit Authority to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II, or more recent editions. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. All plan sheets shall be 24" x 36" in size. The Plan shall include at a minimum but not be limited to the following information:
1. Names, addresses, and telephone numbers of the owner, Applicant, and person(s) or firm(s) preparing the plan;
  2. A Locus map with title, date, north arrow, names of abutters, existing zoning and land uses, scale, and legend;
  3. Existing and proposed zoning and land use;
  4. Location of existing and proposed utilities;
  5. Location and description of natural features including:
    - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;

- (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
  - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within one hundred (100') feet of any construction activity.
6. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  7. Existing soils, volume and nature of imported soil materials;
  8. The site's existing & proposed topography with contours at 2 foot intervals;
  9. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
  10. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
  11. A delineation of 100-year flood plains, if applicable;
  12. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
  13. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
  14. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths;
  15. Location and details of proposed erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
  16. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);



17. A description and drawings of all components of the proposed drainage system including:
  - a. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
  - b. all measures for the detention, retention or infiltration of water,
  - c. all measures for the protection of water quality,
  - d. the structural details for all components of the proposed drainage systems and stormwater management facilities,
  - e. notes on drawings specifying materials to be used, construction specifications, and typicals, and
  - f. expected hydrology with supporting calculations.
18. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
19. Location and description of industrial discharges
20. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy Include Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
  - a. Description of the design storm frequency, intensity and duration; time of concentration;
  - b. Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group;
  - c. Peak runoff rates and total runoff volumes for each watershed area;
  - d. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
  - e. Infiltration rates, where applicable;
  - f. Culvert capacities;

- g. Flow velocities;
  - h. Data on the increase in rate and volume of runoff for the specified design storms, and
  - i. Documentation of sources for all computation methods and field test results.
21. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, vegetative controls, and other stabilization measures;
  22. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  23. A maintenance schedule for the period of construction,
  24. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  25. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts; and
  26. Such other information as is required by the Permit Authority.

E. Low Impact Development Techniques:

The use of low-impact development techniques is required, where applicable. The Applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings indigenous to the area. The use of recycled or recaptured rainwater is encouraged. (A Low Impact Development Handbook and other references are available from the Planning Board Office.)

F. Project Changes:

The Applicant, or their agent, shall notify the Permit Authority in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Permit Authority determines that the change or alteration is significant, based on the design requirements and accepted construction practices, the Permit Authority may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater

Management Permit occurs during a project, the Permit Authority may require the installation of interim measures before approving the change.

### Operation and Maintenance Plan

- A. An Operation and Maintenance plan (“O&M Plan”) is required at the time of application for all larger projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Permit Authority shall make the final decision of what maintenance option is appropriate in a given situation. The Permit Authority will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Permit Authority and shall be an ongoing requirement.

The O&M Plan shall include:

1. The name(s) of the owner(s) for all components of the system;
2. Maintenance agreements that specify:
  - a. The names and addresses of the person(s) responsible for operation and maintenance,
  - b. The person(s) responsible for financing maintenance and emergency repairs.
  - c. A Maintenance Schedule for all drainage structures, including swales and ponds.
  - d. A list of easements with the purpose and location of each.
  - e. The signature(s) of the owner(s).
3. Stormwater Management Easement(s). Stormwater management easements shall be provided by the property owner(s) as necessary for:
  - a. access for facility inspections and maintenance,
  - b. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.

- c. direct maintenance access by heavy equipment to structures requiring regular cleanout.
  - 4. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
  - 5. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Permit Authority.
  - 6. Easements shall be recorded with the Essex County Registry of Deeds prior to issuance of a Certificate of Completion by the Permit Authority.
- B. Changes to Operation and Maintenance Plan:
- 1. The owner(s) of the stormwater management system must notify the Permit Authority of changes in ownership or assignment of financial responsibility.
  - 2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Permit Authority and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

## **5.0 INSPECTION AND SITE SUPERVISION**

- A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity the Applicant, the Applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Permit Authority designee(s), Technical Review Agent or Inspecting Agent, and any other person designated by the Permit Authority, to review the permitted plans and their implementation.
- B. Board Inspection. The Permit Authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, approved by the Permit Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Permit Authority or its designee at least two (2) working days before each of the following events:
  - 1. Erosion and sediment control measures are in place and stabilized;

2. Site Clearing has been substantially completed;
  3. Rough Grading has been substantially completed;
  4. Final Grading has been substantially completed;
  5. Close of the Construction Season; and
  6. Final Landscaping (permanent stabilization) and project final completion.
- C. Applicant Inspections. The Applicant or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections is to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The Applicant or his/her agent shall submit monthly reports to the Permit Authority or designated agent in a format approved by the Permit Authority.
- D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Permit Authority and its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Permit Authority deems reasonably necessary to determine compliance with the permit.

## **5.0 PERFORMANCE GUARANTEE**

A reasonable performance guarantee, commensurate to the estimated duration and size of the project, shall be assessed by the Permit Authority and held in an escrow account pending completion of the project. The guarantee shall be calculated upon the cost of the stormwater management portion of the project.

## **6.0 OUTSIDE CONSULTANTS TO ASSIST PERMIT AUTHORITY**

- A. When reviewing an application for (permit/approval), the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.
- B. To the extent that most of the filings before the Permit Authority will be submitted concurrently and in conjunction with drainage, site design, and other technical elements of a plan, the Stormwater Management Plan and requirements outlined above shall be reviewed concurrently with these other elements. The technical review fee for stormwater management elements shall be assessed along with the fee for review of the project submitted, which falls under the purview of the Planning Board for Subdivision Plans under M.G.L. Chapter 44, Section 81 and Special Permits under M.G.L. Chapter 40A; and the Zoning Board of Appeals

for Variances, Special Permits, under M.G.L. Chapter 40A, and Site Plan Review under the Zoning Bylaw, and Comprehensive Permits under M.G.L. Chapter 40B. The Fee shall be deposited in the Town Treasury in compliance with the terms of M.G.L. Ch. 44, §53G.

- C. For applications which are not submitted concurrently with another application, a fee shall be assessed in conformity with M.G.L. Ch. 44, §53G, and Planning Board Regulations.

## **7.0 CERTIFICATE OF COMPLETION**

At completion of the project, the permittee shall submit an as-built stamped by a registered engineer for all structural stormwater controls and treatment best management practices required for the site. The as-built will indicate all deviations from the plan. A letter certifying the completion will be issued before an occupancy permit is issued by the Building Inspector.

## APPENDIX I

Standard Operating Procedures

Winter Road Maintenance

<b>STANDARD OPERATING PROCEDURE</b> <b>DEPARTMENT OF PUBLIC WORKS [OR OTHER]</b>  <b>PROGRAM:</b> Snow Removal and De-Icing	<b>SOP NUMBER:</b>	<b>ISSUE DATE:</b>
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**APPROVED BY:**

Timothy J. Olson  
Director of Public Works

**MA SMALL MS4 PERMIT REQUIREMENT SUMMARY:**

**Part 2.3.7.a.iii.5.**  
The permittee shall establish and implement procedures for winter road maintenance including the use and storage of salt and sand; minimize the use of sodium chloride and other salts, and evaluate opportunities for use of alternative materials; and ensure that snow disposal activities do not result in disposal of snow into waters of the United States. For purposes of this MS4 Permit, salt shall mean any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

**Personnel**

The following personnel are responsible for snow and ice removal. Employees performing the procedures in this SOP shall attend yearly stormwater pollution prevention training.

**TABLE 1**

Name	Responsibility
DPW Director	Manage operation
Assistant DPW Director	Oversee operation
Highway Foreman	Orchestrate operation

**Equipment**

The municipality owns and maintains ice control and snow removal equipment listed in Table 2. Equipment maintenance shall be conducted consistent with the Vehicles and Equipment maintenance SOP found here: The wash area is located at the parking area at DPW Garage, 577 Bay Road, Hamilton, MA 001982

**Plowing**

When conditions warrant, plows are installed on the 6 larger trucks to move snow from the traveled roadway. Average time to install a plow is approximately 30 minutes. 8 smaller trucks are available for plowing of residential streets and clearing public lots.

**Sand Spreaders**

When conditions warrant, sand spreaders are installed on the 3 larger trucks to spread sand on the traveled roadway. Each sand spreader is calibrated prior to the deicing season and periodically through the winter season thereafter. Sand spreaders are calibrated to dispense the standard practice cubic yards of sand per lane mile.



<b>STANDARD OPERATING PROCEDURE</b> <b>DEPARTMENT OF PUBLIC WORKS [OR OTHER]</b>  <b>PROGRAM:</b> Snow Removal and De-Icing	<b>SOP NUMBER:</b>	<b>ISSUE DATE:</b>
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**Salt Spreaders and Pre-Wetting Devices**

When conditions warrant, salt spreaders are installed on the 3 larger trucks to spread salt on the traveled roadway. Each salt spreader is calibrated prior to the deicing season and periodically through the winter season thereafter. Salt application shall be calibrated to dispense rates of standard practice pounds per lane mile. The Town does not currently have any pre-wetting devices on their trucks.

**Anti-Icing Dispensers**

N/A. The Town does not currently have any anti-icing dispensers on their trucks.

**TABLE 2**

Equipment Number	Make	Description	Additional Equipment	Primary Use
<i>[00001]</i>	<i>[XXXX]</i>	<i>[12-yard dump truck]</i>	<i>[4-yard salt spreader. 11' Side-cast plow]</i>	<i>[General Salting and Plowing]</i>
1	Chevy 2500	¾ Ton	Plow	plowing
2	Chevy 2500	¾ Ton	Plow	plowing
3	Chevy 3500	1 Ton	Plow	plowing
4	John Deere	Loader	Plow/Bucket	plowing
5	International 7300	6 cy	Plow/Sander	Plowing and sanding
6	International 7300	6 cy	Plow	Plowing
7	International 7400	6 cy	Plow/Sander	Plowing and sanding
8	Chevy 2500	¾ Ton	Plow	plowing
9	International 7300	6 cy	Plow/Sander	Plowing and sanding
10	Chevy 2500	¾ Ton	Plow	plowing
11	GMC 3500	1 Ton	Plow	plowing
12	Chevy 3500	1 Ton	Plow	plowing
13	International 7400	6 cy	Plow	plowing
16	GMC 3500	1 Ton	Plow	plowing
18	Chevy 2500	¾ Ton	Plow	plowing
19	Holder	N/A	Plow/Snowblower	Plow and snowblow
20	John Deere 4300	N/A	Snowblower	snowblower
39	Trackless MT7	N/A	Plow/Snowblower	Plow and snowblow

**Materials**

The major materials used in snow and ice control are coarse sand, coarse salt. These materials are stockpiled in advance of an event and are immediately available when needed and stocks are replenished between events.

<b>STANDARD OPERATING PROCEDURE</b> <b>DEPARTMENT OF PUBLIC WORKS [OR OTHER]</b>  <b>PROGRAM:</b> Snow Removal and De-Icing	<b>SOP NUMBER:</b>	<b>ISSUE DATE:</b>
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**Sand**  
Sand is used as an abrasive for traction on slick roadways. Approximately 800 cubic yards are anticipated to be used per year and are ordered from a local contractor. There is no contract for this purchase prior to each deicing season. Sand is stored in the covered facility located at 577 Bay Road, Hamilton, MA 01982. Loading areas and yards are swept when possible following each storm event and at the end of the season to prevent sand build-up and run-off.

**Salt**  
Salt is used to expedite the melting of snow and ice from the street surface and also to keep the ice from forming a bond to the street surface. Approximately 2000 tons of Foreign and Solar Salt are anticipated to be used per year and are ordered from low bid vendor from the Town of Boxford Road Salt Cooperative Bid prior to each deicing season. Salt is stored in the covered facility located at 577 Bay Road, Hamilton, MA 01982. Loading areas and yards are swept when possible following each storm event and at the end of the to prevent salt build-up and run-off.

**Anti-icing and Pre-Wetting Chemical**  
N/A. The Town does not currently utilize any anti-icing or pre-wetting chemicals.

**Salt Alternatives**  
N/A. The Town does not currently use any salt alternatives.

**Procedures**

**Anti-Icing**  
N/A. The Town does not currently utilize any anti-icing or pre-wetting chemicals .

- Salt Application**
1. Whenever conditions warrant, salt is applied to the roadway prior to accumulation of snow to prevent compacted snow from bonding to the roadway surface. The Highway Foreman or designee will instruct staff when salt application is appropriate. Salting will not be done when pavement temperatures are above 32-degrees F or below 15-degrees F.
  2. Prior to salt application, equipment will be checked to ensure proper working order and ensure proper calibration of equipment. All fluid levels will be checked and filled to proper levels; all lights must be in working order. A visual walk-around inspection of the truck or equipment must be made. Any repairs must be made and reported to a supervisor or mechanic before leaving the yard.
  3. The standard salt application speed is: 20-25 mph.
  4. Street listing of plowed routes is available at the DPW (577 Bay Road). Follow any prioritized route or schedule as required.
  5. Before parking any truck or equipment after use, all fluid levels will be checked and filled. All minor repairs will be done by the operator. Any repairs the operator cannot perform will be written up or verbally communicated on the proper forms and turned in to DPW Mechanic. DPW Mechanic will determine importance and will assign the repairs according to schedule. All deicing chemical will be washed from equipment at the wash bay or designated wash area.

<b>STANDARD OPERATING PROCEDURE</b> <b>DEPARTMENT OF PUBLIC WORKS [OR OTHER]</b>  <b>PROGRAM:</b> Snow Removal and De-Icing	<b>SOP NUMBER:</b>	<b>ISSUE DATE:</b>
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**Snow Plowing**

1. As the storm develops and 2 to 4 inches of snow has accumulated, all of the drivers and available equipment will begin to plow their assigned routes.
2. Prior to plowing operations, equipment will be checked to ensure proper working order. All fluid levels will be checked and filled to proper levels; all lights must be in working order. A visual walk-around inspection of the truck or equipment must be made. Any repairs must be made and reported to a supervisor or mechanic before leaving the yard.
3. Avoid plowing, pushing, blowing or storing excess snow, deicer, or other debris in or near creeks, watercourses or storm drainage systems.
4. Reduce plowing speed in sensitive areas (near creeks, wetlands or other water courses) to prevent snow and deicing materials from entering waterways.
5. The standard plowing speed is: 20-25 mph.
6. Follow the prioritized route or schedule. This schedule is located at: A listing of routes is available at the DPW
7. Before parking any truck or equipment after use, all fluid levels will be checked and filled. Blades or bolts, which need replacing, will be taken care of unless told to do otherwise. Chains that need repairs will be repaired. All minor repairs will be done by the operator. Any repairs the operator cannot perform will be written up on the proper forms and turned in to DPW Mechanic. The DPW Mechanic will determine importance and will assign the repairs according to schedule.

**Sand Application**

1. Whenever conditions warrant, sand is applied to the roadway to increase traction. The Highway Foreman or designee will instruct staff when sand application is appropriate. Sanding will not be done when pavement temperatures are above 15 degrees F.
2. Prior to sand application, equipment will be checked to ensure proper working order and ensure proper calibration of equipment. All fluid levels will be checked and filled to proper levels; all lights must be in working order. A visual walk-around inspection of the truck or equipment must be made. Any repairs must be made and reported to a supervisor or mechanic before leaving the yard.
3. The standard sanding speed is: 20-25 mph.
4. Street listing of plowed routes is available at the DPW (577 Bay Road). Follow any prioritized route or schedule as required.
5. Before parking any truck or equipment after use, all fluid levels will be checked and filled. Blades or bolts, which need replacing, will be taken care of unless told to do otherwise. Chains that need repairs will be repaired. All minor repairs will be done by the operator. Any repairs the operator cannot perform will be written up on the proper forms and turned in to DPW Mechanic. The DPW Mechanic will determine importance and will assign the repairs according to schedule.

**Salt Alternative Application**

N/A. The Town does not currently use any salt alternatives.

<p><b>STANDARD OPERATING PROCEDURE</b>  <b>DEPARTMENT OF PUBLIC WORKS [OR OTHER]</b></p> <p><b>PROGRAM:</b>  Snow Removal and De-Icing</p>	<p><b>SOP NUMBER:</b></p>	<p><b>ISSUE DATE:</b></p>
<p><b>Record Keeping and Documentation</b></p> <ol style="list-style-type: none"> <li>1. Maintain a master street listing of plowed routes, and schedule of any prioritized snow and sanding routes. Located in the DPW.</li> <li>2. Keep copies of manufacturer’s recommendations for equipment calibration, plowing speed and salt/sand application rates. Located in the DPW Mechanic files.</li> <li>3. Keep records of the amounts of salt, sand, liquid deicer, and salt alternatives applied per season. Located in the DPW.</li> <li>4. Keep a list of all employees trained in the facility’s Stormwater Pollution Prevention binder or computer file.</li> </ol>		

## APPENDIX J

2016 MS4 Annual Reports

APPENDIX K

Authorization Letter



P.O. Box 429  
577 Bay Road  
Hamilton, MA 01936

Phone  
Fax  
Web site

(978) 468-5572  
(978) 468-2682  
<http://www.hamiltonma.gov>

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## MEMORANDUM

FROM: Joseph J. Domelowicz, Jr., Town Manager

DATE: July 1<sup>st</sup>, 2019

Re: Documentation for delegation of "Authorized Representative" for NPDES 2016  
Massachusetts Small Municipal Separate Storm Sewer System (MS4) General Permit

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This document serves to affirm that Timothy Olson, DPW Director has responsibility for the operation of the MS4 and is hereby designated as an authorized person for signing all reports including but not limited to the Stormwater Management Plan (SWMP), Stormwater Pollution Prevention Plans (SWPPPs), inspection reports, annual reports, monitoring reports, reports on training, and other information required by the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts for the Town of Hamilton. This authorization cannot be used for signing a NPDES permit application (e.g., Notice of Intent (NOI)) in accordance with 40 CFR 122.22).

By signing this authorization, I confirm that I meet the following requirements to make such a designation as set forth in Part B.11 of Appendix B of the Small MS4 General Permit:

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

[SIGNATORY per Part B.11 of Appendix B]

  
\_\_\_\_\_  
[Name]

*Town Manager*  
\_\_\_\_\_  
[Title]

7/1/19

\_\_\_\_\_  
[Date]