

Stormwater Regulation in Massachusetts

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Current Stormwater Regulations in Massachusetts

◆ Federal Regulations

- Construction General Permit
- Multi Sector General Permit
- Municipal Separate Storm Sewer System

◆ State Regulations

- Massachusetts Stormwater Standards

◆ Local Bylaws

Stormwater Expectations

- ◆ Why isn't stormwater control more of a "real" program?
- ◆ Why isn't there just one stormwater program with one set of rules?

“Newtonian” Stormwater

- ◆ “Precipitation Management”: Controlled from when it hits any terrestrially-related object to ultimate deposition
- ◆ Classic regulation - separate state, federal and local laws and active staffing at all levels
- ◆ Stems from our “Point Source” Model
 - Small number of big pipes
 - Each source regulated through a single permit
 - Environmental staff works at “the source”
 - State and Federal staffing level geared toward regulating 100s of sources

"Chaos Theory" of Stormwater

- ◆ Stormwater Programs appear to control intermittently and haphazardly
- ◆ Can't tell when programs apply and when they don't
- ◆ Example: "the permit allows me 5 years until I have to do anything"
- ◆ Product of Frustration
- ◆ Tens of thousands of sources

“Einsteinian” Stormwater

- ◆ Not that we’re so smart . . .
- ◆ . . . it depends on what the activity is and where it occurs.
- ◆ It is what it is: different programs that need to be coordinated
 - MS4s – in “thickly settled” areas
 - MSGPs – specific industrial uses
 - Inside wetlands jurisdictional areas
 - Construction sites > 1 acre
 - In Towns with Local bylaws

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Federal Stormwater Programs

- ◆ Construction General Permit (CGP)
- ◆ Multi Sector General Permit (MSGP)
- ◆ MS4 Municipal Separate Storm Sewer System
- ◆ Important details:
 - All require filing of Notices of Intent (NOIs) for permit to discharge
 - NB: Stormwater rules also incorporated into Individual Permits



National Pollutant Discharge Elimination System (NPDES)

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[EPA Home](#) > [OW Home](#) > [OWM Home](#) > [NPDES Home](#) > [Stormwater](#) > eNOI is Now Available!

[NPDES Topics](#)

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EPA's Electronic Stormwater Notice of Intent (eNOI) Home Page

EPA has updated and improved the Electronic Notice of Intent (eNOI) (no paper!) for construction sites and industrial facilities that need to apply for coverage under EPA's Construction General Permit (CGP) or Multi-Sector General Permit (MSGP). The eNOI system is a free online service. Registration is quick and easy. Use this system only if your construction site or industrial facility is located in a state in which EPA is the [permitting authority](#).



As of October 31st, 2009, the Alaska Department of Environmental Conservation is now the [stormwater permitting authority in Alaska](#) [EXIT Disclaimer](#). Please go to their website to find out how to submit your Notice of Intent.

Attention operators with permit coverage under the 2003 Construction General Permit (CGP):

Construction site operators with permit coverage under the 2003 CGP may continue to operate under the terms of conditions of that permit and do not need to file a new NOI. The 2008 CGP has been issued for a two-year time period and applies only to new discharges. If your construction project is covered under the 2003 CGP, you do not need to file an NOI for coverage under the 2008 CGP and you must continue to comply with the terms and conditions of the 2003 CGP. For more information on the 2008 CGP see the [EPA Construction General Permit page](#).

You should use the eNOI system because it's:

Stormwater Information

[Recent Additions](#)

[FAQs](#)

[Publications](#)

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How To Search for Fed'l NOIs

- ◆ Start at EPA's web site: www.epa.gov
- ◆ Search for "stormwater"
- ◆ My 4th result was "stormwater program"
- ◆ At that site scroll down to and click on "search, sort and view . . . NOIs" OR
- ◆ <http://cfpub.epa.gov/npdes/stormwater/noi/noisearch.cfm>

Construction General Permit - CGP

◆ Trigger:

- disturb 1 acre or more of land

◆ How to File with EPA:

- eNOI

◆ Regulatory Standard:

- prevent sediment and other pollutants from being discharged in stormwater

◆ Effective Date:

- current permit through June 2011

Construction General Permit - CGP

◆ Basic Requirements:

- Develop a SWPPP
- Implement pollution prevention measures
- Obtain permit coverage from EPA - eNOI

◆ Emerging Issues

- 280 NTUs (Nephelometric Turbidity Units) for >20 acres in 2011 and >10 acres in 2014
- TMDLs – will affect CGP controls

Multi Sector General Permit - MSGP

◆ Trigger:

- EPA-listed industrial sector

◆ How to File with EPA:

- eNOI

◆ Regulatory Standard:

- install stormwater control measures to minimize pollutants in stormwater runoff
- specific requirements for each industry

◆ Effective Date:

- current permit effective through 2013

29 Industrial Sectors

Sector A – Timber Products

Sector B – Paper and Allied Products Manufacturing

Sector C – Chemical and Allied Products Manufacturing

Sector D – Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers

Sector E – Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing

Sector F – Primary Metals

Sector G – Metal Mining (Ore Mining and Dressing)

Sector H – Coal Mines and Coal Mining-Related Facilities

Sector I – Oil and Gas Extraction and Refining

Sector J – Mineral Mining and Dressing

Sector K – Hazardous Waste Treatment Storage or Disposal

Sector L – Landfills and Land Application Sites

Sector M – Automobile Salvage Yards

Sector N – Scrap Recycling Facilities

Sector O – Steam Electric Generating Facilities

Sector P – Land Transportation

Sector Q – Water Transportation

Sector R – Ship and Boat Building or Repairing Yards

Sector S – Air Transportation Facilities

Sector T – Treatment Works

Sector U – Food and Kindred Products

Sector V – Textile Mills, Apparel, and other Fabric Products Manufacturing

Sector W – Furniture and Fixtures

Sector X – Printing and Publishing

Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries

Sector Z – Leather Tanning and Finishing

Sector AA – Fabricated Metal Products

Sector AB – Transportation Equipment, Industrial or Commercial Machinery

Sector AC – Electronic, Electrical, Photographic and Optical Goods

Sector AD – Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director

Multi Sector General Permit - MSGP

◆ Basic Requirements:

- Develop a SWPPP
- Install stormwater control measures to minimize pollutants in stormwater runoff
- Obtain permit coverage from EPA - eNOI

◆ Emerging Issues:

- Effluent limits for specific industries
- Monitoring and reporting
- TMDLs –will affect MSGP controls

Municipal Separate Storm Sewer System – MS4

◆ Trigger:

- EPA-listed “urbanized area”

◆ How to File with EPA:

- written NOI

◆ Regulatory Standard:

- discharges from Town/agency systems must meet federal and state clean water laws

◆ Effective Date:

- 2003 permit continued; 2010 is draft

Municipal Separate Storm Sewer System – MS4

◆ Basic Requirements:

- Meet the 6 minimum control measures
- 2003 permit: general 2010 permit: specific

◆ Emerging Issues:

- Draft 2010 requirements
- How to affect private properties
- TMDLs –will affect MS4 programs

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Massachusetts Stormwater Standards

◆ Trigger:

- If state Wetlands Act applies
- “wetlands jurisdictional area”

◆ How to File:

- written NOI with local Con Comm

◆ Regulatory Standard:

- meet the 10 Massachusetts Stormwater Standards per MA Stormwater Handbook

◆ Effective Date:

- January 2, 2008

Massachusetts Stormwater Standards

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
2. Manage peak discharges
3. Provide recharge
4. Reduce TSS
5. Prevent pollution from land uses with higher potential pollutant loads
6. Protect Critical Areas
7. Redevelopment: meet standards to maximum extent practicable AND improve existing conditions
8. Control construction-related impacts
9. Provide operation and maintenance
10. Remove illicit discharges

Where Is the Massachusetts Stormwater Handbook?

- ◆ Go to www.mass.gov/dep/
- ◆ In “Quick Links” on the left, highlight “Stormwater” and click “Go”
- ◆ Click on “Stormwater Permitting as it Pertains to the Wetlands Protection Act”
- ◆ Click on “Web Page” of “The Massachusetts Stormwater Handbook”

MA Stormwater Handbook

- ◆ Volume 1, Chapter 1: The Stormwater Management Standards
- ◆ Volume 1, Chapter 2: Legal Framework for Stormwater Management
- ◆ Volume 2, Chapter 1: The Three Components of Stormwater Management
- ◆ Volume 2, Chapter 2: Stormwater Best Management Practices (BMPs)
- ◆ Volume 2, Chapter 3: Checklist for Redevelopment Projects
- ◆ Volume 2, Chapter 4: Proprietary Stormwater BMPs
- ◆ Volume 2, Chapter 5: Miscellaneous Stormwater Topics
- ◆ Volume 2 Appendix: Operating and Source Control BMPs
- ◆ Volume 3, Chapter 1: Documenting Compliance
- ◆ Stormwater Report: Checklist
- ◆ TSS Removal Calculation Worksheet

State Stormwater Standards

◆ Basic Requirements:

- Meet the 10 Stormwater Standards
- Use the Handbook as guide

◆ Emerging Issues:

- Use of Standards in other permits (local, state federal)
- Consistency across the Commonwealth
- TMDLs – BMPs must be “consistent”

Local Stormwater Bylaws

◆ Trigger:

- Varies by Town

◆ How to File with the Town:

- Varies by Town

◆ Regulatory Standard:

- Varies by Town

◆ Effective Date:

- Varies by Town

Local Stormwater Bylaws

◆ Basic Requirements:

- Varies by Town

◆ Emerging Issues:

- Use of MA Stormwater Standards
- MS4 permit requirements
- Funding: SW Utilities
- TMDLs

Coming Themes

◆ TMDLs

- Specific pollutant - Phosphorus, Bacteria, etc.
- Impervious Cover

◆ "Residual Designation Authority"

- Federal requirement for EPA to act upon a non-point source

◆ Local Green/Sustainability Initiatives

Coming Themes

- ◆ Keep it On Site
 - Impervious Surface
 - 1" rules?
- ◆ From stormwater piping to distributed systems
 - Site Design
 - Pollution Prevention
 - Low Impact Development
- ◆ Funding: Stormwater Utilities?

Coming Events – Draft MS4 Permit Meetings and Hearings

- ◆ TH December 2 @ 10 AM at the
Lakeville Public Library - MEETING
- ◆ WED January 12, 2011 @ 10 AM at the
Leominster Public Library – MEETING
- ◆ WED January 12, 2011 11:30 AM – 2:00
PM in the Leominster Public Library –
HEARING
- ◆ http://www.epa.gov/region01/npdes/stormwater/mimsc_sms4.html

Coming Events – Upper Charles 3 Town Meetings

- ◆ Presented by the Metropolitan Area Planning Commission
- ◆ MON Dec 6 @ 3 PM at the Franklin Town Hall
- ◆ MON Dec 6 @ 7 PM at the Bellingham Town Hall
- ◆ TBA in Milford

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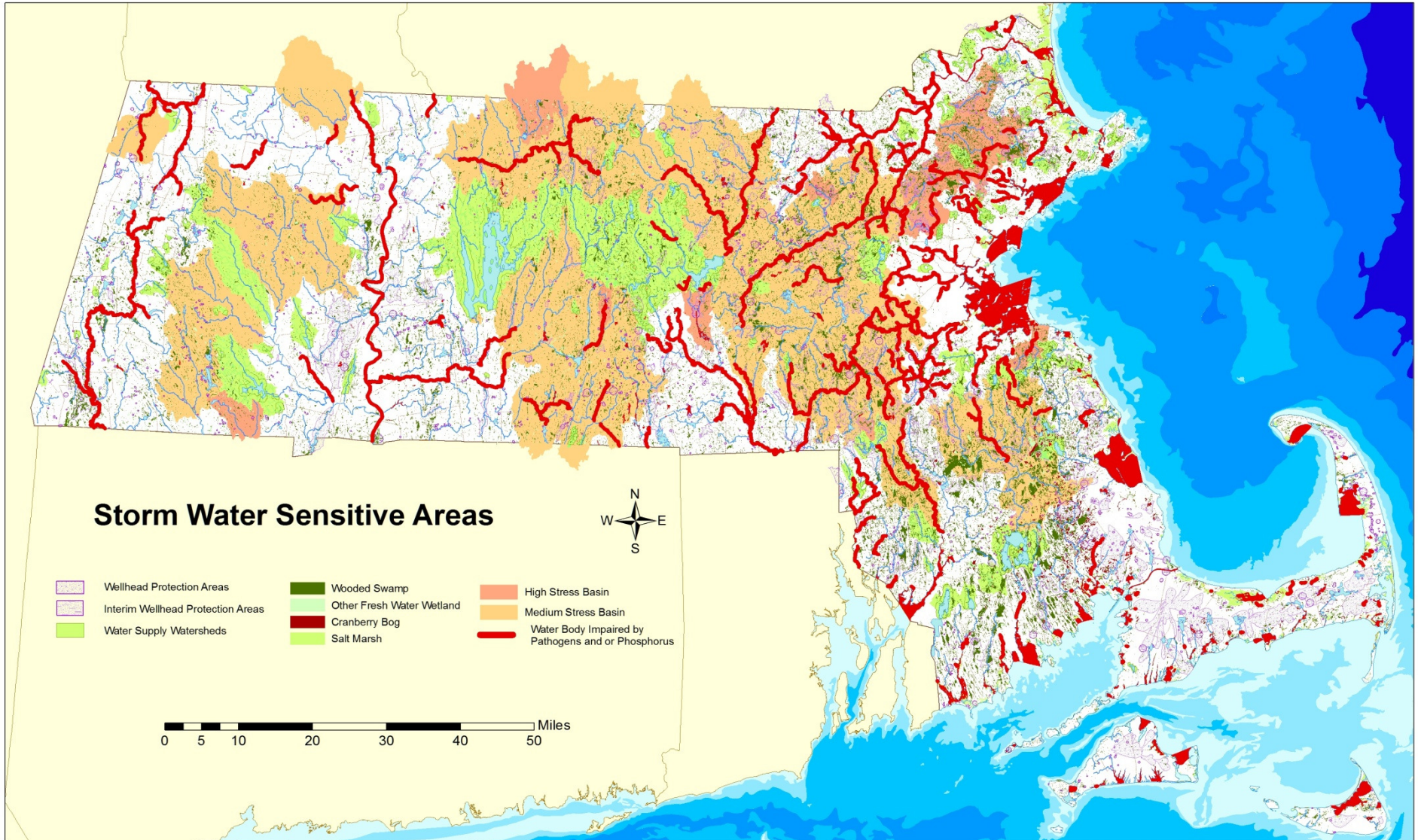
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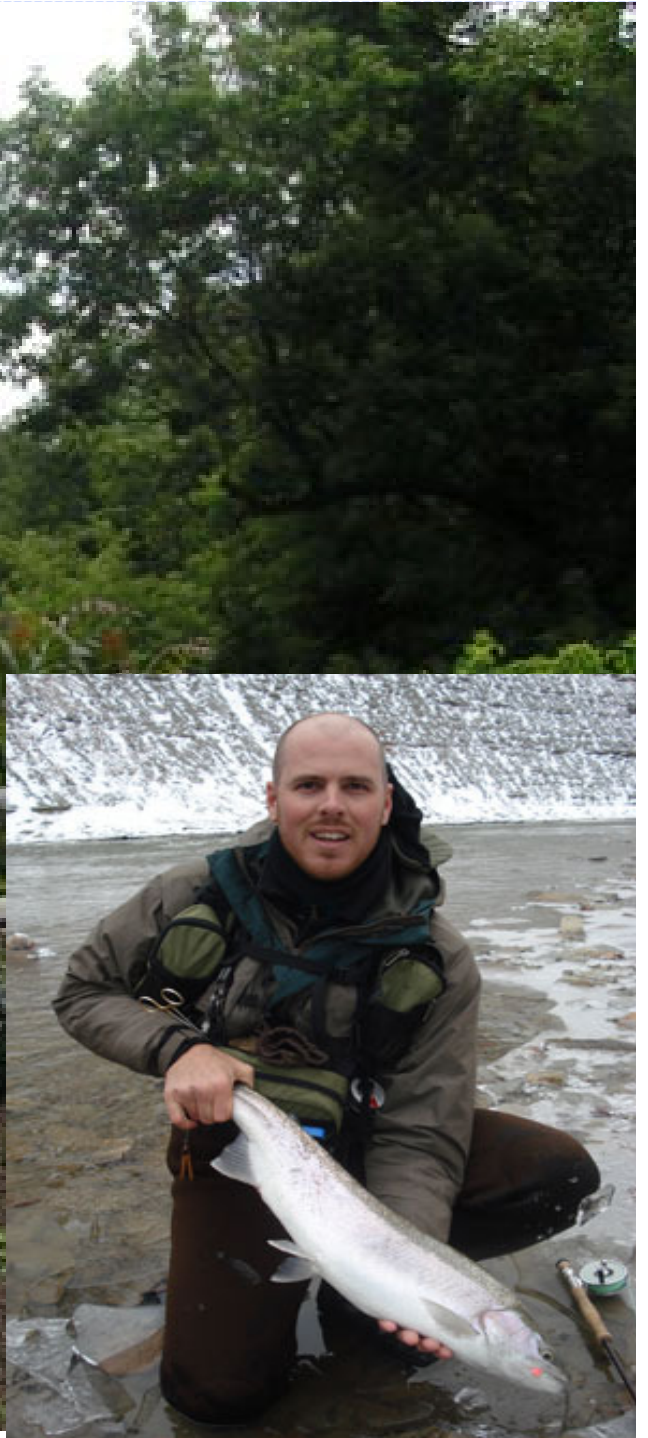
We are all Einsteins now

- ◆ Redevelopment of a listed industry near a pond
- ◆ Building a large listed industry in Dedham
- ◆ A 4 unit subdivision in Quincy

Massachusetts Sensitive Areas







MassDEP Stormwater Info

- ◆ MassDEP web site with Stormwater Information @ www.mass.gov/dep/
- ◆ Scroll down to MassDEP Quick Links
- ◆ Select "Stormwater" and hit "Go"
- ◆ Frederick.Civian@state.ma.us