



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

August 14, 2017

Re: General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts

Dear MS4 Regulated Entity:

This determination is in response to 28 emails received from individual municipalities and one municipal coalition (see correspondence list attached) requesting the Department to revise the schedule for compliance contained in the 2016 renewal of the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems ("MS4s") in Massachusetts ("Massachusetts Permit") pursuant to M.G.L. c. 21, § 43(4).¹ These requests were made in light of the recent action by EPA Region 1 to postpone the effective date of the EPA-issued general permit.

In 2016, MassDEP agreed to co-issue the Massachusetts Permit with EPA Region 1 in order to continue to be involved with EPA, cities and towns, and other stakeholders on how the Massachusetts Permit is implemented. MassDEP has made it a priority to work closely with EPA, communities, and stormwater coalitions to facilitate communication about permit requirements, to provide technical assistance to municipalities and coalitions, and to expand areas where sharing information and resources and innovative thinking can help cities and towns comply.

In light of the federal postponement, and given our goal to establish a coordinated federal-state implementation process, I find that good cause exists, for which permittees are not at fault, to revise the current state permit deadline for submittal of Notices of Intent. Given that coverage under the state-issued general permit is dependent upon EPA Region 1's issuance of written authorization following submittal of a Notice of Intent, and opportunity for public notice and comment, I note that it would be an exercise in futility to continue to require permittees to submit their Notices of Intent by September 29, 2017.

¹ M.G.L. c. 21, § 43(4) provides, in relevant part, "[t]he director may, upon request of a permittee, revise a schedule of compliance in an issued permit if the director determines that good and valid cause, for which the permittee is not at fault, exists for such revision, and in such cases the provisions of this paragraph for public notice and hearing shall not apply."

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-6751.

TTY# MassRelay Service 1-800-439-2370

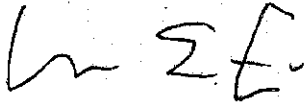
MassDEP Website: www.mass.gov/dep

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Accordingly, to align with the revised effective date of the EPA-issued general permit, permittees seeking coverage under the state-issued general permit should submit their Notices of Intent, as otherwise required by part 1.7.3. of the state permit, within 90 days of July 1, 2018 (i.e., by September 29, 2018) or on such earlier date as may be required by EPA or a court upon judicial review. Additionally, such permittees should submit their Stormwater Management Plans, as required by part 1.10.a., and modified BMPs, as required by part 1.10.b., by July 1, 2019, or on such earlier date as may be required by EPA or a court upon judicial. Finally, all other compliance deadlines included in the state-issued permit shall be extended for one year, as we understand was done by the federal decision, accordingly, to align with the revised federal permit compliance deadlines, or to such earlier dates as may be required by EPA or a court upon judicial review.

As you know, the 2003 general permit for Small MS4s in Massachusetts has been administratively continued for MS4s covered under that permit since 2008, and it remains in force and in effect. Permittees should be mindful of their obligation to comply with all conditions of the 2003 general permit, including the requirement to annually evaluate the compliance of permittees' storm water management programs with the conditions of the 2003 permit and the appropriateness of the selected BMPs under Part II.D., until coverage is obtained under the 2016 general permit or an individual permit.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fine", written in a cursive style.

Douglas E. Fine
Assistant Commissioner

Enclosure: Correspondence List

cc: Deborah Szaro, Acting Administrator, EPA Region 1

Correspondence List Regarding MassDEP's MS4 Permit Timeline – August 14, 2017

North Reading	Andrew Lafferty Director of Public Works	August 14, 2017
Orleans	John Kelly Town Administrator	August 11, 2017
Waltham	Stephen Casazza City Engineer	August 9, 2017
Wakefield	Claire Moss Stormwater/Project Manager	August 7, 2017
Fairhaven	Vincent Furtado Public Works Superintendent	August 4, 2017
Bellingham	Donald DiMartino Department of Public Works Director	August 4, 2017
Boxborough	Adam Duchesneau Town Planner	August 4, 2017
Worcester	Paul Moosey Commissioner DPW & Parks	August 4, 2017
Spencer	Stephen Tyler Superintendent Facilities and Utilities Office	August 4, 2017
Hadley	David Nixon Town Administrator	August 4, 2017
Sturbridge	Gregory Morse Department of Public Works Director	August 4, 2017
Lowell	Mark Young Executive Director Lowell Reg'l Wastewater Utility	August 4, 2017
Westfield	Joseph Keitner Stormwater Coordinator, DPW	August 4, 2017
Beverly	Mayor Michael Cahill	August 3, 2017
Dedham	Jason Mammone Director of Engineering	August 3, 2017
Braintree	Robert Campbell Town Engineer	August 3, 2017
South Hadley	Melissa Labonte Water Pollution Control Compliance Manager	August 3, 2017
Sterling	William Tuttle Department of Public Works Superintendent	August 3, 2017
Concord	Richard Reine Public Works Director	August 3, 2017
Milford	Richard Villani Town Administrator	August 3, 2017
Belchertown	Steven Williams Director of Public Works	August 3, 2017
Northborough	Scott Charpentier Director of Public Works	August 3, 2017
Wayland	Thomas Holder Director Department of Public Works	August 3, 2017
Chicopee	Quinn Lonczak Project Supervisor Water Pollution Control	August 3, 2017
West Boylston	Anita Scheipers Town Administrator	August 3, 2017
Leominster	Mark Piermarini Assistant Director of Public Works	August 3, 2017
Springfield	Joshua Schimmel Executive Director Water and Sewer Commission	August 2, 2017

Massachusetts Coalition for Water Resources Stewardship

August 3, 2017

Members:

Charles River Pollution Control District	City of Attleboro	City of Beverly
City of Brockton	City of Haverhill	City of Holyoke
City of Leominster	City of Melrose	City of New Bedford
Greater Lawrence Sanitary District	Town of Brookline	Lowell Regional Wastewater Utility
South Essex Sewerage District	Town of Concord	Town of Concord
Town of Dedham	Town of Framingham	Town of Franklin
Town of Holden	Town of Milford	Town of Pepperell
Town of Wayland	City of Chicopee	City of Peabody
City of Salem	City of Worcester	Town of Bellingham
Town of Danvers	Town of Marblehead	Town of Medway
Town of Millbury	Town of Wilbraham	
Upper Blackstone Water Pollution Abatement District	Springfield Water and Sewer Commission	