



GET THE NEWS!

Massachusetts Stormwater News is a collaborative effort of the Massachusetts Department of Environmental Protection (MassDEP) and the New England office of the U.S. Environmental Protection Agency (U.S. EPA). This newsletter will be sent via email every few months to provide information to municipalities and others related to the Massachusetts Small Municipal Separate Storm Sewer System (MS4) permit. MA Stormwater News will feature topics of interest, provide updates on upcoming permit deadlines, and highlight assistance resources from MassDEP, U.S. EPA and others.

U.S. EPA and MassDEP know that stormwater management is just one of the many challenges facing municipalities. We are committed to working with municipalities as you move forward on permit implementation.

This issue focuses on the topic of the Notice of Intent (NOI) that must be submitted to EPA. We also highlight some upcoming assistance and training resources from U.S. EPA and MassDEP.

Preparing Your Notice of Intent (NOI) for the October 1st Due Date

The new Massachusetts MS4 permit is now in effect, and MS4s seeking coverage under this permit must submit a "Notice of Intent" (NOI) to EPA on or before October 1, 2018. To help you meet this deadline, this issue of Stormwater News focuses on NOI completion and filing requirements, and the EPA and MassDEP resources are designed to assist you in preparing and submitting your NOI.

We've assembled a list of some of the most useful resources in the NOI Toolkit below. We urge everyone to start by viewing the NOI Instructional Video. We've also prepared a list of some Frequently Asked Questions starting on page 2.

NOI Toolkit

NOI Instructional Video

Completing a 'Notice of Intent to Discharge' under the Massachusetts and New Hampshire MS4 Permits:

<https://www.youtube.com/watch?v=mhqpEATwjMc&feature=youtu.be>

NOI Question & Answer Webinars

We will present answers to some commonly asked questions and EPA's Newton Tedder will be available to answer participant questions.

September 18, 2018 from 1 to 2 pm. For more information and to register:

<https://register.gotowebinar.com/register/5874081889803570945>

Additional Online Resources

Frequently Asked Questions:

<https://www.epa.gov/npdes-permits/stormwater-tools-new-england#up>

NOI Template:

<https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-e-2016-ma-smss4-gp-print.pdf>

NOI Massachusetts Resource List:

<https://www.epa.gov/npdes-permits/small-ms4-noi-resources-list-ma-nh>

Massachusetts Small MS4 General Permit Website:

<https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>

As always, EPA and MassDEP staff are available to assist you.

NOI Frequently Asked Questions

What does filing a NOI mean?

The NOI serves as an applicant's notice to EPA and MassDEP that it intends its stormwater discharges to be authorized under the terms and conditions of the 2016 Massachusetts MS4 permit. By signing and submitting the NOI, the applicant is certifying that it meets the permit's eligibility criteria, and intends to follow its terms and conditions.

Who must file a NOI?

The new permit covers all three MS4 categories: "Traditional MS4s" operated by municipalities; "Non-traditional" MS4s, which are publicly owned facilities; and certain departments of transportation located within urbanized areas (note that MassDOT will be receiving an individual permit). If your system was covered under the 2003 permit, or is newly designated as an MS4 as of the 2010 Census, your facility is a regulated MS4 and you must obtain permit coverage for your stormwater discharges. To obtain permit coverage under the new MS4 general permit you must submit an NOI to EPA and MassDEP.

I'm not sure that our system falls within the definition of an MS4. How can I check?

If in doubt, access the list of regulated MS4 areas in Massachusetts communities: <https://www.epa.gov/npdes-permits/regulated-ms4-massachusetts-communities>

We're a 2003 MS4. In Part I, the NOI asks for our 2003 permit number, and , we can't locate it. How can we obtain it?

You can find 2003 MS4 permit numbers and other information on the 2003 Small MS4 General Permit Archives for Massachusetts and New Hampshire website: <https://www.epa.gov/npdes-permits/2003-small-ms4-general-permit-archives-massachusetts-new-hampshire>

The 2003 permit required MS4s to enact 3 by-laws and/or ordinances. Our municipality hasn't adopted all bylaws yet. Do we have to include that information on the NOI?

If you were covered under the 2003 permit, then yes, you must provide this information. Check the box in Part I that asks if you are covered under the 2003 permit. Then fill in the estimated date by which they will be enacted. New permittees are not required to provide this information.

We're working to complete the Endangered Species Act (ESA) eligibility requirements set out in Appendix C. We've found that our municipality may include endangered species that require consultation with U.S. Fish and Wildlife. The species in question may include the dwarf wedge mussel, northeastern bulrush, piping plover, northern red-bellied cooter, bog turtle, roseate tern, puritan tiger beetle, and/or the northeastern beach tiger beetle. How should we proceed?

You may be eligible under Criterion B of the NOI's Eligibility Determination Section. First, complete the U.S. Fish and Wildlife IPaC process. Then, submit a letter to U.S. Fish and Wildlife identifying the species present and whether you believe that potential impacts to those species are likely. You can use the model letter created by US Fish and Wildlife for this purpose, available on our NOI resources webpage at: <https://www.epa.gov/npdes-permits/small-ms4-noi-resources-list-ma-nh#ma> Based on this information, U.S. Fish and Wildlife may determine that your actions may affect, but are not likely to adversely affect, the species present. If so, you can certify compliance with the Endangered Species Act under Criterion B. Remember to attach all correspondence with U.S. Fish and Wildlife to your NOI.

While completing the ESA process in Appendix C, I found that my municipality only contains the Northern Long Eared Bat. What should I do?

You can certify compliance with the Endangered Species Act under Criterion C in the Eligibility Determination Section of the NOI. You do not need to contact US Fish and Wildlife and should add a statement to Part IV of the NOI indicating your planned actions under the permit will have no effect on the Northern Long Eared Bat and you will consult with US Fish and Wildlife as needed during the permit term on any future BMPs.

Our municipality conducted a National Historic Property Act eligibility determination for coverage under the 2003 permit. Must we now repeat this process?

If you are not proposing any MS4 work that will affect federal historic properties, you can certify compliance with the Historic Preservation Act requirements under Criterion A in the Eligibility Determination section of the NOI. There's no need to conduct a new survey.

MS4s covered under the 2003 permit are required to submit a map of all outfalls and receiving waters with the NOIs. If this map is incomplete, how should we note this fact on our NOI?

Part I asks whether your municipality was covered under the 2003 permit. If so, check the appropriate box and indicate whether the map is available online or being submitted as a hard or electronic copy with your NOI. If your map is incomplete, enter, on a percentage basis, the degree to which the map is complete, and its estimated date of completion.

A state highway owned by the state's DOT runs through my town. My town's MS4 discharges to the DOT's MS4 and DOT owns the outfall that discharges to a water of the U.S. Is our town required to map the DOT outfall, or is this DOT's responsibility?

If any part of your town's MS4 connects to the DOT's MS4, it's the town's responsibility to map all interconnections. Mapping of the DOT's outfalls is the responsibility of the DOT, under its individual permit.

How can I identify the impaired waters in my permit coverage area as required on page 2 of the NOI?

You can do so by consulting the "Massachusetts 2014 Integrated List of Waters" https://www.mass.gov/files/documents/2016/08/sa/14list2_0.pdf The list identifies impaired water bodies as well as the pollutants causing the impairment. MS4s can also use MassGIS to access this information: <http://maps.massgis.state.ma.us/images/dep/omv/il2014viewer.htm>

Does the NOI require an applicant to set out the precise actions it is or will be taking to comply with TMDL requirements in the section titled "Actions for Meeting Total Maximum Daily Load (TMDL) Requirements?"

No. The NOI only requires a statement that your municipality intends to follow all applicable permit requirements and identify any additional parties responsible for carrying them out. The permit's TMDL requirements are set out in Appendix F. <https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-f2016-ma-sms4-gp.pdf>

How detailed must the completed NOI be?

The NOI conveys information on how the MS4 intends to comply with permit conditions by listing proposed Best Management Practices (BMPs), measurable goals associated with

each BMP, and responsible parties. Such responses project future actions. They should be as detailed as possible and based on the best information available at the time of submission. The Stormwater Management Program (SWMP) – which must be completed by the end of Year 1 – will identify additional specific details of each BMP that your municipality intends to implement to meet permit requirements.

I'm the stormwater coordinator for our municipality. Can I sign the NOI certification clause in Part V of the NOI?

No. The individual signing the certification clause must be the applicant's principal executive officer or a ranking elected official (e.g., mayor, city manager) per federal regulations.

Can we file a NOI electronically?

Yes, and EPA prefers that you do so. Download the fillable NOI PDF template using Adobe Reader. Then, complete it, and file it with EPA using the email address: stormwater.reports@epa.gov provided in the NOI itself. If you file electronically, EPA will provide a copy to MassDEP for you. Alternately, you are free to print out a hard copy, complete it by hand and mail copies to EPA and MassDEP using the addresses set out in the NOI and Appendix E. The printable NOI form is also available in Appendix E.

Additional questions regarding the NOI can be sent to:

StormwaterNewsMA@epa.gov

Massachusetts Statewide Education Campaign



Think Blue Massachusetts is a statewide educational campaign to help residents and businesses do their part to reduce polluted runoff and keep Massachusetts lakes, rivers, and streams clean and healthy. Run by the Massachusetts Statewide Municipal Stormwater Coalition, Think Blue Massachusetts offers pre-prepared materials for use by municipalities in educational programs.

(continued on next page)

Assistance from U.S. EPA and MassDEP

Soak Up the Rain Webinars

Greening the Streets of Watertown, Massachusetts:
Edenfield Avenue "Green Streets" Demonstration Project
August 30, 2018, 1 – 2:30 pm EST
Register: <https://register.gotowebinar.com/register/8438992928424112642>

Green Streets in Dense Communities
September 12, 2018, 1 - 2:30 pm EST
Register: <https://attendee.gotowebinar.com/register/6949262425055015682>

New Stormwater Management Program Template

EPA has uploaded a template Stormwater Management Program (SWMP) to use for permit compliance with the 2016 MA MS4 Permit. The template's use is optional, for those interested use the following link to download and use with Adobe Reader: <https://www.epa.gov/npdes-permits/stormwater-tools-new-england#swmp>

New Stormwater Tools in New England Web site

Find the latest tools, resources, and updates on upcoming training opportunities: <https://www.epa.gov/npdes-permits/stormwater-tools-new-england>

Soak Up the Rain Webinar Series

<https://go.usa.gov/x5zn2>

Soak Up the Rain Outreach Tools

<https://go.usa.gov/x5znT>

Public Education and Outreach Program

The MS4 Permit requires each town to implement a public education and outreach program that reaches four different audiences and that includes messages that are most relevant to that community. Town officials can click on MassDEP's link below to download – and save – brochures, pamphlets and other materials and use those to help comply with Section 2.3.2.c of the MS4 permit: <https://go.usa.gov/x5dgr>

For "hands on" MS4 training and assistance for your community, call MassDEP's Stormwater Coordinator Fred Civian at 617-292-5821.

GPS Equipment Loan and On-site Training Program

If your MS4 was covered under the 2003 permit, the NOI must include the web address for your online map, or an electronic or paper copy. EPA has a limited number of GPS units available to loan at no cost. EPA will provide on-site training on the use of the GPS equipment and how to manage the data for use in GIS. For more information on the GPS program, contact Deborah Cohen at cohen.deborah@epa.gov

Resources & Contacts

Do you have any questions or concerns not captured in this edition of Stormwater News?

Send your questions to: StormwaterNewsMA@epa.gov

Contacts from U.S. EPA and/or MassDEP will follow up to get you the answers you need.

Specific questions about the permit should go to:

U.S. EPA

Newt Tedder

tedder.newton@epa.gov
617-918-1038

MassDEP

Fred Civian

frederick.civian@state.ma.us
617-292-5821

Massachusetts Stormwater News is a collaborative effort of the Massachusetts Department of Environmental Protection (MassDEP) and the New England Office of the U.S. Environmental Protection Agency (U.S. EPA).

Suggestions for future topics, questions, assistance or requests to be added or removed from the MA Stormwater News mailing list can be sent to: StormwaterNewsMA@epa.gov