NPDES MS4 Basics

Massachusetts

Q&A

Q: *How does the new permit differ from the old one?*

A: Many of the requirements in the new permit were included in the 2003 permit, but the old permit did not include many specifics on how to perform certain items. For example, the 2003 permit simply required procedures or programs to be in place for many items but did not specifically state the requirements or even require them to be written. In contrast, the new permit contains very specific requirements for the implementation of most permit items, along with detailed procedures and a timeframe for implementation. CEI has generated a list of the Top 10 differences between the 2003 and 2016 permit, available at http://ceiengineers.com/blog.

Q: *What should I do first?*

A: First, evaluate your current program and see where you stand. What structures do you have mapped? What written plans and procedures do you have in place? What are you doing for road maintenance? Did other departments perform permit activities that might be counted towards compliance? Once you know what's currently in place, you can develop a budget for program implementation. And of course, the first deliverable is a Notice of Intent due within 90 days of the July 1, 2017 deadline. If you need assistance, don't hesitate to call us and see how we can help.

Q: *What's it going to cost to implement the new permit requirements?*

A: Costs can vary substantially depending on the community size, amount of stormwater infrastructure present, work performed to date, etc. CEI has developed our proprietary and unique M$4CASTER™ model to help communities estimate permit costs. Contact us today to see how this model can help you run "what if" scenarios to reduce your costs.

Massachusetts Q&A

Q: *How am I going to pay for it?*

A: Many communities will fund the program through municipal budgets, either by allocating a greater portion of their budget to stormwater, or by raising taxes to handle the increased program cost or doing a warrant article to pay for the whole program in one warrant. Alternatively, communities may opt to create a Stormwater Utility, which creates a dedicated fee to pay for stormwater-related items. Fees are typically based on a user's impervious area, so large commercial and industrial property owners pay more than a regular residential property. Finally, the State Revolving Fund (SRF) offers low- (sometimes with forgiveness) interest loans that can be used to fund program implementation. But act fast! The initial round of Project Evaluation Forms are due by August 12 although the community does not need to formally accept the funding until the next Spring.

Q: *What can I do in-house and what do I need to contract?*

A: In theory, the entire permit can be completed by municipalities using in-house staff, but this is only likely to be successful for communities with significant existing staffing or by hiring new staff. Most communities will use consultants while opting for some in-house work by existing staff or maybe even interns. Many will opt to hire a consultant to complete parts of the permit such as the Stormwater Management Program (SWMP) Plan; Illicit Discharge, Detection, and Elimination (IDDE) Plan; Operation and Maintenance Procedures; Stormwater Pollution Prevention Plans (SWPPPs) etc. Many other items such as system mapping, bylaw/regulation review, and dry and wet weather sampling could be performed cooperatively using both a consultant and local resources.

Q: *What's the schedule for implementation?*

A: Individual tasks are due throughout the 5-year permit term, and even beyond. Many of the written procedures are due early in the permit term, with most of the field efforts and regulatory revisions coming later. See end of document below for a schedule of major program component deadlines.

Massachusetts Q&A

Q: *Is this permit done after 5 years?*

A: Unlike the 2003 permit, the new permit includes items that extend past 5 years. Among these items, some of the catchment investigation and mapping requirements are scheduled to take up to 10 years to complete. Additionally, some of the nitrogen and phosphorus TMDL or impaired waters requirements extend 10, and even 15 years after the permit effective date! Finally, all wet and dry weather sampling must be performed every 5 years.

Q: *What do I need to submit to EPA?*

A: First, permittees are required to prepare and submit a Notice of Intent (NOI) within 90 days of the effective permit date. The bulk of other material submitted to EPA is reported in the form of an annual report. The annual report is due every year by September 29, covering the previous July 1 through June 30 permit term and contains a status of many of the permit requirements. Finally, if communities wish to have a different street sweeping plan for rural, uncurbed roadways, the plan (of how sweeping will be done) must be submitted to EPA with its year one annual report.

Q: *I've heard I may need to build a demonstration BMP?*

A: Individual tasks are due throughout the 5-year permit term, and even beyond. Many of the written procedures are due early in the permit term, with most of the field efforts and regulatory revisions coming later. See end of document below for a schedule of major program component deadlines.

Massachusetts

Major Program Component Schedule

Major Program Component		Year 1	2	3	4	5	6+
Notice of Intent (NOI)		✓					
Stormwater Management Program (SWMP) Plan		✓					
Minimum Measure 1 - Public Education							
Residents	target two audiences per year with two messages over the permit term spaced one year apart	✓		✓		✓	
Commercial			✓		✓		✓
Developers		✓		✓		✓	
Industrial			✓		✓		✓
Minimum Measure 2 - Public Participation							
Provide public with an annual opportunity for participation		✓	✓	✓	✓	✓	✓
Minimum Measure 3 - IDDE							
Update bylaw or other regulatory mechanism		✓					
Update written IDDE Plan		✓					
Priority rank outfalls based on topography		✓					
Map all outfalls and open channel conveyances			✓				
Inspect High and Low priority outfalls during dry weather				✓			
Conduct wet weather sampling where SVFs identified							✓
Inspect key junction manholes							✓
Map remaining drainage system items							✓
Provide annual employee training		✓	✓	✓	✓	✓	✓
Minimum Measure 4 - Construction Site Control							
Update bylaw or other regulatory mechanism		✓					
Develop procedures for pre- and construction inspections		✓					
Perform pre- construction peer reviews		✓	✓	✓	✓	✓	✓
Perform construction inspections		✓	✓	✓	✓	✓	✓
Minimum Measure 5 - Post Construction Site Control							
Update bylaw or other regulatory mechanism			✓				
Assess regulations on street design and parking lot					✓		
Assess regulations for LID / Green Infrastructure					✓		
Identify MS4 properties for BMP retrofits					✓		
Minimum Measure 6 - Good Housekeeping							
Develop O&M procedures for facilities & infrastructure			✓				
Develop SWPPP for DPW Yards, garages & transfer station			✓				
Clean catch basins before sumps are 50% full		As Needed					
Perform annual street sweeping		✓	✓	✓	✓	✓	✓
Inspect Municipal BMPs		✓	✓	✓	✓	✓	✓
Provide annual employee training		✓	✓	✓	✓	✓	✓
Annual Report		✓	✓	✓	✓	✓	✓