

# FACT SHEET FOR REGULATED IMPERVIOUS AREA GENERAL STORMWATER PERMIT

## I. INTRODUCTION.

Pursuant to M.G.L. c. 111, § 160, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 and the regulations promulgated thereunder, the Department of Environmental Protection (the “Department” or “DEP”) is issuing the Regulated Impervious Area (RIA) General Stormwater Permit for activities that can reasonably be expected to result in the discharge of stormwater from certain privately-owned sites that contain impervious surfaces. This Fact Sheet provides the principal facts and the significant legal and policy questions considered in the development of the RIA General Stormwater Permit. This Fact Sheet also identifies the procedures for requesting coverage under the RIA General Stormwater Permit.

## II. DEFINITIONS.

Contiguous Lots - two or more lots that directly abut each other or are separated only by a privately-owned access way or driveway. Lots are also considered to be contiguous if, although separated by a public right of way, they are functioning as part of a single facility or campus.

Development of Impervious Surfaces - the construction of paved surfaces where paved surfaces do not presently exist, the construction of a roof (other than a green roof constructed in accordance with the Massachusetts Stormwater Handbook) as part of a project involving the construction of a building or structure where a building or structure does not presently exist, and the construction of a paved surface or roof (other than a green roof constructed in accordance with the Massachusetts Stormwater Handbook) as part of a project involving the demolition of a building or structure, and the replacement of that building or structure with a new paved surface, building or structure.

Impervious Surface - a paved parking area, a paved access road or driveway; a paved area used for the storage and/or maintenance of vehicles and/or equipment; a paved area used for the storage of materials, products and/or waste and a roof, other than a green roof constructed in accordance with the Massachusetts Stormwater Handbook. The term “paved access road or driveway” includes an impervious surface leading to any of the following: a paved parking area; a paved area used for the storage and/or maintenance of vehicles and/or equipment; or a paved area used for the storage of materials, products and/or waste. For purposes of the RIA General Stormwater Permit, porous pavement is considered to be an impervious surface.

Infiltration BMPs – the stormwater BMPs listed as infiltration BMPs in the Massachusetts Stormwater Handbook. Infiltration BMPs include the following: infiltration trenches, infiltration basins, subsurface structures, dry wells, leaching catch basins, and exfiltrating bioretention areas and rain gardens. If configured to exfiltrate, porous pavement is also an infiltration BMP.

Local Government Unit - a town, city, district, commission, agency, authority, board or other instrumentality of the Commonwealth or any of its political subdivisions including a regional government unit.

Low Impact Development (LID) Techniques - innovative stormwater management systems that are modeled after natural hydrologic features. Low Impact Development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low Impact Development techniques use small cost-effective landscape features located at the lot level.

Minor Repair of a Paved Surface - minor activities involving the reconstruction or rehabilitation of a previously paved surface such as fixing cracks and potholes or the resealing of paved surfaces with non-coal tar based products provided that the total area affected by such repairs does not exceed 5,000 square feet or 5% of the paved surface being repaired, whichever is less.

Own - to have a legal or equitable ownership interest alone or with others in real property. For purposes of the RIA General Stormwater Permit, a person, other than a local government unit, that owns real property, includes, but is not limited to, an agent, executor, administrator, trustee, lessee or guardian of the estate for the holder of legal title. For purposes of the RIA General Stormwater Permit, a person whose only interest in real property is as a secured lender does not own the real property.

Qualifying Local RIA Program - a program developed and implemented by a local government unit for the regulation of stormwater discharges from RIA Sites that meets the requirements established by the Department for such programs.

Redevelopment of Impervious Surfaces – projects for the reconstruction, rehabilitation, repair or improvement of a roof that by itself or in conjunction with other work results in the substantial improvement of a building or structure and projects for the reconstruction, rehabilitation, repair, or improvement of a paved surface where a paved surface already exists. Projects for the reconstruction, rehabilitation, repair or improvement of a paved surface include:

- (a) the full depth reconstruction of previously paved surface;
- (b) the scarifying of existing pavement to lay down a new top coat; and
- (c) any repaving of a previously paved surface other than a minor repair of a paved surface.

For the purposes of the RIA General Permit, projects involving the reconstruction, rehabilitation, repair or improvement of a roof do not include the replacement of a roof with a green roof constructed in accordance with the Massachusetts Stormwater Handbook.

Regulated Impervious Area or RIA - five or more acres of impervious surfaces that are located on a single lot or two or more contiguous lots aggregated in accordance with Section VI of this Fact Sheet. A regulated impervious area may be comprised of less than five acres of impervious surfaces located on a single lot or two or more contiguous lots that are aggregated in accordance with Section VI of this Fact Sheet, if the Department specifies in a general permit that, based on a TMDL, it has determined that control of stormwater discharges from sites with less than five acres of impervious surfaces is necessary to achieve and/or maintain compliance with the Massachusetts Surface Water Quality Standards. When measuring the impervious surfaces to determine if a site meets or exceeds the applicable acreage threshold for a regulated impervious area, the following impervious surfaces shall not be included:

- (a) impervious surfaces owned or operated by a local government unit, the Commonwealth of Massachusetts or the Federal government: and
- (b) any impervious surfaces associated solely with any of the following land uses:
  - 1. sporting and recreational camps;
  - 2. recreational vehicle parks and campsites;
  - 3. manufactured housing communities;
  - 4. detached single-family homes located on individual lots; and
  - 5. stand-alone multi-family houses with four or fewer units.

For the purpose of the RIA General Stormwater Permit, a stand-alone multi-family house with four or fewer units does not include any multi-family houses that are part of a condominium, cooperative, apartment complex, townhouse, or other residential or mixed-use development with more than four dwelling units, or any multi-family houses that share private access roads, driveways or parking areas with contiguous lots containing additional dwelling units.

Stormwater Best Management Practice or Stormwater BMP- a structural or nonstructural technique for managing stormwater to prevent or reduce pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter or other stormwater treatment practice or measure either alone or in combination including without limitation any overflow pipe, conduit, or weir control structure that: (a) is not naturally occurring; (b) is not designed as

a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

Substantial Improvement of a Building or Structure - a project for the reconstruction, rehabilitation, repair or improvement of a building or structure where the total cost of the project exceeds 50% of the fair market value of the building or structure before the start of construction.

Total Maximum Daily Load (TMDL) - the sum of a receiving surface water's individual waste load allocations and load allocations and natural background which together with a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and surface water quality, represents the maximum amount of a pollutant that a surface water body can receive and still meet the Massachusetts Surface Water Quality Standards in all seasons.

TMDL-Identified Stormwater-Impaired Surface Water - a surface water that is the subject of a Total Maximum Daily Load developed by the Department that identifies stormwater runoff from impervious surfaces as causing or contributing to a violation of the Massachusetts Surface Water Quality Standards and establishes a limit for the loadings of the pollutant of concern that come from the discharge of stormwater runoff from impervious surfaces.

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, ground waters, and vernal pools. Wetlands constructed for the sole purpose of wastewater or stormwater management on or after January 2, 2008 and lined basins constructed for the sole purpose of storing reclaimed water so that it may be reused are not considered to be waters of the Commonwealth on or after *date* (the effective date of the wastewater reuse regulations, 314 CMR 20.00).

### III. COVERAGE UNDER THE RIA GENERAL STORMWATER PERMIT.

The RIA General Stormwater Permit covers any activity that can reasonably be expected to result in a stormwater discharge from a Regulated Impervious Area Site (RIA Site) as defined herein to a water of the Commonwealth or to a municipal separate storm sewer system, stormwater management system, or structural stormwater best management practice that discharges stormwater to a water of the Commonwealth.

### IV. LEGAL POLICIES AND FACTS CONSIDERED IN THE DEVELOPMENT OF THE GENERAL RIA STORMWATER PERMIT.

(A) Legal Policies Considered. The Massachusetts Clean Waters Act and the regulations promulgated thereunder authorize the Department to issue permits for any activities that can reasonably be expected to result in stormwater discharges that are significant sources

of pollutants to waters of the Commonwealth. The Department may exercise this authority by issuing general permits to one or more categories of activities that may reasonably be expected to result in such stormwater discharges, if it determines that such activities:

- (1) involve the same or similar types of operations;
- (2) may reasonably be expected to result in stormwater discharges that contain the same types of pollutants;
- (3) require the same effluent limitations or operating conditions;
- (4) require the same or similar monitoring or inspection requirements; or
- (5) are more appropriately controlled under a general permit than under individual permits.

(B) Facts Considered. Numerous scientific studies document how impervious surfaces increase the volume of rainfall that becomes runoff and amplify the loads of pollutants flowing to surface waters (Schuler, 1987; CWP, 2007; Shaver et al., 2007; Pitt et al., 2004; Horner et al., 1994). Rain falling on impervious surfaces runs off without infiltrating into the ground, thus creating a higher volume of runoff per unit area. Unlike pervious surfaces that trap and filter pollutants through soils and surface retention, impervious surfaces allow greater amounts of pollutants to be carried away by runoff.

(C) Need to Control Runoff from Impervious Surfaces. Based on these studies, the Department has determined that to maintain and achieve compliance with the Massachusetts Surface Water Quality Standards, it is necessary to control runoff from privately-owned sites with five or more acres of impervious surfaces by requiring that any private party who owns such a site or portion thereof request and obtain coverage under the Regulated Impervious Area (RIA) General Stormwater Permit. The RIA General Stormwater Permit requires all permittees to implement pollution prevention and source control measures. Such measures reduce the amount of pollutants in stormwater without causing the permittee to incur the land and financial costs associated with the design and construction of structural BMPs. The RIA General Stormwater permit also requires that permittees comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, if applicable.

In addition to these non-structural practices, the RIA General Stormwater Permit requires permittees to install low impact development (LID) techniques and structural stormwater BMPs in conjunction with projects for the development and redevelopment of impervious surfaces. In 2006, the Massachusetts Office of Coastal Zone Management (MassCZM) conducted a study of stormwater BMPs installed between 2000 and 2004. As a result of this study, MassCZM determined that only 27% of the BMPs were functioning as originally installed. 32 % were slightly impaired, 11% were substantially impaired, and 27% were not functioning at all. A major reason for this problem was the lack of

adequate maintenance. In response to this study, the RIA General Stormwater Permit requires that the permittee properly operate and maintain all on-site LID techniques structural stormwater BMPs.

In this first general stormwater permit, the Department has chosen to impose these requirements on sites with five or more acres of impervious surfaces to take advantage of economies of scale. The Department recognizes that the costs of implementing non-structural BMPs and designing, constructing, operating and maintaining LID techniques and structural stormwater BMPs decrease on an acre for acre basis as the number of managed areas increases. From the perspective of management efficiencies, larger tracts of land allow for simplified planning and implementation of stormwater control measures such as the sweeping of paved surfaces and the routine cleaning of catch basins.

At the same time, the Department understands that runoff from sites with less than five acres of impervious surfaces is also a source of pollutants. This is the Department's first general permit aimed at reducing the pollution caused by stormwater runoff from impervious surfaces. Depending on the success of this effort, the Department may extend this general permit program to sites with smaller impervious surfaces at some time in the future.

(D) Need for Measures to Reduce Phosphorous Loadings to TMDL-Identified Stormwater-Impaired Surface Waters. Phosphorus is the cause of approximately 40% percent of the impairments to the Commonwealth's assessed lakes and streams, See Massachusetts Nonpoint Source Management Plan-Volume III (2001); Commonwealth of Massachusetts Summary of Water Quality (2000); Massachusetts Year 2006 Integrated List of Impaired Waters.

A major source of this phosphorus is stormwater runoff from impervious surfaces. Phosphorus has a tendency to adhere to small particles that are easily washed off hard surfaces by rainfall. These small particles (less than 100 microns) account for much of the phosphorus stormwater load found in the waters of the Commonwealth.

Excessive phosphorus loads from stormwater runoff result in algae blooms and cause or contribute to violations of Massachusetts Surface Water Quality Standards, 314 CMR 4.00. Excessive algae growth typically results in cultural eutrophication, a condition that indicates that the water body is producing more than a natural amount of plant biomass as a result of anthropogenic activities. Water bodies experiencing cultural eutrophication experience many water quality problems including poor aesthetic quality, low dissolved oxygen (DO) and undesirable alterations to species composition and the food web. Excessive algae growth reduces water clarity, produces a green-brown coloration, and as a result decreases the aesthetic value of the surface water. Excessive algae and/or the presence of noxious algae species produces bad odors and skin irritation, making it difficult for the public to use the surface water for recreational activities such as swimming, kayaking and sailing.

As required by the Federal Clean Water Act, the Department has developed Total Maximum Daily Loads (TMDLs) for surface waters that fail to meet the Massachusetts Surface Water Quality Standards, 314 CMR 4.00. In these TMDLs, the Department has identified the pollutant sources that cause or contribute to the failure to meet the Massachusetts Surface Water Quality Standards.

As of the date of the RIA General Permit, the Department has developed several TMDLs for surface waters that fail to meet the Massachusetts Surface Water Quality Standards because of excessive loadings of phosphorus caused at least in part by stormwater runoff from land use associated with a high percentage of impervious surfaces such as commercial, industrial and high density residential land uses. These surface waters include the Charles River and the lakes listed in Appendix A. The Charles River and the lakes listed in Appendix A are collectively referred to as TMDL-identified stormwater-impaired surface waters.

The TMDLs for the Charles River and each lake listed in Appendix A are found on the DEP website at <http://www.mass.gov/dep/water/resources/tmdls.htm>. Based on the TMDLs, the Department has prepared maps showing the contributing drainage area (the area where runoff from impervious surfaces can reasonably be expected to result in discharges of excessive phosphorus loadings) to each TMDL-identified stormwater impaired surface water). These maps are found on the DEP website.

Based on the TMDLs, the Department has determined that privately-owned sites with two or more acres of impervious surfaces located within the contributing drainage area to a TMDL-identified stormwater impaired surface water are a significant source of pollutants. To address this significant source of pollutants, the TMDL for the Charles River determined that the phosphorus loadings contributed by stormwater runoff from land uses associated with a high percentage of impervious surfaces must be reduced by 65% to achieve compliance with the Massachusetts Surface Water Quality Standards. The TMDL for each lake listed in Appendix A specifies the reductions in phosphorus loadings from land uses associated with a high percentage of impervious surfaces that must be achieved to bring each lake into compliance with the Massachusetts Surface Water Quality Standards, 314 CMR 4.00. These percentages are set forth in Appendix A.

To achieve compliance with the Massachusetts Surface Water Quality Standards, the Department determined that it is necessary to control runoff from sites with less than five acres of impervious surfaces located within the contributing drainage areas to a TMDL-identified stormwater-impaired surface water. To take advantage of economies of scale, the Department determined that a minimum number of acres of impervious surfaces should be established before participation in the general permit program would be required. This first general permit focuses on sites with two or more acres of impervious surfaces. Future permits may target sites with smaller impervious surfaces if necessary to achieve compliance with the Massachusetts Surface Water Quality Standards.

Thus, the Department is requiring that any person who owns a site or portion thereof with two or more acres of impervious surfaces located within the contributing drainage area of

a TMDL-identified stormwater-impaired surface water apply for and obtain coverage under the RIA General Stormwater Permit. Consistent with the TMDLs, the RIA General Stormwater Permit provides that such permittees shall implement LID techniques and stormwater BMPs capable of achieving the reduction in phosphorus loadings specified in the TMDL. The RIA General Stormwater Permit also requires that such permittees meet the requirements imposed on all persons covered under the RIA General Permit. These requirements include the implementation of source control and pollution prevention measures as well as the installation of low LID techniques and structural stormwater BMPs in conjunction with projects for the development and redevelopment of impervious surfaces.

(E) Infiltration. Approximately 50 percent of the state's watersheds do not have enough water during the summer or times of drought. A contributing factor is the ground water recharge that does not occur when rainwater and snowmelt come into contact with impervious surfaces, such as parking lots, roadways and rooftops at large development sites. Instead of soaking into the ground, rainfall flows off these paved surfaces and into nearby waters, compromising surface water quality and exacerbating downstream flooding.

To address these water quantity problems, the RIA General Stormwater Permit requires infiltration. Section V (A) of the RIA General Stormwater Permit requires that projects for the development of impervious surfaces meet the recharge requirements set forth in Standard 3 of the Stormwater Management Standards. Section V (B) and C of the RIA General Stormwater Permit provide that to the extent that site constraints allow, permittees shall meet the redevelopment and phosphorus removal requirements of the permit through the use of infiltration BMPs rather than LID techniques or structural BMPs that treat stormwater by means other than infiltration. In establishing these requirements, Section V of the RIA General Stormwater Permit correctly recognizes that infiltration is a cost-effective approach to stormwater management. Infiltration BMPs not only recharge the ground water and sustain base flow; they are also a highly effective means of reducing the total volume of stormwater that leaves a site and of treating stormwater to remove pollutants such as total suspended solids and phosphorus.

(F). Issuance of RIA General Stormwater Permit. For the reasons set forth above, the Department hereby issues the RIA General Stormwater Permit to reduce the discharge of pollutants to waters of the Commonwealth that can reasonably be expected to occur when stormwater runs off certain privately-owned sites with impervious surfaces. By requiring the implementation of source control and pollution prevention measures and post-construction stormwater controls, the RIA General Stormwater Permit is consistent with the requirements of the NPDES Municipal Separate Storm Sewer System (MS4) Permit and establishes a framework for private landowners to share in the responsibility for implementing the stormwater control measures needed to achieve and maintain compliance with the Massachusetts Surface Water Quality Standards.

V. PERSONS REQUIRED TO REQUEST COVERAGE UNDER THE RIA GENERAL STORMWATER PERMIT.

(A) Any person that owns a RIA Site as defined herein or portion thereof shall submit an Initial Certification and Request for Coverage under the RIA General Stormwater Permit. Any person who owns a site or portion thereof that as the result of a project for the development of impervious surfaces will become an RIA Site shall also submit the Initial Certification. This requirement does not apply if the person owns a site or portion thereof that is located in a city or town that has a Qualifying Local RIA Program that meets the requirements established by the Department for such programs.

(B) For purposes of the RIA General Stormwater Permit, the term “RIA Site” includes:

- (1) A lot containing five or more acres of impervious surfaces;
- (2) A site comprised of two or more contiguous lots aggregated in accordance with Section VI of this Fact Sheet that together contain five or more acres of impervious surfaces;
- (3) A lot that contains two or more acres of impervious surfaces located within the contributing drainage area to a TMDL-identified stormwater-impaired surface water; and
- (4) A site comprised of two or more contiguous lots aggregated in accordance with Section VI of this Fact Sheet that together contain two or more acres of impervious surfaces located within the contributing drainage area to a TMDL-identified stormwater-impaired surface water.

VI. AGGREGATION RULES. When measuring the impervious surfaces to determine if a site meets or exceeds the applicable acreage threshold for a regulated impervious area, the impervious surfaces on contiguous lot(s) shall be included provided that:

(A) The stormwater runoff from at least some of the impervious surfaces located on the contiguous lots is directed to the same on-site stormwater management system or stormwater BMPs; or

(B) There are agreements or practices for the shared operation, maintenance or use of any the following:

- (1) Paved parking areas,
- (2) Paved areas for storing and/or maintaining vehicles and/or equipment,
- (3) Paved areas used for storing materials, product or waste,

- (4) Structural or non-structural stormwater best management practices, or
- (5) Buildings or structures.

(C) For purposes of Section VI (B) of this Fact Sheet, shared operation, maintenance or use shall be deemed to exist when, among other things, there are shared arrangements for any of the following:

- (1) Sweeping, sealing, repairing or repaving of paved surfaces;
- (2) Management of snow and/or deicing chemicals;
- (3) Management of solid waste;
- (4) The parking of vehicles;
- (5) The storage or maintenance of equipment; or
- (6) The cleaning and/or maintenance of structural stormwater best management practices.

## VII. REQUIREMENTS FOR COMPLETING THE INITIAL CERTIFICATION.

(A) The Initial Certification shall include the following information:

- (1) Name, mailing address, email address, and telephone number of each person who owns the RIA Site or any portion thereof.
- (2) The address of each lot contained within the RIA Site.
- (3) The number of acres of impervious surfaces located at the RIA Site.
- (4) Whether any portion of the RIA Site is located within the Zone I, Zone A, Zone II, or IWPA of a public water system or within 100 feet of a private water supply well.
- (5) Whether the RIA Site contains impervious surfaces that are located within an area that the Department has determined can reasonably be expected to result in a discharge to a TMDL-identified stormwater-impaired surface water and, if so, the name of the TMDL-identified stormwater-impaired surface water and the required phosphorus reduction.
- (6) Information on any program for sweeping the paved areas located within the RIA Site, including the frequency of the sweeping, the total area swept, and the type of sweeper used.

(7) Information on any ongoing projects for the development or redevelopment of impervious surfaces as of the date of the Initial Certification, including the date construction or land disturbance activity lawfully commenced, the expected date of completion, and if applicable, the date coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit was obtained.

(8) The date and location of all public notices required by 314 CMR 2.06. In accordance with 314 CMR 2.06, a person requesting coverage under the RIA General Stormwater Permit shall provide notice to the public in a newspaper of general circulation in the area where the RIA Site is located, the Environmental Monitor, and the Central Register. If the RIA Site involves any activities that can reasonably be expected to result in a stormwater discharge to the ground water within a Zone I, Zone II or IWPA for a public water supply or a stormwater discharge within a Zone A, written notice shall be delivered to the public water system. In that event, the Initial Certification shall include the name of the public water system and the date that written notice was delivered to the public water system.

(B) The Initial Certification shall be accompanied by the fee established by the Department pursuant to 310 CMR 4.00.

(C) The Initial Certification shall be signed as follows:

(1) For a corporation or limited liability corporation: by a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function and duly authorized by the Board of Directors, or any other person who performs similar policy or decision-making functions for the corporation or to whom authority to sign documents has been assigned or delegated in accordance with corporate procedures;

(2) For a partnership or limited partnership: by a general partner;

(3) For a sole proprietorship: by the proprietor;

(4) For a trust: by the trustee; and

(5) For a RIA Site owned by more than one person: by the primary representative designated by all persons who own the RIA Site or portions thereof.

(D) The Initial Certification shall 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 gather and evaluate the information

submitted. I further certify that this document has been signed as required by the Department. Based on my diligent 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 fines and imprisonment for knowing violations.”

(E) If the RIA Site is owned by more than one person, the Initial Certification shall include the following certification by the primary representative designated by all persons who own the RIA Site or portions thereof:

“I attest under the penalties of perjury that I am the primary representative authorized to act on behalf of all the owners of the RIA Site for the following purposes: (i) to receive oral and written correspondence from the Department with respect to any matters arising in connection with the Initial Certification, the RIA General Stormwater Permit, the Annual Compliance Certifications, the renewal of coverage under the RIA General Stormwater Permit, and any submissions required by the RIA General Stormwater Permit; (ii) to receive oral and written correspondence with respect to any issues pertaining to the terms and conditions of the RIA General Stormwater Permit including without limitation, the Baseline Performance Standards set forth in Section IV of the RIA General Stormwater Permit and, if applicable, the Additional Performance Standards set forth in Section V of the RIA General Stormwater Permit and/or the requirements for off-site mitigation set forth in Appendix B to the RIA General Permit; (iii) to receive any statement of fee in connection with the RIA General Stormwater Permit; and (iv) to prepare, submit, sign and certify this document on behalf of all owners of the RIA Site. I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate or incomplete information.”

#### VIII. TIME TO REQUEST COVERAGE UNDER THE GENERAL PERMIT.

(A) Any person who owns a RIA Site or portion thereof that is in existence as of *date* (effective date of RIA General Stormwater Permit) shall submit the Initial Certification requesting coverage under the RIA General Stormwater Permit to the Department on or before *date* (six months after effective date of the RIA General Stormwater Permit).

(B) Any person who owns a RIA Site that comes into existence after *date* (effective date of RIA General Stormwater Permit) as the result of a project for the development of impervious surfaces or portion thereof shall submit the Initial Certification requesting coverage under the RIA General Stormwater Permit on or before *date* (six months after the effective date of RIA General Stormwater Permit) or sixty days after the project for the development of impervious surfaces commences, whichever last occurs. For purposes of this requirement, a project for the development of impervious surfaces commences when any work associated with a project for the development of impervious

surfaces commences, including without limitation, land disturbance activity, construction of a paved surface, construction of a building or structure that includes a roof, and the demolition of a building or structure.

**IX. DATE COVERAGE UNDER GENERAL PERMIT TAKES EFFECT.**

At the end of the public comment period following submission of the Initial Certification and Request for Coverage under the RIA General Stormwater Permit, the Department shall provide written notice to the person requesting coverage that the Department has received the Initial Certification. Said notice shall also include one of the determinations set forth below.

(A) The Department has determined that it needs additional information to assess whether the stormwater discharges from the RIA Site may be adequately and appropriately controlled under the RIA General Stormwater Permit.

(B) Based on a TMDL developed by the Department or otherwise, the Department has determined that the stormwater that can be reasonably expected to be discharged from the RIA Site will not be appropriately or adequately controlled under the general permit, that more stringent limits than, or stormwater best management practices in addition to those required by the general permit are necessary to achieve or maintain compliance with the Massachusetts Surface Water Quality Standards, to protect the ground water as an actual or potential source of potable water, and/or to protect the public health, safety, welfare or the environment. In that event the Department shall provide written notice to the person requesting coverage under the RIA General Stormwater Permit that coverage under the RIA General Stormwater Permit is denied and an application for an individual permit shall be submitted and/or corrective action is required in accordance with a deadline set forth in the notice.

(C) The Department has determined that the stormwater that can be reasonably be expected to be discharged from the RIA Site will be appropriately or adequately controlled under the RIA General Stormwater Permit and that coverage under the RIA General Stormwater Permit is granted and shall take effect on the date of issuance of the notice.