



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Watershed Management

BRP WM 09

Approval of NPDES Stormwater Pollution Prevention Plans
for Construction or Industrial General Permits
Discharging to Outstanding Resource Waters (ORWs)

Instructions and Supporting Materials

Table of Contents

- introduction
- permit fact sheet
- completeness checklist

Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at <http://www.mass.gov/dep/> in two file formats: Microsoft Word and Adobe Acrobat PDF. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



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Fact Sheet

1. What is the purpose of this approval?

BRP WM 09 establishes an approval process for MassDEP to review projects with existing or proposed stormwater discharges to surface waters of the Commonwealth of Massachusetts that are designated as Outstanding Resource Waters (ORWs), and are subject to coverage under EPA's NPDES Storm Water Multi-Sector General Permit for Industrial Activities ("MSGP") or the NPDES General Permit for Storm Water Discharges from Construction Activities ("Construction General Permit"). ORWs are afforded higher protection to maintain their existing uses and water quality and include: surface Public Drinking Water Supplies, their tributaries and bordering vegetative wetlands; specified Areas of Critical Environmental Concern (ACECs); certified vernal pools; and, any other waters as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00.

Project proponents are required to comply with Massachusetts' statutory and regulatory provisions that protect and control pollutant discharges to surface waters designated as ORWs. MassDEP reviews Storm Water Pollution Prevention Plans (SWPPPs) prepared by proponents for industrial and construction activities, to determine whether stormwater pollution prevention measures and controls identified in the SWPPP will prevent or minimize stormwater impacts to the protected resource. State and local permitting required for the project for soil and erosion control and stormwater management will also be reviewed (see the request for documents on the BRP WM 09 application form, Section A. 4.). With the information provided by the proponent under BRP WM 09, MassDEP can determine if additional stormwater pollution control measures will be required beyond the SWPPP to protect the ORW.

Statutory and regulatory authority for coverage under this approval can be found at the Massachusetts Clean Waters Act, MGL Chapter 21, §§ 26-53, Surface Water Discharge Permit Program, 314 CMR 3.00 and Massachusetts Surface Water Quality Standards, 314 CMR 4.00.

2. Who must apply?

Any person seeking coverage under EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or EPA's NPDES Construction General Permit, and has an existing or proposed discharge to a surface water designated as an ORW or into a municipal separate storm sewer system (MS4) that discharges to an ORW. MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is owned or operated by the state, city, town, district, association or other public body and is designed or used for collecting or conveying stormwater.

3. What other requirements should be considered when applying for this approval?

- a. The applicant must have submitted the appropriate federal NPDES Notice of Intent forms from U.S. EPA for either the Stormwater Multi-Sector General Permit for Industrial Activities or the Stormwater Construction General Permit.
<http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>
<http://cfpub2.epa.gov/npdes/stormwater/cgp.cfm>
- b. The applicant must prepare the Stormwater Pollution Prevention Plan (SWPPP) required by the applicable EPA general permit.



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BRP WM 09

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- c. Permits of this type may require MEPA review. Please carefully examine the MEPA Regulations (301 CMR 11.00) to determine if your project exceeds the MEPA review thresholds. For more information, contact the MEPA Unit of the Executive Office of Environmental Affairs at 617-626-1020.
- d. Projects must comply with applicable state and local requirements for soil and erosion control and stormwater management. Copies of documents filed with state and/or local authorities are required for submittal as part of the BRP WM 09 review (see request for information on the BRP WM 09 application form, Section A. 4.).
- e. For further information, call 617-292-5821.

4. What is the application fee?

The application fee for BRP WM 09 is **\$890**. Fee exemption applies to any Massachusetts city or town or municipal housing authority.

5. What is the Primary Permitting Location?

Department of Environmental Protection
Bureau of Resource Protection
1 Winter Street, 5th Floor
Boston, MA 02108
ATTN: Fred Civian

6. Where can I get a copy of the timelines?

The timelines are available on the MassDEP Website:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>

7. What is the annual compliance fee?

There is no annual compliance fee for the approval.

8. How long is the approval in effect?

The approval, unless modified by MassDEP, continues in effect for the five-year duration of EPA's General Permits.

9. How can I avoid the most common mistakes made in applying for this approval?

- a. Provide the requested information on the BRP WM 09 application form.

Submit one copy of the MassDEP Transmittal Form,
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

- b. along with a copy of the WM 09 application and all accompanying documentation to:



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BRP WM 09

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1 Winter Street, 5th Floor
Boston, MA 02108
ATTN: Fred Civian

Submit the fee and one copy of the MassDEP Transmittal Form,
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

c. to:

Massachusetts Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211
Make check payable to the Commonwealth of Massachusetts.

Consult the Massachusetts Surface Water Quality Standards (314 CMR 4.00)
<http://www.mass.gov/eea/agencies/massdep/water/regulations/>

- d. (including tables and figures) or call the Bureau of Resource Protection at 617-292-5821, to determine if the project discharges stormwater to an Outstanding Resource Water.
- e. For information on ACECs, contact the Massachusetts Department of Conservation and Recreation at 617-626-1394 or at the following website:
<http://www.mass.gov/eea/agencies/dcr/conservation/acec/>

10. What are the state regulations that apply to the approval? Where can I get copies?

These regulations include, but are not limited to:

- a. Surface Water Discharge Permit Program, 314 CMR 3.00.
b. Surface Water Quality Standards, 314 CMR 4.00.
c. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

Official versions of all state statutes and regulations are only available for purchase at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street
Springfield, MA 01103
413-784-1376

Unofficial versions of the Regulations may be viewed on MassDEP's website at
<http://www.mass.gov/eea/agencies/massdep/water/regulations/>



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Application Completeness Checklist

- The MassDEP Application Package is completed.
- The applicant has submitted complete information required by the BRP WM 09 approval application, including a copy of the Stormwater Pollution Prevention Plan (SWPPP), developed for each facility or site covered by EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities.
- The applicant has submitted to U.S. EPA the Notice of Intent (NOI) form required for Stormwater Discharges Associated with Construction or Industrial Activity general permits, and supplied MassDEP with a signed copy of the NOI and an acknowledgement from EPA of the NOI submission.
- The MassDEP Transmittal Form is completed:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

To submit the package:

- Checklist items have been completed.
- Send one copy of the BRP WM 09 approval application along with one copy of the MassDEP Transmittal Form to:

Department of Environmental Protection
Bureau of Resource Protection
1 Winter Street, 5th Floor
Boston, MA 02108
ATTN: Fred Civian
- Send fee of:

\$890 for BRP WM 09, in the form of check or money order made payable to "Commonwealth of Massachusetts", along with one copy of the MassDEP Transmittal Form to:

Massachusetts Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211
- Keep a copy of the transmittal form, check and BRP WM 09 approval package for your records.



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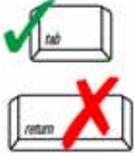
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Transmittal Number _____

Facility ID# (if known) _____

A. Project/Site Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Submit the following information:

1. A copy of the Stormwater Pollution Prevention Plan (SWPPP), developed for each facility or site covered by EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities. A SWPPP must be developed in order for stormwater discharges from industrial or construction activities to be authorized under either NPDES general permit listed above.
2. A signed copy of the Notice of Intent Form submitted to EPA for coverage under either EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities, and an acknowledgement from EPA of the NOI submission.
3. A general location map (USGS color quadrangle map) with enough detail to identify the location of the industrial or construction site and waters of the United States within one mile of the site.
4. Copies of the following documents filed with federal, state and/or local authorities, if applicable:
 - Definitive site plans including all mapped information and calculations required by the SWPPP.
 - MassDEP Wetlands Notice of Intent filing to municipal Conservation Commission.
 - Statement of Compliance with MassDEP's Stormwater Policy Standards and documentation filed with municipal Conservation Commission.
 - Order of Conditions issued by municipal Conservation Commission.
 - Superseding Order of Conditions issued by MassDEP.
 - Environmental Notification Form (ENF) filing with MEPA.
 - Certificate of the Secretary of Environmental Affairs and subsequent reports.
 - MassDEP 401 Water Quality Certification
 - Army Corps of Engineers Massachusetts Programmatic General Permit (PGP) authorization letter.
 - Department of Conservation and Recreation (DCR) Division of Water Supply Protection Watershed Protection Act Variance, M.G.L. Chapter 92, §107A, 350 CMR 11.00.

B. Applicant Information

1. Applicant

Name of Firm or Individual

Street Address

City

State

Zip

Telephone

Email

Contact Person:

Telephone



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Transmittal Number

Facility ID# (if known)

B. Applicant Information (cont.)

2. Authorized Agent

Name of Firm or Individual

Street Address

City

State

Zip

Telephone

Email

Contact Person

Telephone

3. Project Location

Name

Street

Assessor Map/Parcel Number

City

State

Zip

4. Name of Receiving Water(s)

Name

C. Certification

I certify under penalty of law that this document and attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my 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 fine and imprisonment for knowing violations.

Signature

Print Title

Print Name

Date