

PUBLIC NOTICE

MassDEP is providing the following addendum to the original Public Notice below that was originally published on December 20, 2025. MassDEP is extending the public notice period for the draft Surface Water Discharge permit for the Small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts to May 21, 2025. The virtual public hearing originally scheduled for January 28, 2025, was postponed and is expected to be rescheduled. Date and time will be announced on MassDEP's website. For questions on the draft state permit, contact David Boyer, MassDEP Surface Water Discharge Program, at 774-239-7060 or david.boyer@mass.gov.

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP), under authority granted by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 – 53, and the implementing regulations at 314 CMR 3.00 and 4.00, is proposing to: (1) issue a federal Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) for the U.S. Environmental Protection Agency's (EPA) proposed 2024 Draft NPDES General Permits for Small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts (Federal Permit) (MA Permit Nos. MAR041000, MAR042000, MAR043000), which will allow any "traditional" (i.e., cities and towns) and "non-traditional" (i.e., Federal and state agencies) MS4 operators in the Commonwealth of Massachusetts authorized by EPA under the 2024 Draft NPDES Federal Permit to discharge stormwater to the receiving water(s) as identified in the operator's Permit Authorization; and (2) issue the 2024 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters (State Permit) for the same discharges pursuant to the Massachusetts Clean Waters Act. The proposed WQC, proposed State Permit, and proposed Federal Permit are all available at <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>. Alternatively, a copy of the documents can be obtained by contacting David Boyer, MassDEP Surface Water Discharge Program, at 774-239-7060 or david.boyer@mass.gov. Written comments on both the proposed WQC and the proposed State Permit will be accepted until 5:00 p.m. on May 21, 2025. MassDEP strongly encourages written comments to be submitted by email to massdep.publiccommentnpdes@mass.gov: MS4 General Permit. If not possible, please send by mail to David Boyer, MassDEP, Surface Water Permitting Program, 100 Cambridge Street, Suite 900, Boston, MA 02114.

EPA and MassDEP will hold a virtual public hearing in accordance with 40 CFR 124.12 and 314 CMR 2.07(1) and will provide interested parties with the opportunity to provide written and/or oral comments for the official draft permit record. The virtual public hearing will be held Wednesday, May 7, 2025, at 7:00 p.m. To register for the virtual hearing, please use the online registration form available at: <https://usepa.zoomgov.com/meeting/register/Qkj2EoceQlWG00iuNGFJdA#/registration>.

Following the close of the comment period, MassDEP will issue a final CWA WQC and final State Permit and forward copies to EPA and each person who has submitted written comments or requested notice.

For special accommodations, please call the MassDEP Diversity Office at 617-292-5751. TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request.

By Order of the Department

Bonnie Heiple, Commissioner

**MASSACHUSETTS GENERAL PERMITS AUTHORIZING SMALL MUNICIPAL SEPARATE
STORM SEWER SYSTEMS (MS4s) TO DISCHARGE POLLUTANTS TO SURFACE WATERS**

In compliance with the provisions of the Massachusetts Clean Waters Act, as amended (M.G.L. Chap. 21, §§ 26 - 53) and the implementing regulations at 314 CMR 3.00 and 4.00, any operator of a small MS4 authorized by the United States Environmental Protection Agency (EPA), Region 1, to discharge under NPDES General Permit No. MAR041000 (Traditional Cities and Towns), MAR042000 (Non-Traditional MS4s), or MAR043000 (State transportation agencies except for MassDOT-Highway Division)¹, which together comprise the General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (“2024 EPA MS4 Permit”)², is authorized to discharge stormwater from that MS4 in accordance with the following conditions and requirements:

1. This document consists of three (3) general permits listed below, each of which is applicable to a particular type of small MS4 within the Commonwealth of Massachusetts. These will collectively be referred to as “this permit” or “this MassDEP permit.”
 - a. Traditional Cities and Towns (MA Permit No. MAR041000)
 - b. State, federal, county, and other publicly owned properties (MA Permit No. MAR042000)
 - c. State transportation agencies (except for MassDOT-Highway Division) (MA Permit No. MAR043000)
2. The issuance date of this permit is the date it is signed by the Massachusetts Department of Environmental Protection (MassDEP)³.
3. This permit shall become effective on [DATE]⁴.
4. This permit shall expire five years after the effective date.

¹ MassDOT Highway Division has requested to be covered under a Transportation Separate Storm Sewer System Permit (TS4). Until a TS4 Permit is implemented MassDOT Highway Division has coverage under the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems issued by EPA and MassDEP on April 18, 2003.

² This draft Mass DEP permit references the 2024 draft EPA MS4 Permit. The final version of this MassDEP permit will reference the final version of the EPA MS4 Permit. The final version of this MassDEP permit may reflect changes between the 2024 draft EPA MS4 Permit and the final version of that EPA permit.

³ Any person aggrieved by the issuance of this permit may file an appeal within 30 days of the issuance date. See Attachment A for further details on appeal rights and how to file an appeal.

⁴ According to 314 CMR 2.08(1), if no comments objecting to the issuance or terms of the permit were received by the Department during the public comment period, then the permit shall be effective upon issuance. If comments objecting to the issuance or the terms of the permit were received by the Department during the public comment period, then the permit shall become effective 30 days after issuance.

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5. This permit supersedes the permits issued by MassDEP under Massachusetts law (jointly with the permits issued by EPA under federal law) on April 4, 2016, and modified on December 7, 2020 (collectively, “2016 MassDEP Permit”).
6. Each MS4 operator seeking coverage under this permit must submit to MassDEP a copy of its Notice of Intent (NOI) submitted to EPA for coverage under the 2024 EPA MS4 Permit, which shall serve as the NOI for coverage under this permit. Instructions for submittal will be provided here: <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>. Compliance with those instructions satisfies the requirements of 314 CMR 3.06(4) for application for coverage under a MassDEP general surface water discharge permit. This NOI must be submitted to MassDEP within 90 days of the effective date of this MassDEP permit. An operator that submits its NOI to MassDEP as instructed and receives authorization by EPA to discharge under the 2024 EPA MS4 Permit pursuant to Section 1.7 of that EPA permit is authorized to discharge under this MassDEP permit, unless the operator is a new discharger subject to antidegradation review under Section 8.b of this permit, in which case authorization from MassDEP is required.
7. Compliance with the requirements of this MassDEP permit is deemed to constitute compliance with 314 CMR 3.06(11) for entities required by 314 CMR 3.06(11)(b)1. to comply with 314 CMR 3.06(11). MassDEP may waive the coverage requirements of 314 CMR 3.06(11)(b)1. as specified in 314 CMR 314 CMR 3.06(11)(b)3. MassDEP may designate other entities to require coverage under this MassDEP permit as specified in 314 CMR 3.06(11)(b)2.
8. Pursuant to MassDEP’s authority under M.G.L. Chap. 21, §§ 26 – 53, 314 CMR 3.00, and 314 CMR 4.00, this permit incorporates by reference the following sections of the 2024 NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the United States Environmental Protection Agency (EPA), Region 1, and attached hereto by reference as Appendix 1 and available on EPA’s website at <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>. Note that certain permit terms and conditions are applicable to only a particular set of authorized entities.
 - Part 1.4 (Non-Stormwater Discharges);
 - Part 1.10 (Stormwater Management Program [SWMP]);
 - Part 2: Permit Conditions and Effluent Limitations;
 - Part 3: Permit conditions and Limits Specific to Non-Traditional MS4s;
 - Part 4: Program Evaluation, Record Keeping, and Reporting;
 - Appendix A: Definitions, Abbreviations, and Acronyms;
 - Appendix F: Requirements for MA Small MS4s Subject to Approved TMDLs;
 - Appendix G: Permit Monitoring Requirements for Discharges into Impaired Waters;

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- Appendix H: Requirements related to discharges to certain water quality limited waterbodies;
- Appendix I: Required Illicit Discharge Detection and Elimination (IDDE) Program Components; and
- Appendix J: New Permittee Requirements to Reduce Pollutants to the Maximum Extent Practicable;

provided, however:

- a. that all stormwater discharges from an MS4 during the period of this permit, if the MS4 had coverage under the 2016 MassDEP Permit, do not constitute a “new or increased discharge” as defined in 314 CMR 4.02 and do not require an antidegradation review from MassDEP under 314 CMR 4.04.
- b. that stormwater discharges from an MS4 “new discharger” as defined in the 2024 EPA MS4 Permit, if the new discharger manages stormwater discharges in accordance with the applicable requirements of the Massachusetts Stormwater Handbook or more stringent standards imposed by municipal regulation or the 2024 EPA MS4 Permit, is presumed to be insignificant for the purposes of 314 CMR 4.04(2). Such discharge requires an antidegradation authorization pursuant to 314 CMR 4.04(5) from MassDEP only if the discharge is to an Outstanding Resource Water, as defined in 314 CMR 4.02 and identified in 314 CMR 4.06, or if MassDEP notifies the MS4 operator within 45 days of receiving the operator’s NOI that an antidegradation review is required.
- c. that this permit is not intended to impose requirements of the Massachusetts Open Meeting Law (M.G.L. Chapter 30A, Sections 18-25) on activities not otherwise subject to those requirements.
- d. that a copy of the Annual Report described in Section 4.4 shall also be submitted electronically to MassDEP at the following email address:
stormwater.dep@mass.gov.

9. This permit incorporates by reference the relevant Standard Permit Conditions set forth in 314 CMR 3.19.

Issued on this ____ day of _____, 20__

Lealdon Langley, Director
Division of Watershed Management
Department of Environmental Protection

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

FACT SHEET

MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS

Massachusetts General Permit Authorizing Small Municipal Separate Storm Sewer Systems (MS4s) to Discharge Pollutants to Surface Waters

MA PERMIT NUMBER:

- a. Traditional Cities and Towns (MAR041000)
- b. State, federal, county, and other publicly owned properties (MAR042000)
- c. State transportation agencies (except for MassDOT-Highway Division) (MAR043000)

PUBLIC NOTICE DETAILS:

Public comment time period: Beginning December 20, 2024, and ending February 20, 2025

Address where comments can be received:

Via email: massdep.publiccommentnpdes@mass.gov or to the below mailing address

Include the following subject line: MS4 Public Comment

MASSDEP CONTACT:

Person to contact for additional information: David Boyer, 774-239-7060,

david.boyer@mass.gov.

MAILING ADDRESS:

MassDEP NPDES Program, c/o David Boyer, 100 Cambridge Street, Suite 900, Boston, MA 02114.

This Fact Sheet for the above-referenced draft MassDEP Surface Water Discharge Permit (SWDP) incorporates by reference relevant sections of the Fact Sheet for the 2024 Draft NPDES General Permits Nos. MAR041000, MAR042000, and MAR043000, for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the United States Environmental Protection Agency (EPA), Region 1, on November 22, 2024 (2024 Draft EPA MS4 Permit), specific to Parts 1.4, 1.10, 2, 3, and 4 and Appendices A and F-J of that permit, including all applicable attachments and appendices to the Fact Sheet. In addition to the information contained in the EPA Fact Sheet incorporated herein by reference, MassDEP includes the information that follows.

SECTIONS OF EPA PERMIT INCORPORATED BY REFERENCE

MassDEP's SWDP incorporates the substantive requirements of the 2024 Draft EPA MS4 Permit, pursuant to MassDEP's authority under M.G.L. c. 21, §§ 26-53, 314 CMR 4.00, and 314 CMR 3.00, including but not limited to 314 CMR 3.06(11)(b)4.

ANTIDEGRADATION REQUIREMENTS

Paragraphs 8.a and 8.b of the MassDEP SWDP are intended to clarify and implement the MassDEP antidegradation requirements referenced in Parts 2.12(a) and 3.14 of the 2024 Draft EPA MS4 Permit, pursuant to 314 CMR 4.02, 314 CMR 4.04, and MassDEP's October 21, 2009, antidegradation policy (available at <https://www.mass.gov/doc/antidegradation-implementation-procedures-0/download>). Paragraph 8.a reflects the comprehensive nature of the requirements for existing dischargers under the 2024 Draft EPA MS4 Permit.

PUBLIC HEARING

EPA and MassDEP will hold a virtual public hearing in accordance with 40 CFR 124.12 and 314 CMR 2.07(1) and will provide interested parties with the opportunity to provide written and/or oral comments for the official EPA draft permit record. The virtual public hearing will be held Tuesday, January 28, 2025, at 6:30 p.m. To register to attend or speak at the virtual hearing, please use the online registration form available at: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>. On January 27, 2025, EPA will post a general agenda for the hearing that will list pre-registered speakers in approximate order at: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

DRAFT

Clean Water Act Section 401 Water Quality Certification
For the 2024 Draft NPDES
General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer
Systems (MS4s) in Massachusetts
USEPA Permit Nos. MAR041000, MAR042000, and MAR043000

The Massachusetts Department of Environmental Protection (MassDEP), having examined the United States Environmental Protection Agency (EPA) – Region 1’s 2024 Draft National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (Permit Nos. MAR041000, MAR042000, and MAR043000), issued November 22, 2024 (collectively, “2024 Draft NPDES General Permit”), hereby certifies that there is a reasonable assurance that the proposed discharge will not violate applicable Massachusetts water quality requirements, if made in accordance with the provisions of the 2024 Draft NPDES General Permit and the conditions set forth below, and provided that the 2024 Draft NPDES General Permit is not modified in a manner inconsistent with this certification:

The following conditions, together with the terms and conditions contained in the 2024 Draft NPDES General Permit, are necessary to ensure that the proposed discharges will comply with the applicable provisions of the Federal Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law, including, without limitation, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53, and the Massachusetts Surface Water Quality Standards published at 314 CMR 4.00.

- a. That each new discharger (as defined in the 2024 Draft NPDES General Permit) shall obtain authorization from MassDEP pursuant to 314 CMR 4.04(5) if the new discharge is to an Outstanding Resource Water, as defined in 314 CMR 4.02 and identified in 314 CMR 4.06, or if MassDEP notifies the new discharger within 45 days of receiving the new discharger’s Notice of Intent that an antidegradation review is required.

- b. That a copy of the Annual Report described in Section 4.4 of the 2024 Draft NPDES General Permit shall also be submitted electronically to MassDEP at the following email address: stormwater.dep@mass.gov.

To meet the requirements of Massachusetts laws, each of the conditions cited in the 2024 Draft NPDES General Permit and this certification shall not be made less stringent unless new data or other information is presented and MassDEP determines modification of this certification is appropriate in consideration of the relevant water quality considerations.

Signed this ____ day of _____, 20__

Lealdon Langley, Director
Massachusetts Department of Environmental Protection
Bureau of Water Resources
Division of Watershed Management