

POLICY DIRECTIVE
COMMISSIONER**Massachusetts Highway Department
Drainage Connection Policy**

The purpose of this policy is to comply with state and federal statutes and regulations relating to storm water discharges including the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit. Therefore, effective immediately, MassHighway prohibits the connection of unauthorized and/or illicit discharges to the State highway drainage system and requires the disconnection, or permitting, of all such existing connections. The NPDES MS4 General Permit requires the permittee to "develop, implement, and enforce a program to detect and eliminate illicit discharges."

Unauthorized discharges to MassHighway's storm drain system include any discharges or tie-ins that have not been issued a drainage access tie-in permit.

An illicit connection is a "direct or indirect discharge to the [MassHighway] storm drain system that is not composed entirely of storm water. Illicit discharges include, without limitation, sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously authorized, permitted, or approved before the effective date of the NPDES Phase II program (May 1, 2003). The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit (municipal general permit for MS4 or discharge of only storm water from industrial activity covered under 40 CFR 122.26(b)(14)(i)-(xi)), or a Surface Water Discharge Permit (discharge of treated effluent water from industrial activity) or resulting from fire fighting activities." It shall be the property owner's responsibility to prove that any existing or proposed tie-in is in compliance with NPDES.

All drainage connections require a MassHighway drainage tie-in permit, except for the discharges listed at the end of this policy. If an illicit or unauthorized connection is identified, then the District Highway Director shall notify the landowner in writing that they are in violation of Chapter 81, Section 21 of Massachusetts General Laws and may be in possible noncompliance with NPDES requirements. A copy of the letter shall be forwarded to MassHighway's Environmental Section and the Executive Office of Transportation's Office of the General Counsel. It shall be the responsibility of the landowner to apply for a MassHighway tie-in permit, or propose a schedule for the removal of the discharge. If the landowner does not act within 90 days of the date of notification, or sooner if the discharge poses an imminent health threat, then MassHighway will pursue legal action with the Attorney General's office. MassHighway also may construe the connection as a form of trespass and consequently remove the connection.

Distribution: X Please Post: Do Not Post: X

Non storm water discharges that are not regulated under NPDES MS4 General Permit, and do not require a MassHighway drainage tie-in permit, include the following, provided that the source is not a significant contributor of pollutants as determined by the District Highway Director:

- Discharge or flow resulting from fire fighting activities;
- Springs;
- Natural flow from riparian habitats and wetlands; or
- Application of water for street sweeping or construction-related dust control