

Public Notice

The Massachusetts Department of Environmental Protection (MassDEP) gives notice that it is proposing new stormwater regulations for inclusion in the Code of Massachusetts Regulations at 314 CMR 21.00. Entitled the “Stormwater Management Regulations”, the proposed regulations would establish a statewide general permit program aimed at controlling the discharge of stormwater runoff from certain privately-owned sites containing large impervious surfaces. MassDEP takes this action pursuant to its authority under the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 27 and 43 and M.G.L. c. 111, § 160.

The proposed regulations would require private owners of land containing five or more acres of impervious surfaces to: (1) apply for and obtain coverage under a general permit; (2) implement nonstructural best management practices (BMPs) for managing stormwater; (3) install low impact development (LID) techniques and structural stormwater BMPs at sites undergoing development or redevelopment; and (4) submit annual compliance certifications to the Department. Where the Department has determined that stormwater runoff is causing or contributing to violations of the Massachusetts Surface Water Quality Standards, the proposed regulations would allow MassDEP to impose the same requirements on certain private owners of land with less than five acres of impervious surfaces and require the owners of such land to design and implement the LID techniques and stormwater BMPs needed to address these violations. The proposed regulations would also incorporate the provisions of 314 CMR 3.00 and 314 CMR 5.00 pertaining to stormwater. The proposed regulations are available at the DEP website at <http://www.mass.gov/dep/>.

Pursuant to M.G.L.c. 21, §§ 26 through 53 and the regulations promulgated thereunder, MassDEP has tentatively determined to issue and has prepared a draft Regulated Impervious Area General Stormwater Permit. The draft general permit is intended to regulate stormwater discharges from sites with large impervious surfaces. A copy of this permit and the accompanying fact sheet are also on the MassDEP website

MassDEP will hold outreach sessions on the proposed regulations and draft general permit as follows:

- MassDEP’s Boston Office, One Winter Street, Boston, MA, January 5, 2009, 10:00 a.m.-1:00 p.m.;
- MassDEP’s Central Regional Office, 627 Main Street, Worcester, MA, January 6, 2009, 9:00 a.m.- noon;
- MassDEP’s Western Regional Office, 436 Dwight Street, Springfield, MA, January 6, 2009, 2:00 p.m.- 5:00 p.m.;
- Plymouth Public Library, 132 South Street, Plymouth, MA, January 7, 2009, 10:30 a.m.-1:30 p.m.;



- MassDEP's Northeast Regional Office, 205B Lowell Street, Wilmington, MA, January 8, 2009, 10:00 a.m.- 1:00 p.m.;

MassDEP will also hold public hearings on the proposed regulations and draft general permit as follows:

- Plymouth Public Library, 132 South Street, January 20, 2009, 2:00.- 4:00 p.m.;
- Mass DEP' Northeast Regional Office, 205B Lowell Street, Wilmington, MA, January 21, 2009, 2:00 p.m. - 4:00 p.m.;
- Mass DEP's Central Regional Office, 627 Main Street, Worcester, MA, January 22, 2009, 2:00 p.m.- 4:00 p.m.; and
- MassDEP's Boston Office, One Winter Street, Boston, MA January 23, 2009, 9:00 a.m.-11:00.a.m.

MassDEP will accept verbal and written comments on the proposed regulations and draft general permit at the hearings and written comments until 5:00 p.m. on February 9, 2009. MassDEP is particularly interested in receiving public comment on two definitions included in the proposed regulations: redevelopment of impervious surface and minor repair of a paved surface. MassDEP is also soliciting public comments on section 21.11 of the proposed regulations which sets forth the transition rules for sites undergoing projects for the development and/or redevelopment of impervious surfaces. All written comments should be submitted to MassDEP, One Winter Street, 5th floor, Boston, MA 02108, attn. Glenn Haas or by email at DEP.Waterpermitting@state.ma.us. Questions on the hearings should be directed to the Bureau of Resource Protection by calling 617-292-5599. For special accommodations or this information in alternative format, call Donald Gomes, ADA Coordinator 617-556-1057, TDD#1-866-539-7622 or 617-574-6868.