



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-FOUR

SPONSORED BY:

Kassandra Gove
Kassandra Gove, Mayor

BILL No. 2024-113

An Ordinance to amend the Amesbury Subdivision Rules and Regulations to be in compliance with the Environmental Protection Agency's (EPA's) 2016 National Pollutant Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit.

Summary: Under the Environmental Protection Agency's (EPA's) 2016 National Pollutant Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit, regulated communities such as Amesbury are required to enact or update ordinances or other regulatory mechanisms to address various permit components. In summary, ordinances and/or regulatory permitting processes must:

Minimum Control Measure 3 – Illicit Discharge, Detection, and Elimination (IDDE)

- Prohibit illicit discharges;
- Investigate suspected illicit discharges;
- Eliminate illicit discharges; and
- Implement enforcement procedures and actions.

Minimum Control Measure 4 – Construction Site Stormwater Runoff Control

- Require the use of sediment and erosion control practices at construction sites;
- Address control of other wastes at construction sites such as demolition debris, litter and sanitary wastes;
- Establish written procedures for site plan review; and
- Establish procedures for site inspections and enforcement.

Minimum Control Measure 5 – Post Construction Stormwater Management

- Require Low Impact Development (LID) site planning and design strategies;
- Require removal of total suspended solids (TSS) and total phosphorus from stormwater runoff through the implementation of structural Best Management Practices (BMPs) in new and redevelopment projects that disturb one or more acres;
- Require submittal of as-built plans showing stormwater controls; and
- Establish procedures for long-term operation and maintenance of BMPs after completion of a construction project, along with a dedicated funding source.

The City has worked with MPH Environmental, Inc. and Comprehensive Environmental Inc. (CEI) to review existing regulatory mechanisms and recommend updates. Recommendations included the creation of a new Illicit Discharge and Connection Stormwater Ordinance, revised Site Plan Review procedures, and revised Subdivision Rules and Regulations. In response, the City adopted the following new and revised regulatory mechanisms:

- Bill No. 2020-077, An Order to Establish an Illicit Discharge and Connection Stormwater Ordinance for the City of Amesbury
- Bill No. 2020-078, An Ordinance to adopt Changes to the Procedures for Site Plan Review and Inspection and Enforcement for the City of Amesbury

The following recommended changes were also incorporated in June 2020 into the City's Subdivision Rules and Regulations to address the remaining permit requirements:

1. Amend Section 6.05 (Erosion and Sedimentation Control Plans) by adding a paragraph on enforcement after Item 6.
2. Amend Section 6.11 (Inspections) by adding Item 5 to the end of the section.
3. Amend Section 8.02 (Inspections) by adding "AND ENFORCEMENT" after Inspections; adding further description to Item A.1 and an additional site inspection; adding further description to the site inspection under Item A.5; adding a statement after the final site inspection under Item 17; and adding new sub-section C. Enforcement.
4. Amend Section 8.08 (Erosion and Sedimentation Control) by adding Items 13 through 22 to the end of the section.

The purpose of this amendment is for the City of Amesbury to comply with the Environmental Protection Agency's (EPA's) 2016 National Pollutant Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit by incorporating the final recommended update into the Subdivision Rules and Regulations. This amendment addresses the requirements for removal of TSS and total phosphorus for new and redevelopment projects that disturb one or more acres.

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

1. That the Amesbury Subdivision Rules and Regulations is hereby amended by deleting and repealing Section 7.10 B. and replacing it with new Section 7.10 B. to read as follows:

A. Design Basis

Storm sewers shall be designed to convey peak discharge of the 25-year frequency storm, and culverts shall be designed to convey the peak discharge of the 100-year frequency storm. Detention ponds shall be designed to provide no increase in peak discharge to any off-site area in both the 25 years and 100 year storms. Retention ponds shall be designed such that the combined storage and 24-hour recharge volumes are greater than the inflowing runoff volume. In accordance with the 2016 MS4 permit, the design of all stormwater management systems shall also meet the following design criteria:

1. Use Low Impact Development (LID) site planning and design strategies unless infeasible;
2. Stormwater management system designs shall be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook, as amended;
3. Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus related to the total postconstruction impervious surface area on the site as calculated based on the average annual loading and not on the basis of any individual storm event.
 - a. Average annual pollutant removal requirements are achieved through one of the following methods:
 - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
 - ii. Retaining the volume of runoff equivalent to, or greater than, one inch multiplied by the total post-construction impervious surface area on the new development site; or
 - iii. Meeting a combination of retention and treatment that achieves the above standards; or
 - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.
4. Stormwater management systems on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual postconstruction load of TSS related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus related to the total post-construction impervious surface area on the site as calculated based on the average annual loading and not on the basis of any individual storm event.
 - a. Average annual pollutant removal requirements are achieved through one of the following methods:
 - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance

evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or

- ii. Retaining the volume of runoff equivalent to, or greater than, 0.8 inch multiplied by the total post-construction impervious surface area on the redeveloped site; or
 - iii. Meeting a combination of retention and treatment that achieves the above standards; or
 - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.
- b. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions unless infeasible are exempt from part a) above. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of part a) above.

2. That this ordinance be effective upon passage

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I – New England**

IN THE MATTER OF:)	DOCKET NO. CWA-AO-R01-FY21-19
)	
City of Amesbury, Massachusetts)	FINDINGS OF VIOLATION
)	
)	AND
)	
Proceedings under Sections 308(a) and 309(a)(3) of the Clean Water Act, as amended, 33 U.S.C. §§ 1318 and 1319(a)(3))	ORDER FOR COMPLIANCE
)	

I. STATUTORY AUTHORITY

The following Findings are made and ORDER (“ORDER”) issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, as amended (“Act”), 33 U.S.C. §§ 1318 and 1319(a)(3). Section 309(a)(3) of the Act grants to the Administrator of the U.S. Environmental Protection Agency (“EPA”) the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318 and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System (“NPDES”) permit issued under Section 402 of the Act, 33 U.S.C. § 1342. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the submission of any information required to carry out the objectives of the Act. These authorities have been delegated to EPA Region I’s Administrator, and, in turn, to the Director of EPA, Region I’s Enforcement and Compliance Assurance Division (“Director”).

The Order herein is based on findings of violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), and the conditions of NPDES Permit No. MA0101745 and MAR041177. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. §1319(a)(5)(A), the Order provides a schedule for compliance which the Director has determined to be reasonable.

II. DEFINITIONS

Unless otherwise defined herein, terms used in this Order shall have the meaning given to those terms in the Act, 33 U.S.C. §§ 1251 *et seq.*, the regulations promulgated thereunder, and any applicable NPDES permit.

III. FINDINGS

The Director makes the following findings of fact:

1. The City of Amesbury (the "Permittee" or "City") is a "municipality," as defined in Section 502(4) of the Act, 33 U.S.C. § 1362(4), established under the laws of the Commonwealth of Massachusetts, and, therefore, a "person" under Section 502(5) of the Act, 33 U.S.C. § 1362(5).
2. The City is the owner and operator of a secondary wastewater treatment facility (the "Facility"), a wastewater collection system ("Collection System") comprised of separate sanitary sewers, and a small Municipal Separate Storm Sewer System ("MS4") comprised of conveyances for the discharge of stormwater.

Sanitary Sewer Overflows ("SSOs")

3. On August 24, 2010, the City was re-issued NPDES Permit No. MA0101745 (the "NPDES Permit"), which was signed by the Director of the (then) Office of Ecosystem Protection of EPA, Region I, under the authority given to the Administrator of EPA by Section 402 of the Clean Water Act, 33 U.S.C. § 1342. This authority had been delegated by the Administrator of EPA to the Regional Administrator of EPA, Region I, who had in turn delegated this authority to the Director of the Office of Ecosystem Protection.
4. The NPDES Permit authorizes the City to discharge pollutants from the Facility to the Merrimack River, subject to the effluent limitations, monitoring requirements, and other conditions specified in the NPDES Permit.
5. Part I.D. of the NPDES Permit (Unauthorized Discharges) provides that only discharges from the outfalls specified are authorized and that discharges of wastewater from any other point

sources, including sanitary sewer overflows (“SSOs”) from any portion of the Collection System, are not authorized and must be reported.

6. Section 301(a) of the Act, 33 U.S.C. § 1311(a), makes unlawful the discharge of pollutants to waters of the United States except in compliance with, among other things, the terms and conditions of an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
7. On at least four occasions from 2017 to 2019, sewage overflowed from the City’s Collection System on Route 110 near the I-495 off-ramp to the Powwow River. The Powwow River is listed by the Massachusetts Department of Environmental Protection (“DEP”) as having impaired water quality that does not meet one or more use goals of the Commonwealth of Massachusetts Water Quality Standards.¹
8. Sanitary sewage contains “pollutants” as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), including fecal coliform and enterococci bacteria.
9. The various unauthorized components of the Collection System from which the City has discharged untreated sewage are “point sources,” as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14).
10. The Powwow River flows into the Merrimack River. The Merrimack River flows to the Atlantic Ocean. All are “navigable waters” under Section 502(7) of the Act, 33 U.S.C. § 1362(7), and the regulations promulgated thereunder.
11. The City’s discharge of wastewater from its Collection System and MS4 to the Powwow River in violation of its NPDES Permit violates Section 301(a) of the Act, 33 U.S.C. § 1311(a).

¹ Information regarding these impairments can be found at: <https://www.mass.gov/doc/final-massachusetts-year-2016-integrated-list-of-waters/>

Municipal Separate Storm Sewer System (“MS4”)

12. Pursuant to Section 402(p)(6) of the Act, 33 U.S.C. § 1342(p)(6), on December 8, 1999 (64 Fed. Reg. 68722), EPA promulgated regulations at 40 C.F.R. §122.26 that set forth NPDES permit requirements to address stormwater discharges from Small MS4s.
13. On April 18, 2003, EPA issued an NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (“2003 MS4 Permit”) pursuant to Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. §122.26. Pursuant to the 2003 MS4 Permit, the City notified EPA that it was seeking coverage under such permit on September 28, 2003. Permit No. MAR041177 authorized the City to discharge from the stormwater outfalls listed in its application. The 2003 MS4 Permit expired on April 30, 2008 and was administratively continued for municipalities that had received coverage while it was in effect.
14. The 2016 Massachusetts Small MS4 General Permit (“2016 MS4 Permit”) was signed April 4, 2016 and became effective July 1, 2018, after a one-year postponement of the effective date. The City notified EPA that it was seeking coverage under the 2016 MS4 Permit on October 3, 2018 and received authorization from EPA to discharge stormwater from its MS4 in accordance with the applicable terms and conditions of the 2016 MS4 Permit under Permit Number MAR041177 on April 22, 2019. Modifications to the 2016 MS4 Permit became effective on January 6, 2021. The 2016 MS4 Permit expires on June 30, 2022.
15. EPA and its consultant, PG Environmental, performed an audit of the City’s MS4 from August 24 to August 27, 2020 (“Audit”). At the time of the Audit, as noted in the audit report that was provided to the City on November 5, 2020, the following observations were made:
 - a. The City’s Stormwater Management Plan (“SWMP”) failed to include its SSO inventory, Illicit Discharge Detection and Elimination (“IDDE”) Program document, discussion of minimizing impacts to surface drinking supply sources, and its MS4 map (2016 MS4 Permit Part 1.10.2).
 - b. **The City’s MS4 map did not include initial catchment delineations (2016 MS4 Permit Part 2.3.4.5.a).**

- c. The City had not developed a priority ranking for the City's outfalls (2016 MS4 Permit Part 2.3.4.7).
- d. The City had not provided training for employees involved in the IDDE program since March 30, 2017 (2016 MS4 Permit Part 2.3.4.11).
- e. The City had not developed and implemented written procedures for site inspections and enforcement of erosion and sediment control measures at construction sites (2016 MS4 Permit Part 2.3.5.c.ii).
- f. The City had not developed formal procedures, tracking mechanisms, nor measurable goals for the Good Housekeeping and Pollution Prevention Program for Permittee Owned Operations required under Minimum Control Measure 6 (2016 MS4 Permit Part 2.3.7). Specifically, it was observed that:
 - i. the City had not developed operation and maintenance procedures for municipal activities (2016 MS4 Permit Part 2.3.7.a.i).
 - ii. the City had not developed an inventory of all City-owned facilities (2016 MS4 Permit Part 2.3.7.a.ii).
 - iii. the City had not developed a written program to maintain the City's MS4 infrastructure (2016 MS4 Permit Part 2.3.7.a.iii.1).
 - iv. the City had not maintained records for maintenance activities, inspections, and training (2016 MS4 Permit Parts 2.3.7.a.v and 2.3.7.b.iv).
 - v. the City had not developed Stormwater Pollution Prevention Plans ("SWPPPs") for any facilities (2016 MS4 Permit Part 2.3.7.b).
 - vi. the City had not conducted quarterly good housekeeping and stormwater pollution prevention inspections at any facilities (2016 MS4 Permit Part 2.3.7.b.iii.1).

16. The City's Year 2 Annual Report, signed September 28, 2020, indicated the following:
 - g. The City had not developed a written catchment investigation procedure and added the procedure to the SWMP.
 - h. The City had not cleaned or inspected any catch basins during the reporting period and had conducted only 10 miles of street sweeping.
 - i. The City had not inspected any outfalls/interconnections (excluding Problem and excluded Outfalls) for the presence of dry weather flow.
17. The City's discharge of stormwater from its MS4 to the Merrimack River in violation of the 2016 MS4 Permit violates Section 301(a) of the Act, 33 U.S.C. § 1311(a).

IV. ORDER

Accordingly, pursuant to Section 309(a)(3) of the Act, it is hereby ordered that:

1. By December 31, 2021, the City shall submit to EPA for approval, a plan to eliminate the system capacity issues that cause overflows at Route 110 near I-495 (the "Plan").
2. The City shall implement the Plan as approved. At any time during implementation of the Plan, the City may submit a modification of the Plan to EPA for approval.
3. The City shall, until the completion of the Plan, submit annual reports to EPA on the progress of the Plan. The annual report will be due by December 1 each year and cover all activities undertaken during the previous calendar year to implement the Plan.
4. Upon completion of the Plan, the City will submit a report within 90 days to EPA describing the completion of the Plan.
5. By December 31, 2021, the City shall address deficiencies observed during the Audit, and as reflected in the Year 2 Annual Report, through submission of the following:
 - a. an updated SWMP to include its SSO inventory, IDDE program document, discussion of minimizing impacts to surface drinking supply sources, catchment investigation procedures, and its MS4 map.
 - b. an updated MS4 map to include initial catchment delineations.

- c. a priority ranking of the City's outfalls.
- d. a description of the City's efforts to train employees involved in the IDDE program since the Audit, to include a list of employees trained and dates of training.
- e. written procedures for site inspections and enforcement of erosion and sediment control measures at construction sites.
- f. a description of the City's efforts to routinely inspect and maintain post-construction stormwater BMPs since the Audit, to include inspection reports.
- g. an inventory of all City-owned facilities.
- h. SWPPPs for all City-owned facilities.
- i. a description of the City's efforts to maintain its City-owned facilities since the Audit, to include operation and maintenance procedures, inspection reports, number of catch basins cleanings and inspections performed, and any other records related to the Good Housekeeping and Pollution Prevention Program for Permittee Owned Operations required under Minimum Control Measure 6.
- j. a description of when the City plans on completing inspections of all outfalls/interconnections (excluding Problem and excluded Outfalls) for the presence of dry weather flow.

V. NOTIFICATION PROCEDURES

1. Where this Order requires a specific action to be performed within a certain time frame, the City shall submit to EPA a written notice of compliance or noncompliance with such action within seven (7) days following the applicable deadline; however, written notice of compliance is not necessary if the action required by the Order is submission of a document, report, or other written material, and the City has timely submitted such document, report, or written material to EPA.

2. If noncompliance is reported, the written notice submitted to EPA must include the following information:
 - a. A description of the noncompliance;
 - b. A description of any actions taken or proposed by the City to comply with the required action;
 - c. A description of any factors that tend to explain or mitigate the noncompliance; and
 - d. A date by which the City will perform the required action.
3. After a notification of noncompliance has been submitted to EPA, the City must achieve compliance as expeditiously as possible, but by no later than the date submitted to EPA pursuant to paragraph V.2.d., and submit to EPA the required document, report, or written material, as applicable, or a written notice that compliance with the action has been achieved.
4. Submissions required by this Order shall be in writing and shall be sent via email or mail to EPA and DEP at the following addresses:

Rachel Olugbemi
U.S. Environmental Protection Agency
Region I
5 Post Office Square - Suite 100
Mail Code 04
Boston MA, 02109-3912
Olugbemi.Rachel@EPA.gov

and

Belinda Stansbury
MA DEP - Northeast
205B Lowell Street
Wilmington, MA 01887
Belinda.Stansbury@state.ma.us

5. EPA shall notify the City, in writing, of any changes to the contact persons or addresses.

VI. GENERAL PROVISIONS

1. This Order does not constitute a waiver or a modification of the terms and conditions of the NPDES Permit or the MS4 Permit. The NPDES Permit and MS4 Permit remain in full force and effect.

2. EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Order.
3. The City may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-708.
4. This Order shall become effective upon receipt by the City.

JAMES CHOW

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CHOW
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Date

James Chow, Deputy Director *for* Karen McGuire, Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 1



REGION 1

BOSTON, MA 02109

Dated via electronic signature

By Certified Mail - Return Receipt Required and Email

ORDER FOR COMPLIANCE

Re: Order for Compliance under Section 309 of the Clean Water Act,
In the Matter of the City of Amesbury, Massachusetts (NPDES Permit No. MAR041177)
Docket No. CWA-AO-R01-FY24-40

Mayor Cassandra Gove
62 Friend Street
2nd Floor
Amesbury, MA 01913

Dear Mayor Gove:

The 2016 National Pollutant Discharge Elimination System (“NPDES”) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (as modified) (“2016 MS4 Permit” or “Permit”) requires communities to develop or modify, as appropriate, a post-construction stormwater management ordinance, by-law, or other regulatory mechanism that contains provisions that are at least as stringent as the requirements set out in Part 2.3.6.a.ii of the 2016 MS4 Permit within three (3) years of the effective date of the Permit (i.e., by July 1, 2021).¹ The goal of the Permit’s post-construction stormwater management program is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites. A post-construction stormwater management regulatory mechanism is a foundational element of such program.

The 2016 MS4 Permit requires annual reporting to the U.S. Environmental Protection Agency (“EPA”) including information on the development and implementation of an adequate post-construction stormwater management regulatory mechanism. As of the date of this Order for Compliance, the City of Amesbury (“City”) has not submitted its Year 5 MS4 Annual Report to EPA that was due on or before September 30, 2023.

Information submitted by the City in its Year 4 MS4 Annual Report, an email to EPA dated June 10, 2024, and during a conference call on June 28, 2024, indicates that it has not met the 2016 MS4 Permit requirement to enact a post-construction stormwater regulatory mechanism that contains provisions that

¹ The Massachusetts Stormwater Handbook and Stormwater Standards (<https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards>) do not meet the requirements of the 2016 MS4 Permit as set out at Part 2.3.6.a.ii, including, but not limited to, Parts 2.3.6.a.ii.3 and 2.3.6.a.ii.4.

are at least as stringent as the requirements specified in Part 2.3.6.a.ii of the 2016 MS4 Permit. The City's Year 4 MS4 Annual Report left the field provided to identify its post-construction stormwater management regulatory mechanism blank and states, in pertinent part, that "The City's current stormwater regulations partially meet permit requirements... However, post-construction requirements are not fully addressed." An email to EPA from the City's Director of Public Works dated June 10, 2024, states, in pertinent part, that he was working with the City Administration to "...get the City back on track regarding MS4 NPDES compliance." On June 28, 2024, the City and EPA participated in a conference call to discuss the City's compliance with the post-construction stormwater management requirements set out in the 2016 MS4 Permit.

EPA has determined that the City's existing Stormwater Management regulations do not meet the post-construction stormwater management requirements set out in Part 2.3.6.a.ii of the 2016 MS4 Permit, including, but not limited to, Parts 2.3.6.a.ii.3 and 2.3.6.a.ii.4 of the Permit. Under Section 309(a)(3) of the Clean Water Act ("Act"), the Administrator of the U.S. Environmental Protection Agency has the authority to issue orders requiring persons to comply with Sections 301 and 308 of the Act and any permit condition or limitation implementing any NPDES permit. This authority has been delegated to the Director of the Enforcement and Compliance Assurance Division ("Director") in EPA Region 1. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order below sets forth a schedule for compliance that I have determined to be reasonable.

The City is hereby ordered, pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), as follows:

- By **September 30, 2024**, the City shall submit its Year 5 MS4 Annual Report covering the time period from July 1, 2022, through June 30, 2023, to EPA at Stormwater.Reports@epa.gov. In addition, the City shall notify Thomas Calautti, EPA Region 1, and provide a copy of the Year 5 MS4 Annual Report via email at Calautti.Thomas@epa.gov.
- By **December 30, 2024**, the City shall enact a post-construction stormwater management ordinance, by-law, or other regulatory mechanism that contains provisions that are at least as stringent as the requirements set out in Part 2.3.6.a.ii of the 2016 MS4 Permit.
- Within 7 days of the effective date of the City's post-construction stormwater management ordinance, by-law, or other regulatory mechanism, notify Tom Calautti, EPA Region 1, at Calautti.Thomas@epa.gov, that such ordinance, by-law, or regulatory authority has become effective and provide a copy of such regulatory mechanism to Mr. Calautti at the email address provided above.

This Order does not constitute a waiver or a modification of the terms and conditions of the 2016 MS4 Permit. The 2016 MS4 Permit remains in full force and effect. Also, this Order only addresses the specific violations described above. Please review your obligations under the 2016 MS4 Permit and address any additional outstanding obligations as soon as possible.

EPA reserves the right to seek any remedies available under Section 309 of the Act, 33 U.S.C. § 1319 for any violation cited in this Order. The City may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. This Order shall become effective upon receipt by the City.

As the City undertakes efforts to comply with this Order, it may find the model post-construction stormwater management ordinances available at <https://www.epa.gov/npdes-permits/stormwater-tools-new-england#pcsm> to be helpful. We are also available to answer any questions that you have related to these matters.

If you have any questions regarding your obligations under this Order or the 2016 MS4 Permit, please contact Thomas Calautti, EPA Region 1, at 617-918-1685 or at calautti.thomas@epa.gov. Please refer legal questions to Joshua Secunda, Senior Enforcement Counsel, EPA Region 1, at 617-918-1736 or at secunda.josh@epa.gov.

Sincerely,

JAMES CHOW

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James Chow, Director
Enforcement and Compliance Assurance Division

cc: (via email)

Joseph Buckley P.E., Director of Public Works
Newton Tedder, Water Divison, EPA Region 1
Kevin Pechulis, Senior Enforcement Counsel, EPA Region 1
Joshua Secunda, Senior Enforcement Counsel, EPA Region 1
David Boyer, MassDEP
Liz Clark, MassDEP
Susy King, MassDEP

