

TOWN OF MILLIS



DEPARTMENT OF PUBLIC WORKS

Veterans Memorial Building

900 Main Street

Millis, Massachusetts 02054

Millis Board of Selectmen

900 Main Street

Millis, MA 02054

RE: MS4 EPA "Permit Stay"

The EPA voluntarily accepted a request from the Massachusetts Coalition for Water Resources Stewardship submitted via letter on May 26, 2017. The letter outlined major issues with the Permit including the water quality based effluent limitations (TMDL reduction requirements) and the financially-burdensome standard to reduce stormwater pollutant loading to the "maximum extent practicable" (MEP). The third argument for the Permit Stay is that the New Hampshire Permit is expected to be challenged for similar issues as those being heard for the MA MS4 Permit in the DC Circuit Court. The NH MS4 Permit, which is "virtually identical" to the MA permit, has an effective date of July 1, 2018 which is one year later than the MA MS4 Permit. It was requested that a Court reviews the legal challenges together and respond consistently. Given the currently available information, our current best guess is that the Permit might be delayed at minimum 3 months and could be postponed 12 months to align with the timeline of the NH MS4 Permit. We were hoping to learn more about the expected revised Permit timeline at a webinar on Thursday, hosted by the EPA, but this event was postponed. We will keep you notified as we learn more.

With these legal challenges, the 2003 MS4 Permit continues to be in effect. The MA MS4 Permit requirements will continue to guide the best management practices for the Town's stormwater program. The budget that the Town of Millis developed for FY2018 was designed to facilitate the minimum actions required for compliance and proper management of the Town's stormwater infrastructure. The Town has historically underfunded the Stormwater Management Program, and in FY2018, the Town's investments make help ensure the Program is on-track with infrastructure management, complying with current Permit obligations, and preparing for future obligations under the Permit.

Andrew Goldberg