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Environmental Alert

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New stormwater general permit may apply to multifamily housing in certain MA watersheds—EPA seeks comment

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The proposed Commercial, Industrial, and Institutional General Permit (CII GP) seeks to reduce pollutants in stormwater runoff from existing properties with one acre or more of impervious surface within the Charles, Mystic, and Neponset River Watersheds.



What's the impact?

- The EPA seeks insights on how the new permit would impact owners, developers, and operators of certain property types, including multifamily housing and contiguous properties.
- EPA is hosting two public hearings (January 22 and 23, 2025) and accepting public comments until March 17, 2025.

Existing commercial, industrial, and institutional properties with one acre or more of impervious surface in the Charles, Neponset, and Mystic River watersheds in Massachusetts will soon be subject to a new National Pollutant Discharge Elimination System (NPDES) General Permit (CII

GP). US EPA Region I has asserted its authority under the Clean Water Act (CWA) to regulate such stormwater discharges where it can demonstrate that pollutants in stormwater are harming water quality. EPA is hosting two public hearings, January 22 and 23, 2025, and accepting public comments until March 17, 2025, in connection with the proposed actions.

EPA's proposed stormwater permit

According to the EPA, a goal of the proposed CII GP is to reduce the runoff of pollutants in stormwater, such as phosphorus, flowing from the designated properties into the Charles, Mystic, and Neponset River Watersheds. Under the [CII GP](#), permittees will be responsible for reducing and mitigating potential stormwater pollution at their properties through various structural stormwater controls, such as infiltration practices (e.g., porous pavements), storage or detention of stormwater (e.g., wet ponds), and non-structural controls, such as the cleaning or sweeping of impervious surfaces (e.g., parking lots).

Providing feedback on the EPA's proposed actions

The EPA is requesting comments on the draft CII GP, with a particular focus on the following issues:

- / **Multifamily Housing:** Whether multifamily residential properties should be included in the final designation and general permit.
- / **Compliance Schedule:** Whether the proposed compliance schedule is appropriate (more information can be found in Section 5.1.1 of the EPA's Fact Sheet).
- / **Multiple Non-Contiguous Properties:** How the permitting process should apply to owners or operators of multiple non-contiguous properties.
- / **Owner-Operator:** Whether the operator with control over a property, instead of the property owner, should be regulated.
- / **Contiguous Properties:** Feedback on EPA's regulation of contiguous properties.
- / **Historic Properties:** Feedback on the potential impact of the general permit on historic properties.

Interested parties may provide oral comments at either of the public hearings ([register for the public hearings here](#)). Written comments may be submitted by using one of the several methods [noted here](#).

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