



December 6, 2023

Mr. John Lee, Chairman
135 School Street
Walpole, MA 02081
United States

**Re: Comment Letter 2
Neponset Village
Comprehensive Permit (40B) Peer Review
Walpole, Massachusetts**

Dear Mr. Chairman:

The following letter updates comments provided in our October 27, 2023 Comment Letter 1 in consideration of supplemental material provided by the applicant including their November 17, 2023 responses to comments, revised site plans, supporting documentation, and clarifying testimony presented at public hearing.

Our updates are noted below in “black” with the heading “12-06-23 Update.” Text shown in gray represents information contained in previous correspondence while new information is shown in black text. Comments noted as “**Comment Resolved**” are considered addressed and will be indicated as resolved in future correspondence and include all but comments 6, 13, 21, 25, 26, 32 and 36. Comment history will be removed but numbering will be maintained.

New comments generated on the revised submittals are included at the end of comment listing under the heading **December 6, 2023 Update**.

Site Plans

Cover Sheet (Sheet 1)

1. The Project Site is comprised of multiple parcels including a parcel within the town of Norwood on which no work or development is proposed. It would be helpful to have the individual parcels noted clearly on the cover sheet.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

2. There are small discrepancies between the sheet names listed on the cover and names used on individual sheets. The discrepancies are not significant, but we recommend they be addressed on future submittals.

12-06-23 Update: Plans revised to address comment. **Comment Resolved.**

Notes & Legend (Sheet 2)

3. The sheet is noted as “2 of 15” which is inconsistent with other sheet numbering. Recommend removing the “of 15” portion of the sheet numbering on future submittals to avoid confusion.

12-06-23 Update: Plans revised to address comment. **Comment Resolved.**

Existing Conditions Plans (Norwood Engineering)

4. Sheet is noted as “1 of 9” and “2 of 9” which is confusing. Suggest eliminating the “of 9” on future submittals.

12-06-23 Update: Response adequately addresses comment. **Comment Resolved.**

Demolition and Erosion Control Plan (Sheet 5)

5. The plan includes a “Proposed Erosion Control Line (typ.)” label but does not indicate if it is intended to be the compost filter sock or the sediment control barrier shown on the details. Please clarify and adjust the leader to point to the applicable line.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

6. Given there is relatively little demolition, and site erosion controls are relatively simple we recommend the Board request the applicant to add some basic information as to construction management and phasing to better understand how the construction will be managed on such a tight site without impacts to abutting property or the public way. At a minimum please indicate proposed accommodations for contractor parking, construction trailers, soil stockpile/material staging, material delivery, laydown and storage and associated construction period stormwater management measures. If offsite locations are required for contractor parking or material staging, please indicate as such.

12-06-23 Update: Plans revised to show thoughtful and reasonable construction phasing information however no details are provided indicating how typical construction logistics will be managed safely on such a densely developed site without burdening the public way or causing excessive impacts on abutting properties. It remains our opinion that the development team should provide at least a basic description of how construction logistics will be managed and how areas of the site will be used during construction to provide the Board an opportunity to consider construction impacts and potential related conditions. At a minimum, we recommend any condition approving a Comprehensive Permit include a *condition requiring the Project to submit a Construction Management Plan demonstrating how construction will be managed to prevent unanticipated impacts to the public way or abutting properties during construction and that it be approved by the Building Inspector prior to, or as part of, processing a building permit application or other required town authorization of construction activity.*

Site Layout Plan (Sheet 6)

7. Recommend including proposed reconstruction of Maguire Park and the reconstruction of the Pleasant Street sidewalk on the Site Layout Plan.

12-06-23 Update: Plans revised to show information requested. We recommend any condition approving a Comprehensive Permit include a *condition requiring the Project to complete the Maguire Park reconstruction and Pleasant Street sidewalk prior to issuance of an occupancy permit.*

Comment Resolved.

8. The proposed fence along the railroad is a good idea but please clarify if the intended construction is the same as that shown in the details for the dumpster enclosure or if some other material is

anticipated. We also recommend the fence be extended at least 20’ along the side lot line as an added measure to minimize access onto the railroad.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

9. The gazebo is shown over the proposed infiltration system. Please explain how the gazebo will be supported and/or protected from wind loads. Typically, we would not recommend any structure be located above the infiltration system.

12-06-23 Update: Plans revised to show information requested, gazebo removed. **Comment Resolved.**

10. Similarly, the mailboxes and dumpster pad are situated over the proposed infiltration system. We recommend the area above any infiltration system be kept clear of any permanent structure or pad.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

11. Stairs and landings shown do not suggest if any of the units are proposed to be accessible. While we don’t expect any issues transitioning grade with steps there may not be enough space for an accessible ramp. Please clarify if any units are anticipated to be accessible and/or explain the strategy for accessible space layout and accommodating handicapped residents.

12-06-23 Update: Clarifying response provided. No further comment. **Comment Resolved.**

12. The proposed guardrail label and leader point to the curb instead of the guardrail. The intent is clear but suggest the label be fixed in later submissions.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

Site Grading and Drainage Plan (Sheets 7)

13. The proposed grading at the end of Maguire Park appears to create an awkward low point between the two 117 contours. Although not likely to result in any substantial ponding adjustment is recommended.

12-06-23 Update: Plans still suggest runoff from the new emergency access will be directed toward properties at 12 and 15 Maguire Park with no proposed collection or conveyance. We recommend the design team consider pitching the road to the west (away from 12 and 15) particularly given this areas designation as an intended location for snow storage.

14. Infiltration System D appears to be the only infiltration system with a dedicated overflow. Please describe how the other infiltration systems will discharge if capacity is exceeded or system is compromised.

12-06-23 Update: Clarifying response provided. No further comment. **Comment Resolved.**

15. Infiltration System D incorporates two (2) isolator rows which we strongly support and appreciate. However, DMH 2 is shown connecting to a non-isolator row. Drain routing should be revised to show all drains connecting to an isolator row.

12-06-23 Update: Plans revised as requested. **Comment Resolved.**

16. Please clarify if the Infiltration System D will incorporate a distribution manifold and weir structure and if so, please show on plans.

12-06-23 Update: Clarifying response provided. No further comment. **Comment Resolved.**

17. Please show location of any proposed infiltration system inspection ports.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

18. We understand that Infiltration Systems A-C are intended to serve roof runoff exclusively but still recommend an isolator row or section be included in each as a protective measure.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

Site Utility Plan (Sheet 8)

19. The sewer and water mains are located very close to each other near Unit 3. Suggest the sewer be located closer to the west curb line to provide at least 10-foot offset distance from the proposed water line. This change would also reduce the length of sewer laterals.

12-06-23 Update: Plans revised as recommended. **Comment Resolved.**

20. Suggest adding a sewer along the front of Units 18-24 to eliminate 6 of the 7 water crossings. This change will reduce the number of water/sewer crossings and the total length of sewer laterals.

12-06-23 Update: Plans revised as recommended. **Comment Resolved.**

Fire Apparatus Turning Analysis (Sheets 9 - 10)

21. The analysis indicates a fire apparatus can adequately access/navigate the site with the proposed connection to Maguire Park. We recommend any decision approving a Comprehensive Permit include a condition requiring the Maguire Park connection to be constructed and operational prior to issuing a building permit.

12-06-23 Update: Response indicates a requirement that the emergency access route be “fully constructed and operational prior to a building permit” is unreasonable and we agree. We did not intend to suggest as such but rather only seek to ensure that adequate emergency through-access is available before construction of the homes begins and is always maintained thereafter particularly during the period where timber framing is being erected on multiple units in close proximity to each other and adjacent homes without the benefit of proposed sprinklers. We recommend any condition approving a Comprehensive Permit include a condition requiring the Project to construct and maintain the proposed emergency access route as required by the Walpole Fire Department, including proposed access control gate, prior to the erection of any timber framing and that the Maguire Park entrance not be used for construction access or laydown.

Details (Sheets 12 - 18)

22. We request the Project provide a detail for each the proposed infiltration chambers including specific information for each location including bottom and top of stone elevation, system dimensions and chamber/manifold layout, inspection and maintenance ports, weir structures and offset from Estimated Seasonal High Groundwater (ESHGW). The infiltration systems are fundamental to system performance and any added detail is appreciated. Please note, the project does not appear to be within any area subject to Conservation Commission jurisdiction and as such is not expected to require their review for compliance with stormwater standards/handbook.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

Hardscape and Materials Plan (Sheet L1.21)

23. Plans suggest proposed patios will be permeable however the paver examples shown appear impervious. Please clarify the intended construction and how the areas were modeled in stormwater analysis.

12-06-23 Update: Clarifying response provided and plans revised to show information requested.
Comment Resolved.

24. Plans indicate walks will be “Broom Finish Concrete Paving” suggesting cement concrete sidewalks whereas the Layout Plans indicate bituminous concrete sidewalks. Please clarify what sidewalk material is intended and label consistently.

12-06-23 Update: Clarifying response provided and plans revised to show information requested.
Comment Resolved.

Planting Plan (Sheet LP1.21)

25. Planting Plan and Plant Schedule seem reasonable. However, no planting is proposed over most of the area behind Units 20 -24 which face the abutting residential building. We recommend the Board request the applicant to consider installing a fence or similar screening element along that property boundary due to the lack of any significant buffer and the anticipated ground level activity.

12-06-23 Update: Plans have been revised to show a continuous hedge along the project boundary with abutting residential property and included appropriate plant selection and reasonable spacing. However, we recommend the Board consider requiring supplemental planting be provided along the western boundary of 15 Maguire Park and a portion of 12 Maguire Park to screen those areas which are impacted similarly since it's doubtful that the little existing vegetation scheduled to remain will provide adequate screening or relief.

Lighting Plan (Sheet L1.22)

26. We did not see a Lighting Plan in the submittal materials but noticed light fixtures noted on some of the plans. We recommend the Board request the applicant to provide a Lighting/Photometric Plan indicating the proposed location and type of exterior light fixtures to be used and the anticipate light levels so any impacts on abutting parcels can be considered.

12-06-23 Update: Site Lighting Plan (Sheet L1.22) and photometrics (also labeled Sheet L1.22) were provided and appear reasonable with one exception. We recommend lights currently proposed at the end of the access drive (Sta. 5+75) be moved to locations further inside the development and ideally near the proposed accessible spaces and ramps (Sta. 4+75) to avoid unnecessary light impact on abutting property while providing more useable light in priority areas on site.

Planting Details (Sheet LP3.01 – LP3.02)

27. We request a patio detail be provided.

12-06-23 Update: Plans revised to show information requested. **Comment Resolved.**

Stormwater Management Report

28. We appreciate incorporation of offsite contributing area and natural depressions in the analysis. However, please explain the justification for classifying proposed impervious surfaces as “unconnected”. We would not typically consider the proposed impervious areas as “unconnected” based on their characteristics and the potential for that characterization to understate runoff rates.

12-06-23 Update: Clarifying response provided and analysis addressed as requested. **Comment Resolved.**

29. The proposed infiltration systems are integral to stormwater mitigation and must be maintained to ensure performance, yet the Operation and Maintenance Plan (OMP) has almost no required maintenance. Given future homeowners will be responsible for system inspection and maintenance, its critical for expectations to be clearly documented and responsibilities well understood. We recommend the Board request the applicant to provide a more detailed “Long-Term Operation and Maintenance Plan” meeting all requirements for such plans noted in the Stormwater Handbook and incorporating all manufacturer’s recommended maintenance.

12-06-23 Update: Information provided as requested. **Comment Resolved.**

30. Given the Project does not appear to require an Order of Conditions from the Conservation Commission, we recommend the Board consider including the recommended conditions described under Standard 9 of the Stormwater Handbook in any decision approving a Comprehensive Permit. Copy of applicable handbook section attached at the end of this letter.

12-06-23 Update: Response indicates no objection to the incorporation of the recommended conditions. A copy of the relevant sections of the Handbook is attached for the Board’s use. **Comment Resolved.**

31. The Project will disturb more than an acre of land area which typically required to obtain coverage under a NPDES Construction General Permit which includes preparation of a project-specific Stormwater Pollution Prevention Plan (SWPPP). We recommend any decision approving the Comprehensive Permit include a condition requiring the Project to provide proof of NPDES Permit coverage and a copy of the SWPPP prior to the start of land clearing activity.

12-06-23 Update: Response indicates no objection to the recommended condition. We recommend any decision approving the Comprehensive Permit include a condition requiring the Project to provide proof of NPDES Permit coverage and a copy of the SWPPP prior to the start of construction.

Comment Resolved.

Traffic Report

32. The Traffic Report does not mention bike parking. We recommend the site plan include a space for bike storage.

12-06-23 Update: Plans revised to add a covered bike storage shed at the end of the site access drive. The proposed location seems unnecessarily close to the home at 15 Maguire Park, and we

recommend relocating to a more central location such as near the lawn area light pole. While we appreciate the utility of covered bike storage, we do not consider covering a requirement.

33. It's unclear what, if any, analysis, or evaluation was performed to determine current operating conditions of the nearby Union/Pleasant or Pleasant/Summer intersections. Please provide a summary of any assessments performed.

12-06-23 Update: Clarifying response provided. No further comment. **Comment Resolved.**

34. Tetra Tech agrees with the proposed site access improvements to provide a Stop bar at the site driveway approach to Pleasant Street and advance driveway warning signs. All pavement markings and signage shall be MUTCD-compliant.

12-06-23 Update: Response acknowledges comment. **Comment Resolved.**

35. Tetra Tech recommends that the site plans include sight distance triangles to ensure the area is kept free of any sight obstructing features or vegetation.

12-06-23 Update: Plans requested are included with the updated submission, no further comment. **Comment Resolved.**

December 6, 2023 Update

36. Having two sidewalks traversing the relatively small lawn area seems redundant and unnecessarily increases impervious cover. We recommend the applicant consider eliminating one of the sidewalks, and potentially the concrete bench pads, in the interest of maximizing available open space and flexibility for its use.

We appreciate the Project's thoughtful responses and the supplemental information provided which have addressed or at least advanced our comments leaving only minor issues outstanding. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Sean P. Reardon, P.E.
Vice President

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sedimentation and pollution prevention plan, the issuing authority shall require implementation of any measures in the SWPPP that were not included in the plan.

The construction period erosion, sedimentation and pollution prevention plan must identify all stormwater management activities that are needed during land disturbance and construction, including source control and pollution prevention measures, BMPs to address erosion and sedimentation, stabilization measures, and procedures for operating and maintaining the BMPs, especially in response to wet weather events and frost. The plan shall include a schedule for sequencing construction and stormwater management activities that minimizes land disturbance by ensuring that vegetation is preserved to the extent practicable, and disturbed portions of the site are stabilized as quickly as possible.

The BMPs used during construction must be different from the BMPs that will be used to handle stormwater after construction is completed and the site is stabilized. Many stormwater technologies (infiltration technologies) are not designed to handle the high concentrations of sediments typically found in construction runoff, and thus must be protected from construction-related sediment loadings.

All construction period BMPs must be properly designed, and sediment traps must be sized to provide adequate capacity and retention time to allow for proper settling of fine-grained soils. Construction period BMPs must be properly operated and maintained. For more information on erosion and sediment control, see Volume 2 of the Massachusetts Stormwater Handbook and the Nonpoint Source Manual, and the Erosion and Sedimentation Control Guidelines: A Guide for Planners, Designers and Municipal Officials^{36,37}.

Standard 9: A Long -Term Operation and Maintenance (O&M) Plan shall be developed and implemented to ensure that stormwater management systems function as designed.

The Long-Term Operation and Maintenance Plan shall at a minimum include:

1. Stormwater management system(s) owners;
2. The party or parties responsible for operation and maintenance, including how future property owners will be notified of the presence of the stormwater management system and the requirement for proper operation and maintenance;
3. The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;
4. A plan that is drawn to scale and shows the location of all stormwater BMPs in each treatment train along with the discharge point;
5. A description and delineation of public safety features; and
6. An estimated operations and maintenance budget.

The Operation and Maintenance Plan shall identify best management practices for implementing maintenance activities in a manner that minimizes impacts to wetland resource areas.³⁸

For projects subject to jurisdiction under the Wetlands Protection Act, the Conservation Commission and MassDEP will take the actions set forth below to ensure compliance with Standard 9. Unless and until another party accepts responsibility, the Conservation Commission and MassDEP shall presume that the

³⁶ MA Erosion & Sedimentation Control Guidelines - <http://mass.gov/dep/water/esfull.pdf>

³⁷ Nonpoint Source Manual (formally known as the MegaManual):

<http://projects.geosyntec.com/NPSManual/>

³⁸ Some proponents may have developed an operation and maintenance plan for stormwater BMPs to meet the requirements of the National Pollutant Discharge System Elimination System (NPDES) Multi-Sector General Permit or the NPDES General Permit for Municipal Separate Storm Sewer Systems (MS4 Permit). To avoid duplication of effort, proponents may be able to prepare one plan for the operation and maintenance of stormwater BMPs that fulfills the requirements of Standard 8 and the applicable NPDES general stormwater permit. The Operation and Maintenance Plan must be included in the Stormwater Report. See Volume 3.

Massachusetts Stormwater Handbook

owner of the BMP is the landowner of the property on which the BMP is located, unless there is a legally binding agreement with another entity that accepts responsibility for the operation and maintenance. If an applicant envisions that the municipality may accept responsibility for the operation and maintenance of a stormwater BMP, the applicant shall notify the Conservation Commission and make available to the municipal official responsible for stormwater management the design and operation and maintenance plan for the BMP in order that the municipal official may have an opportunity to review and provide comments to the Conservation Commission within a reasonable period of time prior to the issuance of the Final Order of Conditions. It is recommended that the Conservation Commission solicit comments from the responsible municipal official.

To ensure compliance with Standard 9, the Order of Conditions should include the continuing conditions set forth below.

- (1) All stormwater BMPs shall be operated and maintained in accordance with the design plans and the Operation and Maintenance Plan approved by the issuing authority.
- (2) The responsible party shall:
 - (a) maintain an operation and maintenance log³⁹ for the last three years, including inspections, repairs, replacement and disposal (for disposal, the log shall indicate the type of material and the disposal location);
 - (b) make this log available to MassDEP and the Conservation Commission upon request; and
 - (c) allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsibility party complies with the Operation and Maintenance Plan requirements for each BMP.

These same continuing conditions should be included in the Certificate of Compliance.

The Order of Conditions should also include a condition requiring the responsible party to submit an O & M Compliance statement when requesting a Certificate of Compliance. The O & M Compliance Statement shall identify the party responsible for implementation of the Operation and Maintenance Plan and state that:

- a. the site has been inspected for erosion and appropriate steps have been taken to permanently stabilize any eroded areas;
- b. all aspects of the stormwater BMPs have been inspected for damage, wear and malfunction, and appropriate steps have been taken to repair or replace the system or portions of the system so that the stormwater at the site may be managed in accordance with the Stormwater Management Standards;
- c. future responsible parties must be notified of their continuing legal responsibility to operate and maintain the structure; and
- d. the Operation and Maintenance Plan for the stormwater BMPs is being implemented.

In the case of stormwater BMPs that are serving more than one lot, the applicant shall include with the Notice of Intent a mechanism for implementing and enforcing the Operation and Maintenance Plan. The applicant shall identify the lots or units that will be serviced by the proposed stormwater BMPs. The applicant shall also provide a copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of stormwater BMPs. In the event that the stormwater BMPs will be operated and maintained by an entity, municipality, state agency or person other than the sole owner of the lot upon which the stormwater management facilities are placed, the applicant shall provide a plan and easement deed that provides a right of access for the legal entity to be able to perform said operation and maintenance functions. It is recommended that the Order of Conditions include a condition requiring that the responsible party provide a copy of the Order of Conditions and the legal instrument to each unit or lot owner at or before the

³⁹ This is a rolling log in which the responsible party records all operation and maintenance activities for the past three years.

purchase of each unit or lot to be serviced by the stormwater BMPs. When requesting the issuance of a Certificate of Compliance, the applicant shall identify to the Conservation Commission or MassDEP in writing the entity with legal responsibility for the operation and maintenance of the stormwater BMPs and provide a copy of the recorded instrument creating the responsible entity.

Prior to issuing a Certificate of Compliance, the Conservation Commission or MassDEP should inspect the site to determine whether the Stormwater BMPs are operating as designed so that the stormwater at the site may be managed in accordance with the Stormwater Management Standards. In conducting the inspection, the Conservation Commission or MassDEP should look for indicia that the stormwater BMPs are not functioning as designed. Evidence of problems with stormwater BMPs may include without limitation sand plumes at outfalls, excessive sands in catch basins, oil sheens, stressed vegetation, accumulated litter, and/or failure of the BMP to drain after 72 hours. No Certificate of Compliance should be issued unless and until the stormwater BMPs are functioning in accordance with the Final Order of Conditions and the Stormwater Management Standards.

Standard 10: All illicit discharges to the stormwater management system are prohibited.

Standard 10 prohibits illicit discharges to stormwater management systems. The stormwater management system is the system for conveying, treating, and infiltrating stormwater on-site, including stormwater best management practices and any pipes intended to transport stormwater to the groundwater, a surface water, or municipal separate storm sewer system. Illicit discharges to the stormwater management system are discharges that are not entirely comprised of stormwater. Notwithstanding the foregoing, an illicit discharge does not include discharges from the following activities or facilities: firefighting, water line flushing, landscape irrigation, uncontaminated groundwater, potable water sources, foundation drains, air conditioning condensation, footing drains, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated water from swimming pools, water used for street washing and water used to clean residential buildings without detergents.

Proponents of projects within Wetlands jurisdiction must demonstrate compliance with this requirement by submitting to the issuing authority an Illicit Discharge Compliance Statement verifying that no illicit discharges exist on the site and by including in the pollution prevention plan measures to prevent illicit discharges to the stormwater management system, including wastewater discharges and discharges of stormwater contaminated by contact with process wastes, raw materials, toxic pollutants, hazardous substances, oil, or grease. The Illicit Discharge Compliance Statement may be filed with the Notice of Intent. If the Illicit Discharge Compliance Statement has not been filed, the Final Order of Conditions shall require the submission of an Illicit Discharge Compliance Statement prior to the discharge of stormwater runoff to the post-construction stormwater best management practices. The issuing authority should not issue a Certificate of Compliance until it has determined that the Illicit Discharge Compliance Statement has been submitted, has reviewed the Illicit Discharge Compliance Statement, and has verified that there are no illicit discharges at the site.

The Illicit Discharge Compliance Statement must be accompanied by a site map that is drawn to scale and that identifies the location of any systems for conveying stormwater on the site and shows that these systems do not allow the entry of any illicit discharges into the stormwater management system. The site map shall identify the location of any systems for conveying wastewater and/or groundwater on the site and show that there are no connections between the stormwater and wastewater management systems and the location of any measures taken to prevent the entry of illicit discharges into the stormwater management system. For redevelopment projects, the Illicit Discharge Compliance Statement shall also document all actions taken to identify and remove illicit discharges, including, without limitation, visual screening, dye or smoke testing, and the removal of any sources of illicit discharges to the stormwater management system.

Many municipal and state agencies that own and operate roadways are also subject to coverage under the NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (the MS4 Permit). State agencies and municipalities covered by the MS4 Permit are required to have a stormwater management program that includes illicit discharge detection and elimination. For

Massachusetts Stormwater Handbook

roadways covered by the MS4 Permit, the proponent may demonstrate compliance with Standard 10 by documenting the actions taken to identify and eliminate illicit discharges under the MS4 Permit. To prevent duplication of effort, the proponent may submit copies of reports prepared to satisfy the illicit discharge detection and elimination program requirements of the MS4 Permits as its Illicit Discharge Compliance Statement.