

March 1, 2019

Stormwater and Construction Permits Section
Attention Newton Tedder
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OEP06-4

Re: **Town of Westminster, MA NOI for Coverage under Small MS4 General Permit**

Dear Mr. Tedder:

As a concerned resident of Westminster, I respectfully submit the following comments related to the Town of Westminster, MA stormwater program as documented in their NOI.

1. Was the NOI certified by the Board of Selectmen? Has there been solicitation of public input at a public meeting?
2. There is no attached drainage system map and no link to an online map.
3. There appear to be some missing Receiving Waters. For example, Burntmill Brook (not listed in the MA 2014 Integrated List of Waters, but listed as a Coldwater Fishery Resource) appears to receive street drainage from West Main Street. See mapping screenshots below and on the next page showing the location of Burtmill Brook and that MassDOT does not have jurisdiction of this section of West Main Street. I believe Scenic Drive and Fenno Drive drainage also discharges to the swamp surrounding this brook. There are many other streams within the regulated area that may receive runoff from Westminster's MS4 but it is impossible to know without the drainage map.



Figure 1: Location of Burntmill Brook

4. Is there an explanation and documentation for the Endangered Species Act Determination of Criterion B? Would Criterion C be sufficient for the species present?
5. The Town claims that the [Earth Removal and Placement of Fill Bylaw and Regulations](#) meet the 2003 permit requirements to locally regulate erosion and sediment control of projects disturbing 1 acre of land or greater. First, the applicability of this Bylaw does not capture all of the properties that require oversight according to EPA's permit. Second, the requirements under the Bylaw and Regulations do not impose requirements for erosion control and site inspections equivalent to the 2003 permit or 2016 permit. Last, there are

no provisions to confirm compliance with additional NPDES permits that may be required (Construction or Industrial).

- The Town also claims that the [Low-Impact Development Bylaw](#) meets the 2003 permit requirements for local oversight of Post Construction stormwater management. This is misleading because while yes, this law has been on the books since 2006, **the Planning Board refuses to enforce this bylaw and issue permits despite requests by myself, the public, and even some Planning Board members.** There are no regulations after 13 years; however, lack of regulations should not prevent the Town from implementing the Bylaw. The applicability is also inconsistent with EPA's requirements in that it exempts single-family dwellings where subdivision approval is not required; these projects in Westminster sometimes disturb 1 acre. ANR projects in Westminster are minimally regulated and many times there is no verification of Construction General Permit compliance with 1 acre of disturbance. There is no consideration of common plans of development as required by the Small MS4 permit.

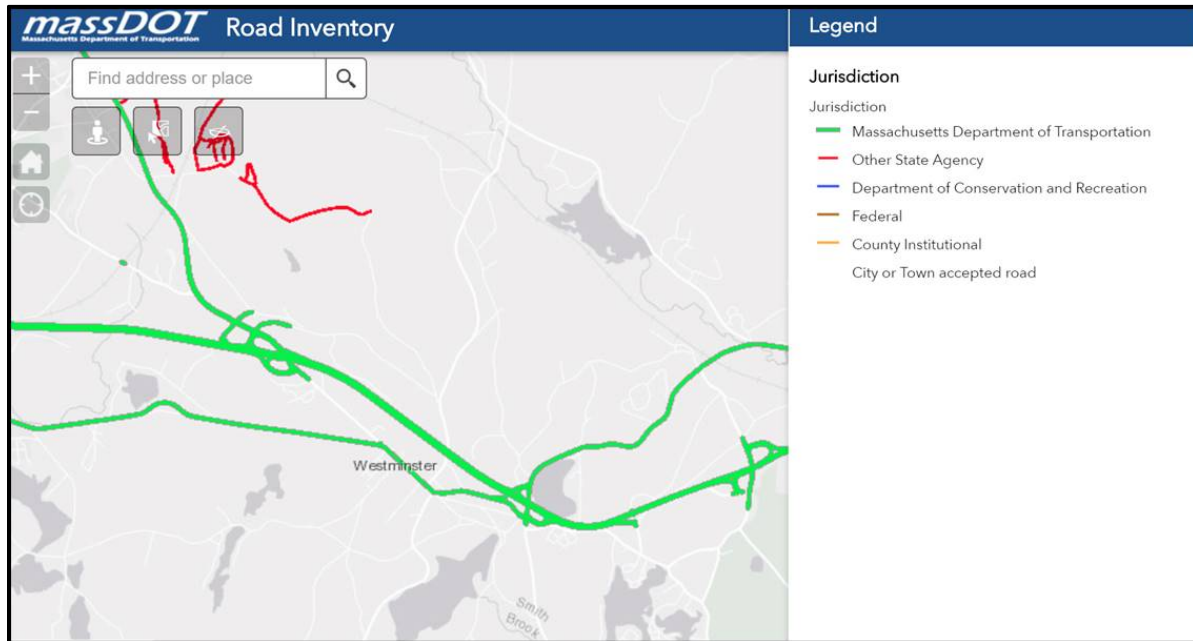


Figure 2: MassDOT Jurisdiction (excludes portion of West Main Street)

To summarize my opinion, "an ounce of prevention is worth a pound of cure." With significant mining operations and development happening in Westminster, like other Central Massachusetts communities that are not yet built out, EPA's mandated local oversight of construction, sand & gravel operations, new development, and redevelopment would have greatly benefited the Town of Westminster over the last decade by preventing degradation of water resources; minimizing the burden on Town infrastructure; protecting abutters; and possibly saving significant future clean up and compliance costs by keeping our waters clean.

Sincerely,

Emily Scerbo, PE

Cc: Fred Civian, MassDEP Stormwater Coordinator (electronic)