

March 30, 2010

U.S. Environmental Protection Agency  
Office of Ecosystem Protection  
5 Post Office Square - Suite 100  
Mail Code: OEP06-4,  
Boston, MA 02109-3912

Attn.: Ms. Thelma Murphy

Re: **Comments on Draft General Permit for Massachusetts North Coastal Watersheds**

Dear Ms. Murphy:

The Town of Needham has reviewed the **Draft General Permit for Massachusetts North Coastal Watersheds** (Permit) and the additional summaries posted on the EPA website. We have also attended the public hearing held on March 18, 2010. We would like to thank you for the opportunity to provide comments of the Permit and our hope is that you will incorporate them as you proceed to finalize the Permit requirements.

The attention to the impacts of stormwater runoff on water resources over the last few decades has become more intense and justifiably so. New development projects in towns similar to Needham have been incorporating the principles and performance standards of the latest stormwater management and environmental guidelines, standards and regulations. That has not always been the case. Up until the 1970's the method of handling stormwater in these towns consisted more of a "get it out of my way" approach. There was very little knowledge and appreciation of how polluted stormwater runoff impacts wetland and water resources and the plants and animals that rely on them. Certainly legislation in the past 40 years has reversed that trend and Needham is seeing the results of the efforts to restore control of and treat pollution in stormwater runoff.

The majority of people want the advantages of having clean water and would like to improve water resources in Massachusetts. Needham has and will continue to improve the quality of stormwater runoff originating from public roadways, properties, maintenance yards and parks entering wetlands and waterways. We have implemented the 2003 permit and continue to plan projects to upgrade the quality of runoff from Town systems. The Permit requirements as they are written have lofty expectations, and attempts to try to resolve problems caused by decades of poor development practices over the next 5 year permit period. The Permit formulation process has not allowed for collaboration with city and town officials who will be responsible for their execution. The practical lessons learned over the last several years would have been useful in

**U.S. Environmental Protection Agency**

June 2, 2010

Page 2 of 3

focusing available resources and efforts to achieve the greatest improvements to stormwater with dwindling financial reserves.

During review of the Permit, Needham has identified several challenges for compliance with all the requirements in the proposed Permit language. The proposed Permit requires a significant amount of time, money, equipment, personnel, education and training to execute.

The timeline for executing the Permit requirements are burdensome and do not take into consideration Town Meeting schedules, Town Meeting member education, appropriation lobbying, and procurement laws. Most towns do not currently have the staff to provide the required documentation, planning and services required and will have to hire professional consultants and contractors. This process alone will require months to advertise, solicit proposals, review proposals, and interview applicants and award a contract. Alternatively, hiring and training the required new in-house personnel requires a significant amount of time, and increased funding for Operating Budgets. Filing the required NOI, SWMP, PCP and IDDE programs in the time frames proposed do not allow for procurement of services, gathering required data, identifying corrective measures and documenting these in plans and reports.

The budgetary requirements of the Permit are demanding (EPA estimated \$60/year per capita; Needham estimates between \$250,000 and \$300,000 per year or \$1.25M-\$1.5M not including Capital expenditures for Needham) even for Needham who continues to struggle with its budget during these challenging economic times. Requesting the necessary funds would require redistributing finances within the town or an operating over-ride, both of which would be subject to town meeting approval. With other significant priorities within the Town including public safety, security and education, this task may be insurmountable. Setting up a Stormwater Utility to fund the proposed revisions identified in the Permit will take a lot of political courage, time and legal resources and is unlikely to be approved in this economic climate.

As indicated above Needham would like to further the effort to restore and maintain waterways to their natural condition and would like to emphasize that it does not objecting to the spirit of the Permit revisions. We would, however, like to offer the following suggestions as to how the Permit could be modified to make compliance less onerous and more obtainable.

- Extend the comment period so the EPA could facilitate a forum for cities and towns to have input into the Permit writing process and prioritize improvements.
- Evaluate the effectiveness of the existing 2003 Permit requirements and build on the areas of success.
- Provide sufficient time for Town Meeting to react to the budgetary requirements.
- Provide funding mechanisms and opportunities for communities in line with the Permit requirements. This is the principal problem for most towns; provide adequate funds and compliance will be significantly easier.
- Provide resources EPA may have available that communities can use like public education programs and help Towns develop partnerships with the various watershed commissions to utilize their capabilities to test and monitor outfalls and prioritize problem areas.

**U.S. Environmental Protection Agency**

June 2, 2010

Page 3 of 3

- Provide flexible time and corrective measure requirements for Towns to prioritize their expenditures, utilizing money to obtain the highest benefit. Each Town has different needs and priorities. Combined sewers and/or sewer overflows, illicit discharges, high bacteria levels originating from farm and parks, high phosphorus, aging urban developments, contaminated sites and inadequate roadway drainage systems all pose threats to water resources yet not each town faces them all, all at once, or to the same degree. By focusing street cleaning, illicit discharge detection or other practices to the most critical areas will allow greater results with money, equipment and personnel that is available.
- Provide some mechanism to credit those cities and towns that have implemented and/or exceeded the previous permit requirements.

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,

Anthony L Del Gaizo, PE  
Town Engineer

cc:

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