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Thomas F. Hayes, P.E. Town Engineer

March 31, 2010

EPA – Region 1
Attn: Thelma Murphy
Office of Ecosystem Protection
5 Post Office Square, Suite 100
Mail Code: OEP06-4
Boston, MA 02109-3912

Dear Ms. Murphy,

Subject: Comments on the Draft Massachusetts North Coastal Small MS4 General Permit for Stormwater Management

The Town of Burlington appreciates the opportunity to comment on the Draft Small Municipal Storm Sewer System (MS4) General Permit for North Coastal Massachusetts. As with other communities, Burlington shares in the responsibility to protect water resources from pollution generated via municipal stormwater runoff. As Public Works managers, we are also very concerned with the operation and maintenance of the Town's infrastructure as well as budgetary constraints.

To echo comments made by other communities at the recent public hearing, this permit in its current form is an enormous financial burden to cities and towns. The Town offers the following comments from the people "in the field" responsible for implementing this permit in the hope of shaping it to be workable for the local communities.

General Comments

The "paper burden" in permit implementation is staggering; the Notice of Intent (NOI), Stormwater Management Program (SWMP), Spill Prevention plans, in addition to reporting requirements. Having streamlined, generic, preformatted templates generated by one agency instead of the many individual communities working independently would standardize and expedite the permit process.

Some items which would be beneficial:

- Flow chart or other graphical means to guide the average layperson through the permit process.
- Preformatted GIS resources to support NOI submission: Endangered Species, Historic Properties, impaired water body limits, etc.

- Streamlined forms or online submission for NOI, Stormwater Management Program (SWMP), reporting, etc.
- Technical Assistance help, via phone or web based.
- Improved training resources and available classes to meet the training requirements for in-house personnel– live classes, webinar training programs, or pre-recorded video.

The key piece to this entire permit is the funding and we ask that the EPA find ways to provide these funding opportunities for municipalities to comply with the requirements

Geographical Data

The Draft Permit requires an enormous quantity of data to be gathered and mapped in a very short time frame in order to meet all of the permit requirements. Although the EPA approach is logical and sound; collect data that can be quickly analyzed to identify potential pollution sources once a "hot spot" is found, the logistics of developing a project of that magnitude in 2 years would be difficult and very expensive.

As an alternative approach, we recommend developing detailed mapping of a specific drainage area once a "hot spot" is found. In this way the mapping can be developed overtime concurrent with testing focusing resources in locations where potential pollution sources have been identified instead of undertaking all mapping at one time.

Specific Comments

Section 2.4.2 Public education and outreach

Assistance from EPA and/or DEP with education and outreach would be very helpful; brochures, mailers, door hangers, generic presentation, etc… These can be posted on EPAs website for MS4s to access and utilized for the education and outreach within the community

Section 2.4.4.8 d Systematic Procedure for Locating and Removing Illicit Connections

The requirement for Dry-weather monitoring at manholes is very time-consuming and costly and in our opinion it does not provide any information that cannot be collected from dry-weather outfall inspections. Additionally, the requirement of partially damming inlets for a 48-hour period at manholes where no flow is observed is extremely costly and also terribly dangerous. To do this work will require special care in entering the structures as it is considered a confined entry. Additionally if a storm event happens during this damming it will likely result in flooding and likely plugging of pipes with the damming materials in an inaccessible location. This may result in infrastructure damage, replacement costs, and flooding damage.

We urge the EPA to reconsider these requirements and recommend that outfall inspections for dry-weather flow be the determining factor for further catchment investigations.

Section 2.4.7.1.d.vi. Catch basin inventory program (CBIP)

Data collection for individual catch basin inspection and maintenance is very time-consuming and costly. Funds would be better spent on good housekeeping and pollution prevention within the MS4.

We recommend the monitoring requirement be eliminated, or at a minimum the requirement be modified to document in a qualitative manner catchbasins that have higher sediment levels. In that way areas or specific basins with higher sediment load can be cleaned at a higher frequency.

Section 2.4.6.9.c Retrofitting of BMPs

The inventory of all MS4 property and Right-of-Way (ROW) for the potential of BMP installation is daunting. The logistics of developing a project of that magnitude in 2 years would be difficult and very expensive. In Burlington's case the Town maintains over 100 miles of ROW, developing the inventory would be overwhelming not to mention that the inventory report will become obsolete over the time span for town-wide BMP installation as treatment technology changes.

As an *alternative we recommend evaluating properties or ROW at the time they undergo major renovation or reconstruction for the potential of retrofitting with BMP.*

Section 2.4.7.2.b.4. Quarterly inspections of the listed facilities.

We recommend that this be changed to a yearly inspection as quarterly is very time-consuming and is unlikely to provide any measurable difference in performance.

Section 3.0 Outfall Monitoring Program

For Burlington and other similar communities having hundreds of outfalls, the implementation of an Outfall Monitoring Program is logistically difficult and very expensive.

We recommend that the EPA allow MS4s to substitute end of pipe sampling with strategic in-stream sampling to more efficiently indentify problem areas and further allow the focus to be on improvements to problem catchments as opposed to bulk sampling which competes with the funding for finding and removing illicit discharges.

Section 3.2 discusses dry-weather screening and analytical monitoring and includes an extensive list of items to be monitored including ammonia, conductivity, E. Coli, pH, potassium, surfactants, temperature, and turbidity.

This is an extensive and costly suite of data and we would recommend the reduction of the list to those samples that provide the most significant results such as bacteria. Items such as pH give very little relevant data that can be used for discovering or resolving a particular issue and the apparatus is very costly and time-consuming to operate and requires frequent calibration. A limited suite will provide more relevant data at a lower cost allowing for more efficient tracking and removal of illicit discharges.

Section 3.3 Wet-weather sampling of all the MS4 outfalls.

Wet-weather sampling results are extremely variable and are effected by any number of factors such as; what point in a storm a sample is taken and when the previous storm event occurred. The numerous variables and inconsistent results amount to significant data that cannot readily be correlated to any known sources or results. Duplicating wet-weather sample results from a particular outfall is nearly impossible. This sampling is extremely costly and there is essentially no practical benefit.

We recommend that this requirement be removed from the permit and the focus remain on dry-weather and in-stream sampling.

Again, thank you for the opportunity to provide public comments on the draft small Municipal Storm Sewer System (MS4) general permit for North Coastal Massachusetts.

Should you have any questions, or need additional information please feel free to call me at (781) 270-1640.

Sincerely,

Thomas F. Hayes, P.E.
Town Engineer

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