



TOWN OF FOXBOROUGH

Highway and Tree and Park Dept.

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March 30, 2010

EPA Region I
Office of Ecosystem Protection
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Boston, MA 02109-3912

Attn: Thelma Murphy (murphy.thelma@epa.gov)

Subj.: Comments on DRAFT MS4 2010 General Permit

Ms. Murphy,

We are pleased to offer comments on the DRAFT MS4 General Permit as follows.

- The numerous schedules included within the DRAFT are totally opposite all municipalities' funding periods. These schedules should be revised to coincide with our funding schedule.
- The increase in street sweeping frequency from once to twice per year appears to have been reached arbitrarily and without a measurable improvement to water quality. The present street sweeping schedule for all towns is for the spring. In this manner all winter applied sand is collected. Additionally, Foxborough subcontracts their sweeping for once per year with a cost of \$25,000. We cannot double this cost obtain funding for this work in the prescribed schedule. Also, with all municipalities attempting to complete their fiscal year budget with minimal staffing and service reductions this additional cost is unattainable, especially at the
- . EPA's prescribed schedule.
- The sampling and associated lab work is beyond our funding ability. For the Neponset Reservoir and River the bacteria testing will not include a definite source of any pollution. Pollution could be from failing septic systems, animal wastes, and/or pet wastes. Identifying the exact source will be very difficult. The EPA should allow the Board of Healths (BOH) to do their job and identify failing septic systems. The BOH's can then implement their corrective mandates.
- I attended the recent public hearing on March 18, 2010 Tip O'Neill building in Boston. One item that seemed clear to me was that whenever possible all responsibility for the MS4 program has been delegated to Town Engineers and Engineering Departments. Many communities, in fact the majority, are similar to Foxborough and do not have a Town Engineer and Engineering Department. This results in all sampling and mapping requirements to be subcontracted to

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consulting engineering firms. Towns do not have these funds available. Foxborough's costs are estimated to be \$50,000 to \$100,000 per year. Where will these funds come from in these hard economic times?

- The phosphorous requirements appear to be another mandate from the EPA to the municipalities. The EPA should completely switch their stance to a more realistic and simplistic approach that has proven to work in other states. Namely mandatory source reduction. The main source of phosphorous is fertilizer. There is readily available fertilizer that does not contain phosphorous. Minnesota uses source reduction very successfully in their lakes regions and the EPA should follow suit in lieu of burdening the municipalities. If the phosphorous issue is country wide then EPA should promulgate source reduction at the federal level. If phosphorous is a state issue, then individual states should promulgate source reduction. Municipalities should not be required to be the lead agencies to solve the phosphorous issue when source reduction is so viable a solution.

Thank you for this opportunity to offer comments on this most important issue.

Sincerely,

Robert D. Swanson, P.E.
Highway Superintendent for Foxborough, MA