



Comment on the 2010 Draft North Coastal MS 4 General Permit

Penny Antonoglou to: Thelma Murphy

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Cc: "Cassandra Koutalidis"

Dear Mrs. Murphy,

The **City of Medford** is committed to working towards the improvement of the surface water quality within our boundaries. Since the issuance of the 2003 MS4 stormwater discharge permit we have done extensive work in screening and analytical monitoring of our approximately 111 outfalls along the Mystic and Malden Rivers during both dry and wet weather; and we have investigated, identified and successfully removed illicit discharges. The City is currently under an administrative order, issued by EPA in August 2009.

We have reviewed the new Draft "North Coastal Small Municipal Separate Storm Sewer System (MS4) General Permit", as well as the accompanying "Fact Sheet for the Small Municipal Separate Storm Sewer System (MS4) Draft General Permit for Massachusetts North Coastal Watersheds" issued by the EPA in 2010. The following are our comments on sections of the draft permit:

- Section 2.3 Increased Discharges, New Dischargers and Antidegradation: The Fact Sheet references the NPDES regulations and 40 CFR§ 122.2 and 122.4, but the permit itself does not. This section in the permit needs to be further clarified; it needs to provide references and definitions of 'discharge of pollutants', 'new source' etc.

- Section 2.4.2 Public Education and Outreach: EPA should help the communities by providing educational material and templates of outreach efforts for the four audiences: residents - businesses, institutions and commercial facilities – developers (construction) – industrial facilities.

Section 2.4.2.2 states that "an effective program shall show evidence of focused messages and audiences as well as demonstration that the defined goal of the program has been achieved" and requires the permittee to "evaluate the effectiveness of the educational messages and the overall education program". How can we really measure that the "defined goal of the program has been achieved"? It is also not clear how the permittees should be evaluating the effectiveness of educational messages. EPA should clarify this, as well as offer suggestions and guidelines on the message evaluation.

- Section 2.4.4.5 Illicit Discharge Detection and Elimination Program: EPA should offer guidelines and/or suggestions on methods to best estimate SSO volumes.

- Section 2.4.7 Good House Keeping and Pollution Prevention for Permittee Owned Operations:

The good housekeeping and pollution prevention section 2.4.7.1 requires the permittee to develop written operations and maintenance procedures for the municipal activities

related to parks and open space, buildings and facilities, and vehicles and equipment. EPA can provide templates, guidelines and suggestions to help municipalities with this task.

2.4.7.1.d.iii requires the permittee to “Establish, for other catch basins, as a goal that the frequency of routine cleaning will ensure that no catch basin shall be more than 50 percent full”. This requirement implies constant monitoring, which is expensive and inefficient. In Medford, catch basins are cleaned once a year and the accumulation of sediment and debris in the sump depends on the season (e.g. more material accumulation after winter when roads are sand/salt treated) and location. Permittees should be encouraged to clean known problematic catch basins regularly.

2.4.7.1.d.iv. requires the permittee to undertake sidewalk sweeping twice a year. This is a major undertaking with practical and financial restrictions. Limited department of public works personnel and budget make this impossible. Even if we invest in equipment for sidewalk sweeping, we would still have to delegate an operator and our narrow sidewalks would make sidewalk navigation and cleaning difficult and often impossible. Sidewalk sediment and debris eventually end on the roadway, thus sweeping the roadways should be the only sweeping requirement. Sidewalk maintenance can be added to public education and outreach, to encourage home owners to sweep the sidewalks in front of their properties.

2.4.7.2.b.v The Stormwater Pollution Prevention Plan (SWPPP) requires that permittee-owned facilities are inspected quarterly. Two inspections a year should be adequate, one of which would be the comprehensive site inspection.

We take issue with sidewalk sweeping and inspection of catch basins to assess whether they have reached the 50% full mark.

- Sections 2.4.4.8.d Systematic Procedure for Locating and Removing Illicit Connections and Section 3.0 Outfall Monitoring Program:

This requires the permittee to begin outfall screening and dry & wet analytical monitoring in the second year of the permit (25% of outfalls every year). Medford is under an administrative order under which we established a screening and dry weather analytical monitoring program of our outfalls over a 3-year period (2010 to 2012). Clearly we should not be asked to do this work again. The permit requirement should exempt municipalities that have performed outfall inspections and analytical monitoring within 3 years of the date the new permit is issued. There should also be a clear reference on whether enforcement action supersedes the permit or vice versa.

Additionally we find wet weather analytical monitoring to be a difficult and expensive task, which almost always is inconclusive. EPA offers no wet weather conditions guidelines for sampling. We have performed wet weather sampling and the sampling results were never helpful in finding illicit discharges. According to the permit “monitoring can occur after any storm event of sufficient intensity to produce a discharge”, this can include the first flush when all impurities (sediment, wildlife waste etc) are being flushed out of the system into the waterways.

The fact sheet refers to the January 2008 EPA meeting where monitoring was discussed and “many participants were not opposed to monitoring, but most expressed the need for any monitoring to be flexible and meaningful”: actually the majority of the participants

objected to wet weather sampling. The fact sheet also mentions that “wet weather monitoring is not required if the permittee conducted wet weather monitoring under the MS4-2003 and has supportive documentation”. This should be added on the permit language.

Our highest opposition is to the draft wet weather sampling requirements, as they will drain our resources without giving us meaningful results. EPA has told us that wet weather sampling is sought in order to provide some “range” of data to EPA. If EPA is interested in capturing such data for its own study, then perhaps EPA could undertake the sample and analysis.

- Section 5.3 Reporting

The new reporting period is from July 1 to June 30, and the annual report due date is August 1. This is in the middle of the roadway and infrastructure construction season that is a very busy time for most engineering departments which work on the permit compliance. We suggest that the reporting period terminates at the end of January or February.

- The permit has an overwhelming amount of requirements for the first year:
 - Submission of Notice of Intent
 - Stormwater Management Program (Section 1.10)
 - Educational program to four audiences (Section 2.4.2)
 - Illicit Discharge Detection and Elimination Program (written document, and illicit discharge potential assessment and prioritization) (Section 2.4.4.8)
 - Construction site stormwater runoff control: written procedures for site inspections and enforcement of sediment and erosion control measures at construction sites, written procedures for site plan review (Section 2.4.5.3)
 - Written operations and maintenance procedures for municipal activities (Section 2.4.7.1)
 - Inventory of all permittee owned facilities (Section 2.4.7.1)
 - Program to repair and rehabilitate its MS4 infrastructure in a timely manner to reduce or eliminate the discharge of pollutants from the MS4 (Section 2.4.7.d.i)
 - Plan for optimizing catch basin cleaning (Section 2.4.7.1.d.iii)
 - Develop and implement a written stormwater pollution prevention plan (SWPPP) for permittee-owned facilities: maintenance garages, public works facilities, transfer stations, and other waste handling facilities (Section 2.4.7.2).

We believe that the list of requirements must be spread more uniformly between the five years of the permit. The educational program can be spaced out over four years. The stormwater pollution prevention plan (SWPPP) for permittee-owned facilities can be done in the second year.

- Cost

In a time of budget cuts and lay-offs the requirements of the permit will significantly add to the cost of compliance. We estimate that the cost to meet the requirements of the new permit will be \$200,000 more than the cost of compliance with the 2003 permit. This is a significant cost increase.

Overall we believe that our resources should be better spent and invested in problems we have already identified and need to be solved. Continuous investigations and sampling should not be our priority at this point. During the GPS survey location of our drainage structures, the drain manhole investigations have showed areas with potential problems. We can concentrate and work on these. Additionally, SSOs are the major contributor of pollutants to our rivers. Infiltration/ inflow are the major sources of the SSOs. We know where some of the infiltration/inflow problems are and we'd rather invest our resources on removing these. We can invest this money in work to remove catch basins tied to sewer lines, construct drain mains and tie the catch basins to the drain system. Also several works underway will see diverted funds and thus stall.

Sincerely,

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