

OAR



Organization for the Assabet River

9 Damonmill Square, Suite 1E, Concord, Massachusetts 01742

March 31, 2010

EPA-Region 1
Attn. Thelma Murphy
Office of Ecosystem Protection
5 Post Office Square – Suite 100
Boston, MA 02109-3912

Re: Comments on draft NPDES General Permit for Small Municipal Separate Storm Sewer Systems in north coastal Massachusetts

Dear Ms. Murphy,

The Organization for the Assabet River (OAR) appreciates the opportunity to submit comments on the draft NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) located in north coastal Massachusetts. OAR is a watershed organization with over 900 members located in the Merrimack River watershed. While OAR's focus is the Assabet, Concord and Sudbury rivers, the issues we face are very similar to those addressed in the draft permit for the north coastal region. We anticipate that a permit for the Merrimack watershed will be similar to this draft.

The Assabet and Concord rivers are impaired for phosphorus and bacteria in many segments and are listed as such on the 303d list. The Assabet and Sudbury rivers also suffer from low flow due to diminished flow from tributaries and groundwater. Many of these tributaries experience flashy flood conditions, a shortfall in groundwater base flow and water quality impairment due to inadequate management of stormwater. The Assabet River has a TMDL for nutrient impairment focusing on phosphorus.

Since 1992 OAR has had an established EPA-approved water quality monitoring program, and has been involved with stormwater recharge projects and analysis over the past decade. Rapid growth has occurred in our area, especially along Rte. 495 which runs the full length of the watershed. The increase in impervious cover has been dramatic. This is reflected in the recent NRCS study of the flood control dams on the Assabet and its tributaries, which concluded that two of the dams were no longer adequate due to increased stormwater flows.

We strongly support the issuance of the MS4 permit for the north coastal region--and permits for the rest of the state--without delay. The draft permit contains many excellent provisions and will go a long way to truly making a difference in stormwater management and water quality in the Commonwealth. Our specific comments follow.

1. We recognize that the hard work of improving our stormwater infrastructure is undertaken mainly by municipalities. Low compliance rates with the 2003 MS4 general permit show that implementation has been challenging. In order to ensure that municipalities have the necessary funds we support strong language encouraging the promotion of Stormwater Utilities throughout the state. While they may not be appropriate in every municipality, in general they provide an equitable and predictable means of supporting the major financial cost of good stormwater management. The permit could be strengthened in this regard.

2. We strongly support the provisions in the permit relating to the reduction of phosphorus in MS4 discharges. Recharge of stormwater is an effective means of both removing phosphorus (by the soils) and restoring base flow in streams and rivers--hence increasing dilution of pollutants. Recharge thus provides two water quality benefits and should be encouraged wherever possible. Municipal implementation of plans to reduce phosphorus loading should have specific milestones and be implemented more rapidly than specified in the draft permit.

3. OAR supports the provision that large impervious surfaces owned by municipal, state or federal entities, such as buildings, parking lots, streets and driveways, should be disconnected from the MS4 systems. Stormwater from these surfaces should be recharged wherever possible. As noted above, this will reduce pollutant loading and restore baseflow to surface waters, as well as reduce the flashiness of flooding which hastens erosion and the resulting phosphorus loading and siltation. It is important that our local, state and federal governments lead by example in reducing the impacts of what is often a large portion of impervious cover in any community.

4. We support strong provisions for redevelopments, which are often the best (and sometimes the only) way to improve conditions in built-out and older municipalities. Again, it is essential that large impervious areas, including those that are privately owned, cease discharging directly to surface waters. Thermal pollution in the summer, salt and sand in the winter, and other roadway pollutants all year round are a serious source of pollution. All clean roofwater should be recharged to the ground rather than allowed to flow over impervious surfaces or landscaping where it collects and transports pollutants to the surface waters.

5. OAR strongly supports the provisions that require or encourage towns, state and federal agencies to sample water that is discharged from storm drains to surface waters and wetlands to determine what pollutants they contain. This is essential to identifying and eliminating pollution from stormwater.

6. OAR requests that EPA strengthen the draft permit by requiring that all SWMP reports and related reports and data submitted by government bodies to the EPA be posted on the EPA Region 1 website. This will enable municipalities, developers, watershed organizations and concerned citizens to be more effective in eliminating pollution conveyed by MS4s.

We look forward to assisting in the implementation of the general permit in our communities, whether through water quality monitoring, public education, or other means. We urge the EPA to issue this important general permit in a timely manner.

Thank you for the opportunity to comment. If you have any questions please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'AJ', with a large, sweeping flourish extending to the right.

Alison Field-Juma
Executive Director

Cc: Congressman James McGovern
Congresswoman Niki Tsongas
Senator Jamie Eldridge
Senator Susan Fargo
Rep. Kate Hogan
Rep. Cory Atkins
Rep. Danielle Gregoire
Rep. Jennifer Benson
Rep. Karyn Polito
Commissioner Laurie Burt, DEP
Mass. Rivers Alliance