

Town of Weymouth
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March 31, 2010

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

Dear Ms. Murphy,

The following are my comments regarding the draft small Municipal Storm Sewer System (MS4) general permit for North Coastal MA (“the Permit”).

First of all, Weymouth feels very strongly that improving stormwater quality is a very important and desirable goal that should be pursued with all possible vigor. That said, to set goals that cannot be achieved does not provide the desired improvement.

As everyone knows, municipalities have been suffering through significant losses of revenue in recent years and the losses continue to increase. Indeed, every American is either experiencing the impact of the recession or knows others who are.

The effect at the municipal level has been losses in both salary and expense budgets which, of course, has produced reductions in staffing and prevented the hiring of contractors or consultants to assist with responsibilities.

The Town of Weymouth MS4 is comprised of approximately 123 miles of pipe, nearly 650 outfalls, almost 5,000 catch basins, and about 2,500 drain manholes [ref. Weymouth Geographic Information System (GIS)]. Over the past 30 or so years, budget cuts and increases in costs such as health insurance, utilities, etc., have forced the DPW to reduce its Highway Division from over 50 men to the current staffing of 8. The Highway Division is the branch of the DPW that has traditionally been responsible for maintenance and operation of the drainage system. While in recent years the Water and Sewer Division has begun, on occasion, providing some manpower assistance to this effort, the available staffing to respond to this need is still greatly diminished from what it once was.

Continued reductions in state aid and other revenue sources have prevented the town from maintaining the staffing levels of the past. State aid for the general budget for Weymouth has

decreased from approximately \$10.7M in FY08 to \$8M for FY11. The combination of reduced revenue and increased cost has driven the total town salary budget to be cut 10% for FY11 (vs. FY10). This combination of reduced available funds and reduced staffing is at the crux of what I believe is a set of circumstances that will make compliance with the proposed Permit impossible for the Town of Weymouth.

That said, I will attempt to identify whatever specific issues I feel exist, in spite of what I feel is the inadequate time I have had to try to fully comprehend all of the proposed activities under the Permit. In an attempt to save time, I am primarily working from the Summary of Permit Requirements at the following EPA website:

<http://www.epa.gov/region01/npdes/stormwater/ma/SummaryPermitRequirements.pdf>

1. Part 1.7.2(e), NOI

A quick review of the 12-page NOI seems to indicate that, although some of the required information should be readily available, other parts will require a level of effort that may be beyond our ability to do "in house" particularly within the very aggressive deadline. This then creates the need for assistance from an outside agency, most likely an engineering consulting firm, and for funds to hire such a firm/entity, which the town does not have.

2. Part 2, Non-Numeric Effluent Limitations

I believe that the level of effort required to comply with much of this section is well beyond what Weymouth can handle with current staff. This creates the need to hire additional staff and/or consultants, all of which, again, the town cannot afford.

3. Part 2.4.2, Public Education and Outreach

The increases in education and outreach requirements, together with the new need to target four specific audiences (residents, businesses, developers/contractors, and industrial facilities) would be very costly and time-consuming. If the EPA can provide materials such as flyers, brochures, etc., that are geared towards the target audiences, and possibly provide copies for distribution, it would go a long way to assisting communities in meeting this goal. Even to make such information documents available at the EPA's website would help. Otherwise, the lack of available funds and/or manpower will make compliance difficult or impossible.

4. Part 2.4.4.8(c), Assessment of Catchments

Due to the fact that some outfalls have tremendously large "catchments", in the order of possibly dozens of square miles, as I believe the definition of a catchment would indicate, the work to comply with this section seems overwhelming. To "assess the illicit discharge potential for all catchments in the MS4" is not something that Weymouth has the manpower or funding to accomplish any time soon.

5. Part 2.4.4.8(d – g), IDDE Program Procedure/Documentation/Investigations

Again, the level of effort to comply with this increase in responsibility and workload is not something Weymouth has the ability to meet without outside assistance. It should also be noted that under the MS4-2003 permit, Weymouth hired an engineering consultant firm to produce a complete GIS of the entire town MS4 that also included dry weather sampling of all outfalls. Tests indicated no illicit connections.

6. Part 2.4.5, Construction Site Stormwater Control Program

The time required to produce the proposed “written procedures” is prohibitive. It would be much better if the EPA provided communities with recommended procedures and allow the municipalities to customize them as needed.

7. Part 2.4.6, Post Construction Stormwater Management

This section requires so much documentation, procedure writing, and report production that it is far beyond the town’s ability to accomplish in house. So, again, the funding to accomplish these goals does not exist.

8. Part 2.4.7, Good House Keeping/Pollution Prevention

Again, the level of effort involved in the documentation required in this section is prohibitive and will detract from being able to actually perform the work (catch basin cleaning, street sweeping, etc.). And the increase in work, such as the very aggressive increase in the sidewalk sweeping requirements, cannot be done with existing manpower or equipment and would require significant expenditures to develop the in-house capability or hire contractors.

9. Part 3.0, Outfall Monitoring Program

The requirements of this section would create a huge workload for the DPW which cannot be done with existing manpower. This would almost certainly require hiring of contractors/consultants although that would most likely not be possible due to the high cost, including the cost for analysis of the collected samples (which I believe is in the order of \$40/sample). Again, as described above, Weymouth had a consultant engineering firm inspect all outfalls and analyze all dry-weather flow under the MS4-2003 Permit and all of the parameter tests were within applicable limits (MMCLs or SMCLs). All dry weather flow was determined to be ground water or surface water flow. In particular, the proposed wet-weather sampling of all 650 outfalls seems like it would be a waste of time and money or, at a minimum, very little “bang for the buck”. Wet-weather sampling results would vary widely depending on when they are taken vs. when a storm event actually began (which relates to the “first flush” term used in our state stormwater management standards). Wet-weather sampling would be extremely difficult and would seem to have very limited practical benefit, if any at all.

General Comments

I believe the biggest issue that is preventing municipalities from “buying into” this permit is the lack of associated funding, coupled with the current state of our budgets. I have seen annual cost estimates to comply with this permit that range from \$80,000 to \$250,000 for municipalities similar in size to Weymouth. I believe that our costs would be somewhere in the middle to upper section of that range and I don’t see how the taxpayers of Weymouth could afford that on their own.

Another major issue is the level of activities being proposed, some of which seems to me to be of limited benefit. I would like the EPA to allow more time for reviewing comments received from communities and then hold another round of review by those communities once a revised version of the permit can be issued.

The schedule for implementation is also more aggressive than I believe most communities would be able to achieve, barring outside funding for all associated costs.

With respect to structural BMPs, I think it would be helpful if the EPA and DEP could provide specific, recommended products, possibly identifying them through the state stormwater management standards, that developers could then be required to use in development and redevelopment projects.

And it would also be very helpful if the EPA and DEP could provide the training that is being proposed. Trying to provide training with in-house staff is difficult and may not result in proper training and hiring consultants to train staff is obviously costly.

Finally, based on the feedback being provided, I hope the EPA will understand what an insurmountable obstacle this proposed permit is for local governments, given the current financial climate.

We hope to continue to work with the EPA as partners to try to find productive, cost-effective and results-oriented ways to continue to improve stormwater quality and to obtain new funding sources to implement those changes.

Thank you for this opportunity to provide you with my comments. Feel free to contact me by phone at the Weymouth DPW at 781-337-5100, x-318, or by email at cfontaine@weymouth.ma.us.

Sincerely,



Andrew P. (Chip) Fontaine, P.E.
Weymouth Town Engineer

APF/apf

cc: Bob O'Connor, DPW Director
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