



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

Re: Comments on the Draft Massachusetts North Coastal Small MS4 General Permit

Dear Ms. Murphy:

Woodard & Curran has prepared the following comments and questions, referenced by permit page (from EPA web page copy of the draft permit) and by the permit section number.

(pg. 7.: 1.7.2.d): Those not authorized in the 2003 permit must use the MassDEP NOI form; are those authorized under the 2003 permit also required to use that form or will MassDEP accept EPA's Suggested Format in Appendix F?

(pg. 8.: 1.7.4.a.): What process will EPA use to public notice the NOI's submitted? Will they be posted on the EPA web page? Will EPA be required to respond to comments submitted on the NOIs?

(pg. 10.: 1.10.a.): We suggest a minimum timeframe of six months be allowed to develop and update the Stormwater Management Plan in view of the numerous new and expanded requirements in the new, draft permit.

(pg. 12.: 1.10.2): "Documentation of compliance" with outfall monitoring and the drinking water/groundwater recharge elements will be completed during the term of the permit so the MS4 cannot indicate in its SWMP its "compliance" with this element in its initial SWMP. We suggest annually appending the SWMP to document compliance with these and other ongoing requirements.

(pg. 12.: 2.1.1.g.): The discharges will be "presumed to meet water quality standards" if fully satisfying the conditions of the permit; does this imply protection against 3rd party legal action on the permit and the MS4?

(pg. 13.: 2.2.1.a.): If a TMDL is approved after the effective date of the permit, meeting the requirements of the TMDL will not be a requirement of this permit; please verify that this is the case.

(pg. 14.: 2.2.1.d.): What is the current level of phosphorus in water bodies in the Charles River watershed which is used to set the baseline on which to judge and measure reductions and compliance?; are the levels variable according to stream flow, are they based on dry and/or wet weather conditions?; it is necessary to know what the baseline level(s) are to determine compliance with a percent reduction.

(pg. 15.: 2.2.1.d.vi.): What methodologies are acceptable to determine reductions in phosphorus load for the period of 2000-2009? Will EPA approve the Phosphorus Control Plan before the MS4 can begin implementation?

(pg. 19: 2.3.2.1.): If a "new discharge" demonstrates a reduction in load for a pollutant with a pending (but not completed TMDL), why can coverage not be granted under the general permit? It seems to be



penalizing a new discharge by something not in the permittee's control (i.e. TMDL not yet completed by MassDEP and/or EPA)

(pg. 29-34.: 2.4.4.8.c.): We question why every catchment area needs detailed investigation; we suggest limiting the evaluation to the "high" potential for illicit discharge areas; this would be a more focused and more cost effective approach. We also question why it is necessary to "partially dam" junction manholes which are observed as having no evidence of dry weather flows – this is not a cost effective approach. We suggest that if there is no evidence of dry weather discharge at an outfall, the permittee should not be required to investigate the upstream drainage system for illicit discharges.

(pg. 39.: 2.4.b.4.a): Complying with the MassDEP "Stormwater Management Standards" throughout the "watershed" rather than just in the wetland jurisdictional areas makes sense as many of the runoff problems associated with construction are manifested upgradient of wetland areas where slopes and runoff velocities are high.

(pg. 42.: 2.4.6.9.b.): Due to the difficulties of tracking changes in impervious cover over a short time period (i.e. one year), we suggest the assessment be done only in the first and last years of the permit term.

(pg. 44.: 2.4.7.1.d): Because most communities have not surveyed or measured the distance to the bottom of each catch basin sump, it will be difficult to know when a sump is "50 percent full." Consider using an easily measurable benchmark, such as 2 feet below the invert of the outlet pipe, as an alternative when total sump depth is unknown.

(pg. 47.: 2.4.7.2): We suggest that only one supplemental Stormwater Pollution Prevention Plan (SWPPP) for all municipal operations be acceptable and not one for each individual facility; also, the "management practices" should only be those germane to the operations at the facility.

(pg. 51-52.: 3.1.4): Will EPA provide review and approval of the "permittee-specific" monitoring plan? The permittee is required to "implement" the plan within 5 years – is it required to complete it within 5 years or just begin/implement it?

(pg. 52.: 3.2.2 & pg. 53.: 3.3.3): During wet weather, we suggest that the MS4 be allowed to analyze only for bacteria, total suspended solids and any "TMDL" parameter or pollutant contributing to an impairment for which reduction is required; other parameters listed are unusual on the 303d list, have limited if any value in helping identify and solving wet weather problems and are a significant cost.

(pg. 55.: 5.3.1): The permit provides only one month to compile information, complete the annual report and submit the report to EPA; we suggest EPA should strongly consider providing 3 months to submit the report. We also suggest the first year submittal be for any partial year under the permit prior to the first July 1 date as well as the first full year (July 1- June 30); this will eliminate submittal of an annual report for only a portion of a year. This should also take into account any remaining time from the previous (2003) permit (e.g. MS4 should not be required to submit a report for a period less than one full year).

(Appendix I): This information is extremely helpful. Please provide similar information for all of the required wet and dry weather required analysis (such as chlorine and conductivity) and site the source and applicable regulations for Benchmarks.



We thank you for the opportunity to comment on the draft Massachusetts North Coastal Small MS4 General Permit.

Respectfully,

WOODARD & CURRAN INC.

A handwritten signature in blue ink that reads "Emily Scerbo".

Emily Scerbo, P.E.  
Project Engineer