



CONNECTICUT RIVER WATERSHED COUNCIL

The River Connects Us

15 Bank Row, Greenfield, MA 01301

March 9, 2011

Kate Renahan
USEPA New England, Office of the Regional Administrator
5 Post Office Square – Suite 100
Mail Code: ORA01-1
Boston, MA 02109-3912

Subject: Comments on EPA’s Draft General Permit for Small MS4s in the Interstate, Merrimack, and South Coastal Watersheds of Massachusetts

Dear Ms. Renahan,

On behalf of the Connecticut River Watershed Council (CRWC), I am writing to convey my support for EPA’s Draft General Permit for Small municipal storm sewer systems (MS4s) in the Interstate, Merrimack, and South Coastal Watersheds of Massachusetts and to urge EPA to issue it within the year. A number of communities in the Connecticut River watershed fall under the “Interstate” watershed covered in this permit.

There is good justification for strengthening the NPDES Phase II requirements. According to state environmental officials, approximately 60% of the water pollution in Massachusetts comes from polluted rainwater. Stormwater from roads, parking lots, and other hard surfaces in the Connecticut River watershed carries dog waste, gasoline, trash, and even toxic chemicals through municipal storm drains directly into our rivers, streams, lakes, ponds, and wetlands. The Connecticut River is impaired for its entire length in Massachusetts. Towns and government agencies such as the Massachusetts Department of Transportation must do more to remove pollutants from rainwater runoff, and prevent pollutants from accumulating on streets and other hard surfaces in the first place.

We strongly support provisions in the permit that require or encourage towns, state and federal agencies to the following:

1. Identify and disconnect pipes carrying human waste and toxic pollutants that have been illegally connected to town, state or federal storm drains designed only for rainwater.
2. Sample water that is discharged from storm drains to rivers, streams, lakes, ponds and wetlands to determine if they contain pollutants.
3. Treat stormwater so that discharges do not pollute waterways or further degrade already polluted waterways.
4. Prevent pollution of stormwater by covering and properly managing potential sources of pollutant such as road salt, motor oil and exposed soil.
5. Disconnect large municipally, state or federally owned paved surfaces and properties (such as buildings, parking lots, driveways and streets) from storm drains. These surfaces funnel huge quantities of polluted stormwater into storm drains which discharge to rivers, streams, lakes, ponds, and wetlands.

6. Adopt or amend municipal bylaws, ordinances or other local regulations requiring new developments and redevelopments of one or more acres to treat and infiltrate runoff, and determine whether existing bylaws, regulations and design standards currently forbid or discourage use of low impact development techniques (LID).
7. Educate citizens, employees and businesses about the damage stormwater runoff does to local waterways and clearly communicate what they can do to help protect and restore water supplies, rivers, lakes, ponds and wetlands affected by storm water pollution.

We recommend that EPA change the permit in the following ways:

1. In response to apparent pressure from MassDEP, this proposed permit weakens an important permit provision included in the Draft General Permit for the North Coastal Watersheds Massachusetts (2010). The North Coastal Draft General Permit requires new development and redevelopment projects of “one or more acres” to meet a number of DEP’s Stormwater Standards, specifically #3-6 for new development and #7 for re-development. By contrast, EPA’s Draft General Permit for the Interstate, Merrimack and South Coastal Watersheds requires projects that “result in two or more acres of impervious surface” to comply with those standards. The “one or more acres” threshold should be restored in the Draft General Permit. Towns are already required by EPA’s existing 2003 MS4 permit to issue stormwater permits to all development that disturbs more than an acre, so having them comply with a few basic DEP Stormwater Standards would not be a great burden.
2. EPA should include performance standards based on Low Impact Development (LID) and Green Infrastructure stormwater management practices in the proposed General Permit. At a minimum, these performance standards should be included in the Post-Construction bylaw that the Draft General Permit requires municipalities to adopt or amend.
3. The Draft General Permit should require towns, state and federal agencies to eliminate or relocate stormwater discharges that have reasonable potential to contaminate reservoirs, lakes and ponds that are used as drinking water sources.
4. In Appendix H, those water bodies that are impaired due to “noxious aquatic plants” should have total phosphorus and total nitrogen sampling required. The draft currently says no monitoring required, and we think this is not protective enough of the impaired water bodies. Many water bodies in our watershed are impaired due to noxious aquatic plants, and these water bodies have this impairment because of excess nutrients.
5. Section 3.2.1 defines dry weather as less than 0.1 inches of rain in the last 24 hours. In projects reviewed by EPA and MassDEP and NHDES in the past, I have seen the definition of dry weather as being less than 0.1 inches of rain the last 48 hours. EPA may want to consult with its QA staff to double check this.
6. For those towns and cities with numerous outfall pipes, the requirement in section 3.3.2 to sample 25% of the outfalls will be expensive. Does EPA have reason to believe that a less-comprehensive, statistically significant sampling of outfalls would not be equally as good? It is possible that a random or targeted 10% sampling rate (or something that the statisticians determine) may produce valid results.
7. Similar to Safe Drinking Water Act requirements that mandate the publication of water quality sampling results for municipal drinking water sources, EPA should require towns to publish the

results of their stormwater sampling for town residents (home owners and renters). That way, residents will be more aware of the types of pollutants going into their water bodies.

8. We wonder why surfactants are required to be monitored for all dry and wet weather sampling (aren't these expensive?) and no parameters geared towards runoff from vehicles such as gasoline or heavy metals, or from the extremely heavy road salt application that goes on each winter.
9. Require towns, state and federal agencies to eliminate contaminated stormwater discharges from existing storm drains (outfalls) that flow directly into public water supplies and swimming beaches.
10. Require that all stormwater reports and other information submitted by towns, state and federal agencies under this permit be posted on the EPA Region 1 website so that the information is available to citizens and watershed associations, and regulated communities and agencies can more easily learn from each other.
11. Set a specific target for reducing the volume of stormwater runoff generated by existing municipal, state and federally-owned parking lots, roofs and other hard surfaces.
12. Specifically encourage towns to work with their own citizens, local watershed associations, and other nearby municipalities to find low-cost ways to better manage polluted runoff. Consider having citizens monitor outfalls – there is no better watchdog than someone who has the responsibility of checking on specific sites. This will also boost support in town for stormwater programs. An incentive in the way of reduced property taxes or a free town service or two could be used as an incentive to get residents to volunteer.

We sympathize with municipal concerns about the costs of complying with the proposed General Permit, especially in the current economic climate. However, compliance levels under the existing 2003 General Permit have been unacceptably low. Experience has demonstrated that municipal governments do not have sufficient incentives to adequately fund stormwater management without a clear mandate from the federal government that specific stormwater measures are to be taken within precise deadlines. With polls consistently demonstrating near universal support for clean water, it is by no means impossible for town governments to raise the revenue necessary for proper stormwater management. There are a number of things towns can do to save money or increase revenues, and EPA should guide towns towards measures that will help the program be affordable and environmentally beneficial.

Thank you very much for considering my comments on EPA's Draft General Permit for Small MS4s in the Interstate, Merrimack, and South Coastal Watersheds of Massachusetts.

Sincerely,



Andrea F. Donlon, M.S.
River Steward

cc: Ann Lowery, Deputy Assistant Commissioner, Massachusetts Department of Environmental Protection