



TOWN OF DALTON

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February 17, 2011

Kate Renehan
U.S. EPA – Region 1
Office of the Regional Administrator
5 Post Office Square – Suite 100
Mail Code ORA01-01
Boston, MA 02109-3912

RE: Draft Massachusetts Interstate, Merrimack, and South Coastal Small MS4 General Permit

Dear Ms. Renehan:

The Town of Dalton Stormwater Management Commission (SWMC) respectfully submits these comments on the draft Massachusetts Interstate, Merrimack, and South Coastal Small MS4 General Permit. The Town of Dalton has an excellent track record of compliance with the prior permit and takes its role as a steward of the environment extremely seriously. The SWMC applauds the efforts of the EPA to clean up the waters of the Commonwealth, but has serious concerns with regard to the schedule and associated costs to comply with the permit. These draft regulations represent a major effort by many environmental and regulatory professionals and provide an excellent program that when implemented should result in improvements to the nation's streams, ponds and lakes. Although the SWMC agrees with the intent of the draft permit, the result is an added burden to communities that are already struggling to provide necessary services.

As a regulated small MS4, the Town of Dalton is directly affected by this General Permit and encourages EPA to develop an appropriate program that will address stormwater and water quality concerns while balancing local needs and economic considerations. It is a mandate to municipalities without state or federal funding subsidies, which leaves the burden to comply entirely on the shoulders of the regulated communities. In these troubling economic times, it is likely that many municipalities will have to make cuts to vital services. For this reason, it is a very difficult time to meet the addition mandates required by the draft General Permit.

To make this program successful, municipalities need funding from the state and federal governments similar to the programs where funding was available to build wastewater treatment facilities when the Federal Water Pollution Control laws surfaced in the 1970s. Nonpoint source pollutant and nutrient discharges into receiving streams is a national issue and funds to implement mandated programs to improve water quality should come from a national source. The requirements of the draft regulations require professional engineering and administrative services which cannot be met solely by municipal employees and cannot be complied with through the volunteer members of local commissions or interested and concerned citizens.

In addition to the issue of cost, the SMWC is concerned with the schedule for compliance with the general permit. Logistically, the schedule simply involves too much, too soon, within the same timeframe for a municipality the size of Dalton to comply. Many of the requirements require additional staff or the assistance of subcontractors to perform the necessary work. Even if adequate funding was available, budget appropriations and the addition of new staff and/or procurement for subcontractual services require long lead times to comply with bidding and hiring laws.

For Example:

- Sixty (60) days from the effective date of the permit is not enough time to develop an inventory of all sanitary sewer overflows, especially considering that the Town is required to develop the SWMP within ninety (90) days of the effective date of the permit.
- Two (2) years to gather and map the enormous quantity of data required is a very short time frame and the logistics of developing a project of that magnitude in 2 years would be difficult and very expensive.
- Data collection for individual catch basin inspection and maintenance is very time-consuming and costly.
- Two (2) years to inventory of all MS4 property and Right-of-Way (ROW) for the potential of BMP installation is daunting. The logistics of developing a project of that magnitude in 2 years would be difficult and very expensive. Developing the inventory would be overwhelming not to mention that the inventory report will become obsolete over the time span for town-wide BMP installation as treatment technology changes.

Lastly, a streamlined approach could be employed with regard to certain components of the draft permit rather than duplicating efforts and expense in multiple communities. The "paper burden" of the permit is staggering; the Notice of Intent (NOI), Stormwater Management Program (SWMP), Illicit Discharge Detection and Elimination Program (IDDE), Stormwater Pollution Prevention Plan (SWPPP), in addition to reporting requirements. Having streamlined, generic, preformatted templates generated by one agency instead of the many individual communities working independently would standardize and expedite the permit process. Many of the data collection tasks relate to regional or state-wide efforts, such as water quality classifications, identified impairments and endangered species habitats. This data should be made available to all regulated communities rather than imposing a highly redundant effort on individual communities.

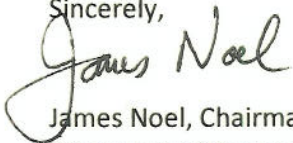
Additional examples of ways in which to ease the burden of permit requirements are as follows:

- Provide flow charts or other graphs to guide laypeople through the permit process;
- Provide preformatted GIS resources to support NOI submission: endangered species, historic properties, impaired water bodies, etc.;
- Provide streamlined forms and online submission for NOI, Stormwater Management Plan, reporting, etc.;

- Provide technical assistance help, via phone or web based;
- Provide training resources and available classes to meet the training requirements for in-house personnel– live classes, webinar training programs, or pre-recorded video;
- Provide models or examples of the required plans, procedures, etc;
- Provide guidance regarding acceptable methodologies - for example, methods used to evaluate the effectiveness of educational messages and overall education as well as to demonstrate that a defined goal has been achieved.

The SWMC is dedicated to improving the quality of stormwater runoff and only seek to ensure that the permit requirements are efficient and cost effective. It appears that the proposed program will have many issues with regard to compliance and that many of the towns and cities in Massachusetts will not be able to fully comply by the end of the five year permit period unless this program has some subsidies provided for it on the state and federal levels. In the absence of or in addition to subsidies, modifying the schedule may ease the burden and increase the level of compliance. We respectfully request that the EPA give more consideration to the financial requirements and schedule of the draft permit.

Sincerely,

A handwritten signature in cursive script that reads "James Noel". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

James Noel, Chairman
Stormwater Management Commission