STORMWATER COMMITTEE
City of Leominster, Massachusetts
CITY HALL – 25 WEST STREET
LEOMINSTER, MASSACHUSETTS 01453
www.leominster-ma.gov

Joanne M DiNardo
Environmental Inspector
Jdinardo@leominster-ma.gov

telephone (978) 534-7524 facsimile (978) 537-8112

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Environmental Protection Agency (EPA)
Office of the Regional Administrator
5 Post Office Square – Suite 100 – Mail Code: ORA01-1
Boston, Massachusetts, 02109-3912
ATTN: Kate Rehanan

Subject: Comment on the Draft Massachusetts Interstate, Merrimack and South Coastal Small MS4 General Permit

Dear Ms. Rehanan,

Thank you for the opportunity to provide comments on the draft "Massachusetts Interstate, Merrimack and South Coastal Small MS4 General Permit". Since the issuance of the 2003, MS4 stormwater discharge permit, the City of Leominster has done extensive work to improve and meet regulatory requirements to upgrade our stormwater system. The City of Leominster is committed to working towards the improvement of the surface water quality within our boundaries.

In general, time and money are the limiting factors to meet these and all new regulations. If the Federal and State governments cannot provide financial assistance to Cities/Towns to meet these regulations, then additional time is welcomed to help spread out, plan for the additional costs, and allow existing staff to do more of the work in house.

The new proposal will impose tremendous financial burden on our community. Over the past five years, the City's allocation of local aid from the state has been reduced by almost 30%. Despite these devastating cuts, the City has remained steadfast in our goal to prioritize capital projects based on effective dates of regulations as well as repairing the "worst first". Our structured process of addressing infrastructure improvements through planning has allowed the City to minimize the impact to taxpayers by accessing grant and low interest loan funding and upgrading our most vulnerable infrastructure first to avoid costly emergency repairs. We already increased our sewer and water rates to fund the upgrades mandated by both the MS4 permit and the Consent Decree upgrades for drinking water quality. Our City has a limited ability to fund these proposed environmental requirements. In addition, the timing of the various components is unrealistic and is discordant with the fiscal budget cycle. With diminishing dollars available, what is needed is a financial cost-benefit analysis to determine the best use of the limited funds available to meet the myriad of environmental regulations.

We have reviewed the new Draft "Massachusetts Interstate, Merrimack and South Coastal Small MS4 General Permit", as well as the accompanying "Fact Sheet for the Small Municipal Separate Storm Sewer System (MS4) Draft General Permit for Massachusetts" issued by the EPA in 2010. The following are our comments on sections of the draft permit:

Sections 1.10.a & 1.10.b The timeframe of 120 days for submitting the SWMP is unrealistic and we suggest that a minimum timeframe of (6) six months.

Section 1.10.c Funding – Due to the fact that the budget cycle is already fixed for the FY2012 this is unattainable. As previously stated we have already increased sewer and water rates, a process that underwent extensive public review and City Council approval. The introduction of a new revenue stream through the establishment of a stormwater utility will require extensive planning, public comment, and City Council approval. The time-period for this is process is estimated to take a minimum of two years.

Section 2.4.2 Public Education and Outreach: It should be taken into consideration that communities will be burdened with additional cost to comply with this component of the proposed regulations. EPA or DEP should help the communities by providing educational material, standardized public service video's and public service announcements. At a minimum, we would suggest that EPA assist with templates of outreach efforts for the four audiences: residents - businesses, institutions and commercial facilities - developers (construction) industrial facilities. There should be a consistent message across the state or at the very least within watersheds. We also recommend that stormwater education be incorporated into the State Public Education programs. The EPA has provided help and guidance documents; however, each city and town is left with the responsibility of designing their own outreach program. This is just an added cost and duplicity in effort.

Section 2.4.2.2 Message Evaluation: How can we really measure that the "defined goal of the program has been achieved"? What standards are the permittees to use in evaluating the effectiveness of educational messages? EPA should clarify this, as well as offer suggestions and guidelines on the message evaluation. It would appear that this section could be open to interpretation based on each community's goal setting. Although each community will vary in its implementation, it is our belief that EPA should set standards to create a minimum amount of uniformity for program evaluation.

Section 2.4.4.5 Illicit Discharge Detection and Elimination Program: EPA should offer guidelines and/or suggestions on methods to best estimate SSO volumes.

Section 2.4.7 Good House Keeping and Pollution Prevention for Permittee Owned Operations; The good housekeeping and pollution prevention section 2.4.7.1 requires the permittee to develop written operations and maintenance (O&M) procedures for the municipal activities related to parks and open space, buildings and facilities, and vehicles and equipment. It would be helpful if EPA can provide templates, guidelines and suggestions to help municipalities with this task. We have 50 plus sites of all sizes and functions. Can the O&M be generic across the City? We also have major concerns with developing O&M's for the School Systems since they have their own operations and maintenance staffs. Who creates this plan if the park or facility is rented or leased by a private group?

2.4.7.d Infrastructure Operations and Maintenance - Six months is unrealistic to prepare this O&M. We recommend at a minimum of 1 year.

2.4.7.d.iii Requires the permittee to "Establish, for other catch basins, as a goal that the frequency of routine cleaning will ensure that no catch basin shall be more than 50 percent full". In Leominster, catch basins are cleaned once a year and the accumulation of sediment and debris in the sump depends on the season (e.g. more material accumulation after winter when roads are sand/salt treated) and location. Permittees should be encouraged to clean known problematic catch basins regularly. We do not have staffing to conduct continually monitoring catch basins to determine when and if they are 50% full.

2.4.7.2 Stormwater Pollution Prevention Plan (SWPPP) These plans are very extensive and time consuming to create. We understand that there will be a plan for each permittee-owned facility (public works, maintenance garages, and waste handling facilities) within one year of the permit. Would a SWPPP be required at other facilities such as the recreation department or the vocational school that teaches and conducts vehicle maintenance as well? Please clarify this. If so, we believe that school departments should be responsible for school property.

2.4.7.2.b.v The Stormwater Pollution Prevention Plan (SWPPP) requires that permittee-owned facilities be inspected quarterly. Two inspections a year should be adequate, one of which would be the

comprehensive site inspection. We disagree with inspections of catch basins to assess whether they have reached the 50% full mark. This is an inefficient use of time.

Section 3 Outfall Monitoring Program:

This requires the permittee to begin outfall screening and dry & wet analytical monitoring within 5 years of the permit (25% of outfalls every year). With over 500 outfalls, this would mean that we would be sampling 125 outfalls two times a year or 250 water samples a year. With only 250 workdays in a given year, we will be sampling outfalls on a daily basis. This is in addition to in-stream monitoring cited in 3.1.4.5

Other environmental groups conduct monitoring on the Nashua River and the Monoosnoc Brook. Please clarify if we can use their data. In addition, what type of testing will be authorized for use? Can we use low cost water kits? We believe that we need the ability to use field equipment that would enable us to do in house testing without Laboratory QA/QC certification. This would greatly reduce the costs. Any bacterial testing will require laboratory testing, which will increase monitoring costs significantly.

Section 3.3 We find wet weather analytical monitoring to be a difficult and expensive task, which usually is inconclusive. EPA offers no wet weather conditions guidelines for sampling. We have performed wet weather sampling and the sampling results were never helpful in finding illicit discharges. According to the permit "monitoring can occur after any storm event of sufficient intensity to produce a discharge", this can include the first flush when all impurities (sediment, wildlife waste etc) are being flushed out of the system into the waterways. Wet weather bacterial testing on over 500 outfalls will be cost prohibitive. We believe that bacterial testing should be limited to drinking water and problem catchments.

The fact sheet refers to the January 2008 EPA meeting where monitoring was discussed and "many participants expressed the need for any monitoring to be flexible and meaningful": actually, the majority of the participants objected to wet weather sampling. The fact sheet also mentions that "wet weather monitoring is not required if the permittee conducts in stream monitoring and has supportive documentation". This should be added on the permit language.

We oppose the draft "wet weather" sampling requirements, as they will drain our resources without giving us meaningful results.

Section 5.3 Reporting

The new reporting period is from July I to June 30, and the annual report due date is August I. This is in the middle of the roadway and infrastructure construction season that is a very busy tine for most engineering departments, which work on the permit compliance. We suggest that the reporting period terminates at the end of January or February with annual reports due by May 1.

The permit has an overwhelming amount of requirements for the first year:

- Submission of Notice of Intent (90 Days)
- Stormwater Management Program (SWMP) (Section 1.10) (120 Days)
- Educational program to four audiences (Section 2.4.2) (1 Year)
- Illicit Discharge Detection and Elimination Program (written document, and illicit discharge potential assessment and prioritization) (Section 2.4.4.8) (1 Year)
- Construction site stormwater runoff control: written procedures for site plan review, site inspections, and enforcement of sediment and erosion control measures at construction sites. (Section 2.4.5.3) (1 Year)
- Inventory of known sanitary sewer overflows (60 Days)
- Written operations and maintenance procedures for municipal activities (Section 2.4.7.1) (1 Year)
- Inventory of all permittee owned facilities (Section 2.4.7.1) (6 Months)

- Program to repair and rehabilitate its MS4 infrastructure in a timely manner to reduce or eliminate the discharge of pollutants from the MS4 (Section 2.4.7.d.i) (6 Months)
- Plan for optimizing catch basin cleaning (Section 2.4.7.1.d.iii) (1 Year)
- Develop and implement a written stormwater pollution prevention plan (SWPPP) for permittee-owned facilities: maintenance garages, public works facilities, transfer stations, and other waste handling facilities. (Section 2.4.7.2) (1 Year)

We believe that the list of requirements should be spread more uniformly between the five years of the permit. The educational program can be spaced out over four years. The stormwater pollution prevention plan (SWPPP) for permittee-owned facilities can be done in the third year.

In a time of budget cuts and lay-offs the requirements of the permit will significantly add to the cost of compliance. We estimate that the cost to meet the requirements of the new permit will be in excess of $500,000.

The City of Leominster has benefited from Chapter 319 water quality grants to help install BMP's. Unfortunately, this funding source is no longer available to regulated MS4 owners. We urge EPA and DEP to reconsider / reallocate funding to regulated communities for assisting with the implementation of the new MS4 permit.

During our recent field survey of drainage structures and manhole investigations, we have already identified areas with potential problems. We believe that our resources would be better spent and invested in our known problem areas. We do not believe that continuous investigations and sampling should not be our priority at this point.

The City of Leominster is committed to constant improvement, however we urge EPA to consider a more flexible schedule of implementation that would enable us to conduct the many requirements within our financial constraints.

Thank you for your consideration and for allowing us to participate in the process. Should you have any questions, please contact my office at 978-870-2959 or via email at jdinardo@leominster-ma.gov.

Respectfully,

Leominster Stormwater Committee
Joanne DiNardo – Conservation Agent
Roger Brooks – Business Manager
Kelley Freda – Conservation Commission Chairperson
Chris Knuth – Health Director
Patrick LaPointe – DPW Director
Ray Racine – DPW Assistant Director
John Roseberry – City Engineer

CC: Thelma Murphy