



TOWN OF MANSFIELD, MASSACHUSETTS
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January 19, 2011

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

Re: Comments on the Draft Massachusetts South Coastal Small MS4 General Permit
for Stormwater Management

Dear Ms. Murphy,

The Town of Mansfield currently operates its storm sewer system under the NPDES Phase II Municipal Separate Storm Sewer System (MS4) General Permit (Permit No. MAR041126). As a Phase II MS4 community, we have a population of approximately 23,829 residents and a land area of 20.4 square miles containing mixed land use. The Town is very concerned with the operation and maintenance of the Town's infrastructure, as well as budgetary constraints.

The Town has reviewed the proposed draft permit for the Massachusetts watersheds, and have the following major comments on the Draft Massachusetts Interstate, Merrimack and South Coastal Small MS4 General Permit. They are as follows:

- 1) The cost of implementation will be a significant burden to the Town. The Town has many high priority needs competing for limited available funding. The new requirements contained in the Draft General Permit amount to unfunded federal and state mandates with the burden of implementation falling upon local communities. The key piece to this entire permit is the funding, and we ask the EPA to find ways to provide these funding opportunities for municipalities to comply with these requirements.
 - a) The Town currently budgets for MS4 operations (including street sweeping, catch basin cleaning and maintenance, monitoring, education, and other permit requirements). Annual capital and operating costs would increase, depending on the level and extent of stormwater management facility retrofits required of the Town by the permit. The Town has difficulty funding current stormwater management capital and operational needs.

- b) For receiving waters, both with and without approved TMDLs (Sections 2.2.2 and 2.3.1), requiring the installation of BMPs in municipal systems to meet all impaired water quality standards is an enormous and expensive undertaking.
- 2) The timeframe for implementation is extremely aggressive. We anticipate that meeting the EPA permit goals outlined in the draft permit will take at least 15 years to implement. This is because we will need to both understand and prioritize the drainage problems within Town, and set in place funding mechanisms to accomplish the work. Specifically:
- a) The Town owns many parcels of land, including buildings and parks and open space. Under Section 2.4.6.9 of the Draft General Permit, these sites may require retrofitting with structures using best management practices (BMPs). Because of the heterogeneous geology and widely varying topography in the Town, each site will require a separate analysis to identify an appropriate BMP.
 - b) Under Section 2.4.4.8 of the Draft General Permit, the Town would be required to identify specific commercial operations, such as garden centers, car washes, and similar potential sources of adverse water quality. At this time, the Town has only been required to monitor outfalls for potential illicit discharges, not to aggressively target the operations themselves for monitoring. In addition, it is not clear which outfalls will need to be monitored for water quality standards, impairments, and general outfall monitoring.
- 3) The Town believes that regulatory changes should be promulgated at the state or federal level, not the local level. There are many reasons why this makes more sense than requiring municipalities to promulgate their own regulations.
- a) Watersheds contain more than one municipality, and conversely one municipality may be contained within two or more watersheds. Therefore a regulation promulgated by one community may be contradictory to those promulgated by another community.

The Town has the following comments related to specific sections/sub-sections of the Draft Permit:

- 1) Section 1.10 of the Draft General Permit requires that the written Stormwater Management Program (SWMP) must be completed within 120 days following the permittee's receipt of authorization from EPA to discharge under the Permit. The Town anticipates that there will be a significant effort and inter-departmental coordination and planning that will be required to develop a comprehensive SWMP, that will require more than 120 days and requests additional time.
- 2) Section 2.1.1 also states that if a discharge, causing an exceedance of a water quality standard is discovered, the community is instructed to fix it within 60 days, or document in the Stormwater Management Plan (SWMP) an estimated timeframe to correct the problem. This implies that the SWMP is an evolving document with constant updates to the regulators. If such updates are required, they should be limited

to annual updates, rather than requiring continuous revisions. Update requirements should be clarified in the Final Permit.

- 3) Section 2.3.3.b.iv requires that stormwater controls be designed so that there is no discharge of stormwater from the volume associated with a 1-inch storm event. The Town feels that this requirement is very stringent and recommends that this requirement be changed to maximum extent practicable (MEP).
- 4) Section 2.4.4.2 accurately recognizes that 6 months is not enough time to pursue and resolve a legal dispute with a discharger unwilling to comply; this could take years, and no time limit should be placed on such a dispute where it is beyond the control of the community. DEP and EPA need to understand that schedules for correcting SSOs caused by deficiencies must be realistic. Correcting any SSOs found can become very costly and would require complex investigations and engineering, which require appropriate budgeting in themselves. SSO corrections would require possible reconstruction of major parts of the sewer infrastructure and need to be managed through a long-term capital improvements plan.
- 5) Sections 2.4.6.5 and 2.4.7.2 of the Draft General Permit water quality improvement standards include requirements for silt and sediment. The Town currently focuses on preventing silt and sediment deposit into streams from the roadway. However, most of the silt and sediment in the drainage channels, streams, and brooks is from leaching of surrounding fine soils and organics (including nitrogen and phosphates) into the natural drainage channels. Dredging or excavation to remove this sediment would help relieve flooding and adverse impacts to residents and business. However, Section 404 requirements administered by the United States Army Corp of Engineers (USACOE) make it very difficult for the Town to perform this work. The Town requests that the EPA work with the USACOE to support management of drainage channels, especially small non-navigable channels. Water quality would be improved and property flooding reduced if excessive silt and sediment were removed from the natural channels. Removing regulatory hurdles from smaller tributaries would help improve the water quality in the Town's drainage system.
- 6) Section 2.4.7 outlines the requirements for good housekeeping and pollution prevention from municipal facilities. These appear to be reasonable and achievable, with the exception of the following two provisions: (1) investigating municipal buildings to identify all floor drains may be a challenging task, especially in a 6-month timeframe, for facilities such as school buildings and public meeting spaces; and (2) the requirement to clean all catch basins when they are 50 percent full could potentially require frequent cleaning of all catch basins in areas where deep sump basins have not yet been installed and may be excessive compared to the associated benefit. Town departments responsible for catch basin cleaning strive to maximize efficiency in light of local budgets and staff shortages. For the roadways, greatest efficiency is realized when catch basins are cleaned following a geographic pattern, i.e., all basins in a given area are cleaned one after the other before moving on to a new area. Cleaning catch basins when they become 50 percent full is contrary to efficient use of manpower and cannot be implemented in a practical way.

Furthermore, the inspection and cleaning of stormwater structures should be modified to be at the same frequency, allowing both to be performed at once.

- 7) Section 2.4.7.1 requires that within one (1) year from the effective date of the permit, written operations and maintenance procedures for municipal activities be developed.
 - a. The permittee shall establish procedures for sweeping and/or cleaning streets, and Town owned parking lots. We agree with streets being swept and /or cleaned a minimum of twice a year; however, it should be at the discretion of the DPW Director as to what streets require twice a year sweeping.

The Town requests and anticipates that significant effort in planning and coordination with various Town departments is needed and requests that full Permit Term (5 years) be granted for this effort.

- 8) Section 2.4.7.2 requires quarterly inspection of facilities under a Stormwater Pollution Prevention Plan (SWPPP) is inefficient and wasteful. The Town recommends an annual inspection of facilities and semi-annual inspection (spring and fall) of discharge points. Also, the Draft permit requires that SWPPPs be developed and implemented for maintenance garages, public works facilities, transfer stations, and other waste handling facilities. The Town recommends that a comprehensive SWPPP that covers all of the facilities be required rather than developing individual SWPPPs for each of the facilities. Developing and implementing individual SWPPPs will result in significant cost burden to the Town.
- 9) Section 3.2.1 and Section 3.3.2 require monitoring of 25% of all outfalls each year in both wet and dry weather conditions. This requirement will result in significant costs and will not produce data that could be used to significantly improve the water quality. This should be lowered to a more achievable level, such as 10% per year, starting with known problem areas. Because of the vagaries of stormwater quality, wet weather monitoring is of little value. Such monitoring should be kept to a minimum with representative sampling rather than monitoring of all outfalls. Representative sampling could be used to provide a general overview of stormwater quality. This overview will no doubt affirm what is already well known and documented – stormwater quality is highly variable and can be very poor.

If monitoring is required, then the objectives must be clearly laid out with well defined universal guidelines for sampling plans.

- 10) Section 5.1.5 states that “EPA or MassDEP may require the permittee to add, modify, repair, replace or change BMPs or other measures” at any time. This is open-ended and onerous. More specific allowances should be made for how long a community will be given to make changes if they are requested or required by the regulatory agencies.

Thank you for the opportunity to provide public comments on the draft small Municipal Storm Sewer System (MS4) general permit for South Coastal Massachusetts.

Should you have any questions, or need additional information please feel free to call me at 508-261-7370.

Sincerely,

A handwritten signature in black ink that reads "William R. Ross". The signature is written in a cursive style with a large, prominent "W" and "R".

William R. Ross
Town Manager.

RCA/dr

Cc: Lee Azinheira, DPW Director
Mark Cook; Highway Operations Manager
Shaun Burke, AICP, Director of Planning & Community Development