



Massachusetts Watershed Coalition

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March 11, 2011

Kate Renahan
U.S. EPA-Region 1
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Subject: Comments on EPA's Draft General Permit for Small MS4s in the Interstate, Merrimack and South Coastal Watersheds of Massachusetts

Dear Ms. Renahan:

The Massachusetts Watershed Coalition supports EPA's Draft General Permit. We appreciate the well-crafted provisions that will enable people to enjoy safe healthy waters.

Local solutions are the best approach to runoff problems that inundate property, contaminate water supplies, harm aquatic life and spoil community uses of water resources. The proposed Permit is an effective catalyst for better stormwater solutions that prevent damage to highly-valued waters and curtail the escalating costs for pollution abatement and water treatment.

Stormwater has cumulative impacts so it is more costly to fix problems later. Local compliance with the Permit should be placed in the context of the environmental and economic costs from failure to mitigate stormwater damages. Strong public support can expedite compliance, and Section 1.0 can explain how the Permit will help communities to improve their waters. It can also be useful to provide a comparative analysis of the Permit costs relative to longer-term costs of impairments from stormwater damages. This information can describe loss of recreational uses, impacts on cold-water fisheries, expenses for herbicide treatments, increased flooding from sediment deposits (and growth of vegetation) in stream channels and other concerns.

Following are comments on line items in the Draft Permit.

1.10 Stormwater Management Program (SWMP) – Consider extending time for submission to allow more data analysis and opportunity for review by municipal boards and departments.

2.2 Discharges to Impaired Waters, and 2.3 Increased Discharges, New Dischargers, and Antidegradation – provide link to <http://www.epa.gov/region1/npdes/stormwater/ma.html> for easy reference by permittee.

2.4.2 Public Education and Outreach – provide templates that can be adapted by permittees. Templates should include “how-to” guidelines that enable target audiences to apply practices

such as rain gardens, vegetated swales, redirected downspouts, infiltration trenches and pervious driveways/walkways. Outreach materials can both change behavior and help people to reduce runoff from their properties.

2.4.4.6 System mapping; and 2.4.4.7 Outfall Inventory– direct discharges where roads cross streams are part of drainage systems. Asphalt aprons/chutes are very common and convey large amounts of road sediment/sand to streams in all seasons. Sediment deposits in stream beds are typical at road crossings – silt, trash and debris are carried further downstream into stream pools and impoundments.

2.4.6.4a- minor rewording shown below may help clarify the intent.

2.4.6.4 – The permittee shall amend, modify, or develop an ordinance or other regulatory mechanism, as appropriate, within two (2) years of the effective of the permit to contain the following provisions:

- a. For new development projects that ~~disturb one or more acres and upon completion~~ results in two or more acres of impervious surfaces, the MS4 shall require compliance with Standards 3, 4, 5, and 6 of the Massachusetts Stormwater Management Standards ...

2.4.6.7 ...street design and parking lot guidelines ... Consider providing sample regulations that municipal planning boards can adopt. Many cities and towns require parking islands, trees and setbacks from abutting properties – model criteria for bioretention, pervious paving and other infiltration practices will help communities to update their design standards.

2.4.6.9 – Directly Connected Impervious Area – Provide link to IC maps and IC stats available at <http://www.epa.gov/region1/npdes/stormwater/ma.html>. Consider guidance that explains how municipal boards and DPWs can utilize the IC maps/IC stats and NRCS soil survey reports to assess priorities for reducing DCIA. Include guidance to assist selection of lower-cost BMPs to disconnect DCIA. Guidance can also explain the ongoing opportunities to reduce DCIA through community development.

Additionally, we recommend more emphasis on public participation. The Permit should help permittees to involve lake associations, “Green Committees”, business organizations and other community members. EPA awards could help to recognize efforts by communities, businesses, builders, grassroots groups and individuals. Greater public involvement can reduce municipal costs for runoff control and better achieve the aims of the Draft MS4 General Permit.

Thank you for considering our comments.

Ed Himlan

Ed Himlan
Executive Director

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Public Comment - Draft Massachusetts Interstate, Merrimack and South Coastal Small MS4
General Permit
Todd Wacome
to:
Kate Renahan
03/11/2011 10:03 PM
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To Whom it May Concern:

With regard to section 2.4.7.1 - Operations and Maintenance (O & M) Programs of the small MS4 General Permit and the trigger to clean catch basins:

I am in agreement that a sump being 50% full is a reasonable point to require catch basins to be cleaned, as proposed as the general standard in the O&M section of the draft permit. This standard keeps communities from having to clean catch basins that don't need to be cleaned.

There is however, a likely unintended consequence of the language as proposed because there is an inherent disincentive to improve any catch basin's removal efficiency as the O&M costs would necessarily increase. If cities and towns have trouble financing the costs of required maintenance, as most do, they will literally not be able to afford, and therefore will not seriously contemplate, utilizing BMP's that help a catch basin to perform better.

As a developer who has devised a way to improve a catch basin's efficiency, namely "Inverted Cone Filtration", I've seen first hand the reluctance to pursue an improvement to a device, even in priority areas, and even if the device is paid for by others, simply because the frequency of cleanout would need to increase due to additional sediment being retained.

I have contemplated how the proposed standards could be modified so that this discrimination could be avoided, but haven't been successful in coming up with a proposal. I do feel that it is important to highlight this concern while additional provisions may be considered by rulemakers.

A second concern I have specifically, is to request that when catch basins are improved with an accessory, or have been retrofitted to more of a water quality treatment device, either of which have been proven to prevent re-entrainment and reduce scouring, that the frequency standard for cleanout be relaxed. I believe it should be relaxed to a frequency compatible with the performance of a catch basin with a sump 50% full. I believe that additional language can be added to the proposed draft permit conditions replacing the 50% standard with an independent testers/manufacturers/DEP recommended cleaning interval for the upfit catch basin.

As one example, the Inverted Cone Filtration method we've been using and have been testing can prevent re-entrainment even when the sump is slightly more than 100% full by the Draft Permits definition "the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin". This is because the Inverted Cone Filter emulates a deeper sump than the catch basin actually has.

Requiring these catch basins to be cleaned when the sump is 50% full, rather than when they actually need to be cleaned to reach the same objective will both disincentivize the use of this and similar performance enhancing modifications, and/or waste resources cleaning those catch basins unnecessarily.

Thank you for your consideration.

Sincerely,

Todd Wacome
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