



Nashua River Watershed Association

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Kate Renahan
U.S. EPA-Region 1, Office of the Regional Administrator
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Boston, MA 02109-3912

March 10, 2011

Dear Ms. Renahan,

The Nashua River Watershed Association ("NRWA") appreciates the opportunity to comment on the Small Municipal Separate Storm Sewer System Draft General Permit for the Merrimack River watershed ("draft permit"). Founded in 1969, the NRWA is a member-supported environmental advocacy organization that works to safeguard water quality, preserve natural landscapes and educate the next generation of environmental stewards in our 31 communities in both Massachusetts and New Hampshire.

According to state environmental officials, approximately 60% of the water pollution in Massachusetts is attributable to stormwater runoff. Rainwater falling on roads, parking lots, and other hard surfaces in our watershed carries animal waste, petroleum products, trash, and even toxic chemicals through municipal storm drains directly into our rivers, streams, lakes, ponds and wetlands. Towns as well as state and federal agencies must do more to remove pollutants from rainwater runoff, and prevent pollutants from accumulating on streets and other hard surfaces in the first place.

In particular, I strongly support provisions in the draft General Permit that require or encourage towns, state and federal agencies to:

- a. Find and eliminate pipes illegally connected to town, state or federal storm sewers designed only for rainwater. These illegal connections often contaminate stormwater with untreated human waste and toxic pollutants.
- b. Sample water that is discharged from storm sewer outfall pipes to rivers, streams, lakes, ponds and wetlands to determine the types, quantities and concentrations of pollutants they may contain.
- c. Treat stormwater so that discharges do not pollute waterways or further degrade already polluted waterways.
- d. Prevent pollution of stormwater by covering and properly managing potential sources of pollutant such as road salt, motor oil and exposed soil.
- e. Disconnect large paved surfaces (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.



- f. Adopt or amend municipal bylaws, ordinances or other local regulations requiring new developments to treat and infiltrate runoff, and reduce the amount of the pollutants in their runoff before it reaches the town storm sewers.
- g. Educate residents, 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.

In addition, EPA should change the draft permit in the following ways:

- a. In response to apparent pressure from MA DEP, 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.
- b. 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.
- c. 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.

The NRWA also shares some of the concerns expressed by municipalities, engineering firms and environmental groups expressed at the March 9, 2011 public hearing at the Leominster Public Library, specifically:

- a. In an ideal world, the EPA would have funding available to assist towns in implementing their stormwater programs under the permit.
- b. The NRWA also believes that some of the permit requirements, particularly the educational components, may benefit from economies of scale if they could be performed on a regional or sub-watershed basis. This is one area where the NRWA may be of particular assistance to its constituent towns, however, the NRWA is presently financially constrained in its ability to do so, and any funding would help us to assist our watershed communities.