



**CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS**

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Edward S. Huntley, P.E.
Director

March 11, 2011

Ms. Kate Renahan
Office of the Regional Administrator
5 Post Office Square – Suite 100
Mail Code: ORA01-1
Boston, Massachusetts, 02109-3912

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

Dear Ms. Renahan:

The City of Northampton (City) has reviewed the Draft Massachusetts Interstate, Merrimack, and South Coastal Small MS4 General Permit (Draft Permit) for stormwater management and offers the following technical comments. City Mayor Clare Higgins has submitted comments about the financial requirements of the draft permit in a separate correspondence.

To date, the City of Northampton has made considerable progress toward meeting and exceeding the requirements of the 2003 National Pollutant Discharge Elimination System (NPDES) Phase II stormwater permit. As part of this effort, the City has expended both significant funds and considerable time and effort. As indicated on the 2010 MS4 Annual Report, approximately \$24,000 is spent annually on programmatic costs related to the stormwater permit, along with an additional \$20,000 for catch basin cleaning and \$33,000 for street sweeping. Currently, if additional staff time (GIS, City Engineer, Planning Department, Health Department, and other workers) and equipment costs for permit related activities are factored in, the City expends well over \$100,000 per year on compliance costs. The City has implemented various new programs, inspected a large percentage of outfalls, established and enforced new City ordinances, and provided a wealth of public education information related to stormwater to the community. Currently, the City and Camp Dresser & McKee Inc. (CDM) are conducting a master planning study of the drainage system to plan improvements over the next 20 years. While the City has demonstrated a clear and proactive interest in protecting its natural resources through stormwater mitigation and proactive land use planning since the 2003 permit was issued, we are concerned that the new Draft Permit does not recognize and build upon those efforts. Furthermore, the Draft Permit, as presently written, imposes requirements that are beyond the means of the City both in terms of financial and staffing resources. The following items present significant challenges to our community and are not deemed feasible for guaranteed compliance, even with significant effort:

Data Requirements: The Draft Permit requires the gathering, and in some cases mapping, of an enormous quantity of data. Much of this information is required in the first two years in order to perform the analyses required to meet the permit milestones. Even though Northampton has a well-established Geographic Information System (GIS), the data compilation and analysis alone could consume the better part of the five-year permit cycle. The individual data requirements by themselves may be feasible to obtain, but collectively they present a considerable effort involving personnel with a high level of knowledge and skill.

Compliance Timeline: Similar to the compilation and analysis of data, the many milestones described in the Draft Permit may be feasible individually, but when compounded into a five-year permit term, they cannot realistically be met. We would like to see the requirements reduced to a list of achievable goals in a five year period, to allow communities to see progress and to achieve full permit compliance.

Proposed Outfall Sampling: Based on field work performed during the 2003 permit cycle, the City of Northampton has about 287 stormwater outfalls. During the previous permit cycle, we inspected 75 percent of these outfalls and discovered, investigated and enforced a number of illicit discharges. While the City is encouraged to see that work done previously can be counted toward the sampling requirements and that the majority of analysis can be performed using field instruments, we still find the monitoring of 25% of outfalls per year to be cumbersome and costly compared to the environmental benefits. A more realistic monitoring program would involve 10% of outfalls per year beginning with the outfalls in areas most likely to contribute to exceedances of water quality standards. During the March 9th, 2011 Public Meeting and Hearing on the draft Permit, a number of questions were asked concerning sampling at interconnections of MS4 systems and the possibility of conducting in-stream sampling instead of outfall sampling. We request that the final permit provide better clarity on these two items.

Nitrogen Reduction Requirements: Since the City is located within the Connecticut River basin and thus ultimately discharges to Long Island Sound, a 10 percent reduction in nitrogen is proposed to meet water quality standards. Given the level of attention Northampton has paid to our stormwater sampling and mitigation program to date, we are concerned that even the best efforts may result in failure to comply and the associated consequences if additional appropriate BMPs cannot be implemented in a timely and cost-effective manner.

Best Management Practices (BMPs): The Draft Permit requires the use of both structural and non-structural BMPs to ensure water quality standards will be met. The regulatory agencies should provide clear direction as to what BMP guidance documents should be used to calculate the percent reduction associated with each BMP, so that all communities are using the same metrics for reporting purposes.

Public Education and Outreach: The Draft Permit includes the production and distribution of eight public education notices, in addition to several ordinances and programs intended to teach the public how to minimize their impacts on stormwater quality. The City has had a proactive stormwater public education program to date and is encouraged to see that the Draft Permit includes links to educational materials that can be used by multiple communities, to reduce the burden on the regulated municipalities. We request that the EPA consider developing and funding regional media campaigns that would relieve the burden on each community to distribute the information.

Catch Basin Inspection and Cleaning: Based on experience with drainage system operations and maintenance, cleaning every catch basin in the City at a specified interval is more realistic than having crews inspect catch basins to measure sediment depths. Communities should have the option of setting up cleaning on a regular schedule rather than performing inspections. Additional guidance and assistance is also necessary to help communities and private contractors find feasible ways to dispose of the catch basin material in accordance with all requirements.

Floor Drain Inspections: Identifying and determining the outlet of every floor drain in every municipal building within one year of the effective date of the permit is an unrealistic requirement. In older cities like Northampton, plumbing plans are not available for many municipal buildings, and dye testing would be required to understand the plumbing configuration and outlet location of every floor drain. Communities should be required to inspect a certain percentage of municipal buildings each year during the permit cycle, in order to have more time to comply with this requirement.

The costs to maintain compliance with the Draft permit may require spending 3 to 4 times the current budget or approximately \$300,000 to \$450,000 per year for the City of Northampton. It has become very difficult to use Section 319 grant funding for any projects in NPDES MS4 regulated areas and we are not aware of any other funding source for stormwater related projects. The lack of any funding assistance puts the entire burden on local communities and we request that the EPA consider establishing a grant program for innovative MS4 stormwater initiatives so that communities are encouraged and supported to try new things.

The City of Northampton has a strong record of compliance with the 2003 stormwater permit. We are amenable to continuing our progress toward significant receiving water quality improvements, but the Draft Permit does not adequately recognize our efforts to date or provide a feasible means of achieving full compliance in the future. We hope the regulatory agencies give serious consideration to the comments provided by municipalities who have intimate, hands-on knowledge of the feasibility of implementation of all of the Draft Permit's requirements.

Thank you for your consideration of these matters. Please contact me at 413-587-1570 x4307 if you have any questions or would like to discuss these comments further.

Very truly yours,

James R. Laurila, P.E.
City Engineer