



CITY OF NORTHAMPTON

Mayor Mary Clare Higgins

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March 10, 2011

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

RE: FINANCIAL CONCERNS: 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. The City has many concerns about the Draft permit that include financial and technical concerns about the wide ranging program requirements contained in the Draft Permit. This correspondence details the financial concerns the City has about this proposed Draft Permit. A separate letter from the City Department of Public Works will be submitted with technical comments.

To date the City has focused on complying with all requirements of the 2003 National Pollutant Discharge Elimination System (NPDES) Phase II stormwater permit. This work has included hiring a staff person to manage the NPDES permit compliance as well as spending in excess of \$100,000 annually on programmatic costs for permit activities including GIS mapping, street sweeping and catch basin cleaning. The City has also implemented various new programs, inspected a large number of outfalls, established and enforced new City Ordinances, and provided a wealth of public education information related to stormwater in the community.

Knowing that the NPDES permit requirements would be changing, the City proactively commissioned a \$179,000 stormwater system assessment and utility feasibility study with Camp Dresser & McKee (CDM). This study will present a 20-year capital improvement plan as well as cost estimates to comply with the Draft permit. This study is anticipated to be completed by the end of this fiscal year. Given the financial burdens on the City including several consecutive years of reduced state aid, rising City healthcare costs and many other competing needs such as public safety, school systems and other primary functions of City government it is clear that funding to comply with the Draft Permit is not available from the City General Fund. Like the vast majority of communities in Massachusetts, the City has no available revenue to take on new financial burdens like those required by the Draft Permit. EPA has suggested that communities consider implementing fee-based utility systems to raise revenue to meet these regulatory requirements, yet less than 5 stormwater utilities exist in the state at this time.

With the completion of the CDM report a public discussion will begin in this City about the need for a Stormwater Utility to comply with this new regulatory burden. This public process and discussion about a new stormwater utility is expected to take several months. If the City decides to move forward with a stormwater utility, new City Ordinances must be drafted and implemented through City Council. The City has considered itself being proactive in having the CDM study done now so that a utility can be considered, all before the approval of new EPA stormwater regulations. However, it is now clearly evident that the EPA is not providing communities adequate time to find and implement funding mechanisms for this regulatory mandate.

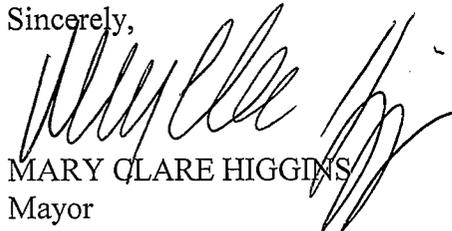
The Draft Permit requires immediate actions by MS4 communities in year 1. Within 120 days the City must complete a written Stormwater Management Program that includes many items including a description of practices to achieve stormwater control to the maximum extent practicable, best management practices and measurable goals for each BMP. Year 1 permit requirements also require a complete inventory of all City-owned facilities, educational campaigns, completion of illicit discharge potential assessment and ranking, written procedures for locating and removing illicit connections, protocols for fixing illicit connections and discharges (including funding requirements to complete these construction related activities), impervious cover estimates for the entire City by sub-watershed, written and implementation of operation and maintenance procedures for public works facilities and vehicle maintenance facilities including all vehicles to be stored under cover or within a contained area (requiring additional capital expenditures to provide mandatory improvements), and other requirements.

The City understands that the cost for Northampton to comply with this Draft Permit is estimated to be \$300,000 to \$450,000 per year based on estimates provided by the U.S. EPA and other Massachusetts communities including Leominster and Shrewsbury at the Public Meeting on March 9th.

Without allowing communities adequate time to determine how to fund a program of this enormity the EPA is setting this program up for failure and putting most communities in a position for immediate non-compliance. The City suggests that the EPA strongly consider the practical aspects of how communities are expected to fund a program like this and what a reasonable time frame would be to implement this funding program. Lastly, EPA should understand that communities are currently determining budgets for the next Fiscal Year and enacting a regulation of this magnitude now means that no community will have time to determine cost implications and to budget appropriately (assuming a funding source is even available.)

Thank you for the opportunity to submit comments on the Draft Permit.

Sincerely,



MARY CLARE HIGGINS
Mayor

CC: Senator John Kerry
Senator Scott Brown
Representative Richard Neal, 2nd Congressional District
State Senator Stanley Rosenberg
State Representative Peter Kocot
Edward S. Huntley, P.E. Director of Public Works