



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

March 11, 2011

**VIA EMAIL, HARD COPY TO FOLLOW**

EPA-Region 1

Attn: Kate Renahan ([renahan.kate@epa.gov](mailto:renahan.kate@epa.gov))

Office of the Regional Administrator

5 Post Office Square, Suite 100

Mail Code: ORA01-1

Boston, Massachusetts, 02109-3912

Dear Ms. Renahan,

The Norton Conservation Commission has reviewed the General Permit for Stormwater Discharges from MS4s in MA Interstate, Merrimack and South Coastal Watersheds. We recognize the importance of such measures to the town's water quality and residents' quality of life. We offer the following comments on the Draft.

General comments

Please indent the subparagraphs. It makes this much easier to read.

Please sort the Summary of Permit Requirements for Municipal MS4s so it is organized by timeframe, in addition to the graph sorted by Activity. This will make it easier for municipalities to determine items due each year. Once this is done, EPA may determine that the timeframes for many of the requirements are not feasible due to current budget and staffing cuts as well as appropriation procedures necessary at Spring Town Meetings. Please re-evaluate the timeframes so that they coincide with Town Meeting funding procedures and are more realistic, particularly for small communities that may only have part-time staff and small communities that do not have Engineering or GIS Departments. Some of these activities, particularly the mapping, cannot effectively be done without technical assistance from an Engineer or a GIS system. This will be a significant cost to any small community, like Norton, if we are required to hire a consultant to meet the requirements of the Permit.

Instead of requiring items within so many days of the Permit authorization, consider annual requirements. This will ease some of the burden on municipalities with limited budgets.

Instead of referring to the drainage system as a "storm sewer system", consider renaming it a drainage system or like phrase. The term is confusing to residents or anyone not involved with permitting or construction. This will help residents differentiate between storm drains and sewer drains and assist the public education process.



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

The Department of Transportation should be responsible for storm water that leaves state roads, especially if that storm water has not been treated and enters the drainage system or a Water of the Commonwealth within any city or town. The town should not be burdened with accounting for DOT storm water. This should be very clearly written in the Permit and should be enforced in the DOT's Permit.

EPA should identify in the Permit what happens if a TMDL is identified after the Permit has been issued? Is the municipality required to scramble to meet the Permit requirements, does EPA revise the issued Permit or do the requirements begin at the next Permit issuance?

### Page 8, Section 1.7.4

How will EPA provide public notification? Will the municipality be notified of when the 30-day public comment period starts? I request that the Storm Water Coordinator, Board of Selectmen, Conservation Commission and Town Planner, at a minimum, be notified individually by EPA. Will the EPA provide copies of any comments to the municipality and allow sufficient time to address any concerns?

### Page 9, Section 1.8.1

Please clarify the parameters for EPA to determine if a municipality will be required to obtain an individual NPDES permit or alternative NPDES general permit. This should be written into the Permit for public review and not a surprise to the municipality *after* it has submitted a NOI.

### Page 11, Section 1.10.2

Please clarify the second bullet in this section which says to simply "list" the outfalls. In another section, the Permit requires a map of the outfalls. Please revise this section to be cohesive. 120 days is not adequate time for a municipality to complete this task. Please provide a longer timeframe.

### Page 13, Section 2.1.1c.

It is not a realistic timeframe to require the municipality to eliminate a discharge that exceeds water quality standards within 60 days. The commencement of property identification, property owner identification and notification to the owner of the discharge is feasible but to require that it be eliminated is not likely feasible. Clearly removal of the discharge will benefit the municipality and the waterway but there are legal issues that cannot be overlooked or accomplished in this timeframe.

### Page 13, Section 2.2

Please provide a list of the Water Quality Standards and TMDLs that need to be met in the Permit or a link to the appropriate website in the Permit text.



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

### Page 16, Section 2.3.1.1

Please clarify this section. It appears that a new discharge may be required to obtain an individual permit unless the municipality estimates the quantity of a pollutant that *may* enter the water. Couldn't EPA require if the discharge has a catchment (or watershed area) of 1 acre or more and meets MA Storm Water Management, the new discharge is covered by the Permit. MA Storm Water Management BMPs have associated pollutant removal efficiencies written into the requirements. Couldn't EPA find a method of coordinating with Storm Water Management so municipalities can quantify and demonstrate treatment more easily?

### Page 17, Section 2.3.3.

Please clarify this section. Please provide a link to the MA Water Quality Standards in this section with a definition of antidegradation. Please provide an explanation of Tier I and Tier II in this section. Municipalities can more easily meet the requirements of the Permit if they are not required to continuously refer to other documents. Clearly, EPA doesn't wish to duplicate efforts or make the Permit more onerous; however, there are a few places where duplicating information will make things more efficient and more easily understood for the municipality.

### Page 20, Section 2.4.2.1.b.

Please consider providing a model education program for municipalities to use. There is no need to duplicate efforts for public education. A uniform message may reach more residents than differing ones from each municipality. Public education campaign may ultimately be more effective and cost efficient if the EPA provided the messages statewide rather than municipalities performing the task individually or even in a watershed approach.

### Page 21, Section 2.4.2.2

Please provide some examples of how a municipality is to determine the effectiveness of a public education campaign of this kind.

### Page 22, Section 2.4.4.2.

Please reconsider the timeframes. 30 days to eliminate an illicit discharge is not reasonable for the same reason stated under Page 13, Section 2.1.1.c. Please provide an example of how a "permittee shall take all reasonable and prudent measures to minimize the discharge of pollutants". There are legal issues that may not allow a 30 day timeframe to be realistic.

### Page 24, Section 2.4.4.6

Communities without GIS capabilities will not be able to meet the 2 year timeframe in this section. Raising and appropriating funds for this purpose could take 2 years in itself. In addition, without such local resources, how will a municipality map such items as high ground water elevations? EPA should provide a mechanism for the Regional Planning Agencies to provide technical assistance to all municipalities without GIS capabilities to comply with this section. Grants and other funding sources must be made available to those municipalities or the timeframes should be revised. EPA cost estimates of \$500,000.00 to annually implement the



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

Storm Water Plan appear to be grossly underestimated. The 319 Grants should be reinstated for storm water improvements needed to improve water quality regardless of whether it is required by a Permit or not. This funding source is essential for small communities to implement any of the requirements and conduct any field work.

### Page 25, Section 2.4.4.7

Please revise the timeframe for the outfall inventory for reasons mentioned above in Page 24, Section 2.4.4.6. Also, the investigation required under this section is very labor intensive, compounded by the expense of the sampling requirements. The requirement for ranking should be removed. Municipalities can more efficiently address this item by simply conducting the inventory by watershed rather than spend valuable man-hours ranking them first, then conducting the inventory. If all of the outfalls must be evaluated, there is no need to rank them first. This step can be completely eliminated. The objective is to get actual results in the field, rather than just on paper.

### Page 25, Section 2.4.4.7.c

Please explain the rationale behind the sampling parameters. Does this sampling regime further our understanding of where the pollutants are coming from or if they are increasing/decreasing? Is there baseline data to compare it to or will this become the municipality's baseline data?

### Page 26, Section 2.4.4.8.c

Please clarify the catchment definition? Without engineering or GIS capabilities, how will the municipality determine this? Can subwatersheds be used instead?

### Page 27, Section 2.4.4.8.c.ii

If all of the outfalls will be evaluated what is the purpose of ranking the catchments? Given the factors listed on pages 27 and 28, nearly every portion of Norton would be a "high" potential ranking. Municipalities can better spend efforts in the evaluation of the outfalls rather than ranking them. Please consider removing the ranking criteria.

### Page 28, Section 2.4.4.8.c.iii.

Please consider removing the ranking of each factor. Same comments as above in Page 27, Section 2.4.4.8.c.ii. It is more efficient and cost effective for municipalities to concentrate efforts on the actual evaluation and corrective measures than to continue ranking each and every possible scenario. How useful and productive is this information really going to be to the community to have them ranked when all have to be mitigated anyway?

### Page 31, Section 2.4.4.8.g.

Please revise the timeframe to coincide with municipal appropriation timeframes. Three years for completion of this task is not feasible.



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

### Page 32, Section 2.4.5.2.a.

Reconsider the requirements to enact multiple bylaws. This is confusing for residents and more difficult for municipalities to adopt and administer. Please combine all required bylaws into one comprehensive model bylaw for communities to adopt.

### Page 33, Section 2.4.6.3

Same comment as above in Page 32, Section 2.4.5.2.a.

### Page 33, Section 2.4.6.4.a.

Please consider coordinating with MA Storm Water Management Requirements. For all projects to meet the Standards 3 through 6, the municipality will need to review the submitted information. Towns without an engineering department will not be able to assess this application to ensure compliance. There should be a funding mechanism included to allow the municipality to hire an outside consultant for the storm water review and EPA may consider stating that if a project meets the Standards 3 through 6 during another permitting process, such as a wetland hearing, that it can be covered under this Permit, even if considered a new discharge. Also, Standard 4 should be clarified and reworded to include the *minimum* requirement for 80 % TSS removal and the caveats listed in the Requirements (i.e. 44% TSS removal prior to the BMP, as required) so that it is consistent with MA Storm Water Management Requirements. As written, a project may meet this 80% removal rate as listed but may not meet the Storm Water Management Requirements.

### Page 34, Section 2.4.6.4.b.

Please clarify redevelopment projects. Is the “two or more acres of impervious surface” on the total site (existing plus the new) or 2 acres of new imperviousness?

### Page 36, Section 2.4.6.9.a. and c.

If a community does not have an engineer or GIS capabilities, how is this task accomplished? Please consider a funding source for municipalities who do not have this capability, consider revising the timeframe and coordinating technical assistance through the Regional Planning Agency for this task. Two years to complete the inventory is not feasible, especially for subsurface geology and depth to water table, for communities without engineering or GIS capabilities.

### Page 40, Section 2.4.7.1.d.v.

Please coordinate with DEP to adopt a streamlined policy regarding the contamination status and reuse of catch basin and street sweepings. Provide a guideline for communities in the Permit.

### Page 45, Section 3.1.4.3

Please clarify this section. The town does not have an engineer or GIS capability to determine percent imperviousness in each catchment area. Please provide a map that illustrates the existing percent imperviousness for each catchment for the towns or coordinate with the Regional



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

Planning Agencies to provide such information to communities if needed. Is it meant by this section that if the entire town is less than 10% IC, that the water quality sampling is not necessary?

In summary, our biggest concerns deal with the required timeframes and the costs associated with implementing the requirements of the Permit. Given municipal government structure, it is unrealistic to anticipate communities will be able to raise and appropriate the funds necessary to draft plans, maps and bylaws within the required timeframes. Nor is it economically feasible for many communities to raise and appropriate or vote on a storm water utility bylaw until Fiscal Year 2014 at the earliest. Many communities have experience significant budget and staffing cuts in addition to the cuts in local aid. We simply do not have the funding to hire consultants or existing staff to draft and implement many components of the Permit within the specified timeframes and certainly not without receiving grant or other federal or state funding. We ask that you reconsider the timeframes required in the draft Permit to coincide better with Massachusetts municipal government structure.

We also ask that you consider that many small communities do not have engineering or GIS capabilities. This puts us at a serious disadvantage and further exacerbates our inability to meet the timeframes due to the current economic situation. If the EPA can arrange for technical assistance through our Regional Planning Agency to assist us with the mapping requirements of the Storm Water Plan, the timeframes become more achievable.

We all look forward to improved water quality within our municipalities and throughout the watershed. Norton will continue to cooperate with the Environmental Protection Agency and the Department of Environmental Protection to achieve this important goal. Thank you for your consideration.

Sincerely,

Jennifer Carlino  
Conservation Agent

CC: Keith Silver, NPDES Permit Coordinator

Michael Yunits, Town Manager

Robert Kimball, Chairman Board of Selectmen

Tom DeLuca, Chairman Finance Committee

Southeast Regional Planning and Economic Development District (SRPEDD)