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Comments on MS4 NPDES draft permits MAR041000 & 042000

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Thank you once again for an opportunity to comment on this draft MS4 permit. While not specifically an iterative process, I have appreciated the chance to use the process repeatedly; and have commented on the Worcester phase I, HewHampshire, and North Coastal permits previously - as well as attending and speaking at two of those public hearings. I am pleased to note steady improvement in the draft permits being presented, so have fewer comments with each iteration!

### Ocean Discharges

I note in section 1.3h that ocean discharges are not covered. In the fact sheets I read this refers to discharges beyond/below mean low tide - in the definition of Territorial Seas. This is a loophole which needs closing. While I am not familiar with any such outfalls under this MS4 permit, I am aware of one such outfall of Boston Water and Sewer - offshore centered on Constitution Beach in East Boston. This beach sees a significant number of beach closings from high bacteria levels, and the most recent sampling from BWSC shows a continuing sanitary problem here.

### Public Records Access

Section 1.10.1 mentions public viewing of the SWMP only via paying for copying. Language in section 5.2.2 seems to correct this, allowing viewing without payment during normal business hours, but this should be clarified in section 1.10.1 also. The Fact sheet, unfortunately, adds another twist and allows viewing only after receipt of a written request. I would like this impediment removed entirely. Section 2.4.3.1 states documents must be made publicly available, but does not specifically provide cost-free viewing.

While the SWMP is clearly to be freely accessed, and the APE (annual program evaluation) is a part of this, it is less clear that the APE will be

made available to the public - and I request this be made specifically clear in the permit.

The APE is only mentioned in section 1.10, while there are multiple references (2.4.4.8.C.v, 2.4.4.8.D.v, all of 5.0 etc.) to the exhaustive Annual Report. In many MS4 annual reports to date I have seen a one-sentence, largely useless APE. My preference would be to eliminate the APE and replace it fully with the detailed Annual Report required in section 5.

### Exceedance of WQS

For permit section 2.1.1.c I very much preferred language from earlier draft permits. That language gave 60 days after finding an exceedance to either fix it or enter into agreement with DEP or EPA for any extension needed beyond 60 days. The new language does not even require notification of exceedances to regulators. Also, the new procedure could require frequent changes to the SWMP outside of the cycle for much-needed public participation. Removing regulators from this loop will lead to maximum possible procrastination for fixes.

### Public Participation

Section 2.4.3 still seems weak to me. There is no requirement for public input into the FORMULATION of the SWMP or annual updates to same. Rather, simple post-facto review availability (announced only by printed announcement on a corkboard at city hall) of the SWMP and associated documents with no required forum or collection point for oral or written comments meant to improve the document.

At least require the year-round collection of written or e-mailed comments to be compiled into the next year's SWMP as an appendix (even if otherwise ignored). This requires designation of a point person for this input.

### SSO Reporting

The link in section 2.4.4.5.c surprised me last night when I found the DEP SSO reporting form had been significantly improved last July. This was agreed as part of the Charles and Mystic WQ Variance extensions, but I was unaware that the upgrade had occurred. Thanks

are in order to the DEP for this significant upgrade in information gathering!

### Outfall Inventory & Monitoring

Of all the data parameters to be gathered during outfall Inventory and Wet and Dry-weather monitoring, only the Bacterial sampling is subject to strict holding-time constraints and needs delivery time to reach a lab for processing. Please allow this sampling to be done separately from other data-gathering to allow for efficient use of time and resources. This will mean a (very) few outfalls with intermittent flows having less than all parameters for dry weather, but there will always be such anomalies. Often there are trickles which provide enough flow for sampling bacteria and chemicals, but not sufficient depth for Meter usage.

Bacterial sampling has been my personal specialty for over a decade now, with thousands of samples taken and delivered to microbiology labs. Conducting only bacterial sampling and Meter reading at each site, with a 6-hour bacterial holding time limit from first sample to laboratory delivery, I commonly allocate a maximum of 4 hours for sampling, one hour for delivery drive time, and reserve one hour for weather, transportation, equipment, and safety delays. In the allowed four hours, I have, with much fore-planning sampled up to 25 outfalls. This is much more than should commonly be attempted. More regularly, MyRWA monthly conducts 'hotspot' sampling at twelve locations. I can commonly conduct this sampling - even at widely separated locations - within three hours. For the last three months, they have added chlorine, ammonia, and surfactant testing to this regime. The impact has been significant: even with a second person assisting with sampling, record-keeping, and sample processing, it has not been possible to sample 12 sites in less than the full four hours.

I believe bacterial samples are the most useful data of all the permit requirements, so believe any allowance to ease this burden (already the most expensive and onerous) should be reasonably accommodated.

### Wet Weather Outfall Monitoring

While I would be satisfied with the sampling requirements as written, please be aware that the lack of a wet-weather definition in this permit allows the use of dry-weather monitoring to satisfy BOTH wet and dry

requirements at a given outfall. If the intent is to force a second sample set at outfalls sampled during dry weather, either a second sampling should be required explicitly, or a minimum rainfall exceeding the dry-weather criteria needs to be required.

### Monitoring Data Reporting

In commenting to earlier MS4 drafts, I have requested that outfall inventory and sampling data be put directly into the EPA's WQX data sharing utility. I would still prefer this, but since I have not yet seen it make the jump into a draft permit I will suggest an alternative almost as good:

For all monitoring data, require submission in the form of an Excel or Open Office compatible spreadsheet, and supply a format for this with your standard permit assistance program. At least this will preserve the hope of eventual transfer into WQX, and allow analysis of this data for now by interested parties without fear of transcription error.

### Outfall Labeling

The outfall mapping and inventory requires a unique identifier for each outfall, but does not require signage, stenciling, or other field identification markings. I would add encouragement, if not requirement for field-signage. Further, for any outfall failing the bacterial WQS in either wet or dry weather, and not scheduled to be fixed within 60 days, I suggest a requirement for a warning sign of a format as may be approved by the local Board of Health. Unfortunately, many stormwater outfalls have worse water quality than nearby posted CSO outfalls! The public health interest should be paramount.

Again, thank you once again for the opportunity to comment.

Sincerely,

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