

TOWN OF SOUTHBOROUGH



DEPARTMENT OF PUBLIC WORKS

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February 17, 2011

Ms. Kate Renahan
United States Environmental Protection Agency-Region 1
Office of the Regional Administrator
5 Post Office Square-Suite 100, Mail Code ORA01-1
Boston, Massachusetts 02109-3912

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

Dear Ms. Renahan:

The Town of Southborough Department of Public Works (DPW) has reviewed the Environmental Protection Agency's (EPA) draft National Pollutant Discharge Elimination System (NPDES) "General Permits for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems in Massachusetts Interstate, Merrimack, and South Coastal Watersheds" (draft permit). We thank you for the opportunity to provide comments on this draft permit, and we note that the Town of Southborough's Board of Selectmen is submitting separate comments as well.

The Town of Southborough (the Town) is a community of slightly less than 10,000 people, and is host to several major state roads and highways. Routes 9, 30, 85, 90 (Mass. Turnpike), and 495 all travel through the Town. Additionally, the Sudbury Reservoir and Wachusett Open Channel (emergency water supply sources for the Massachusetts Water Resource Authority) are found in the Town. These water bodies occupy great portions of the land area of Southborough and in many areas have limited, or no, buffers between roadways and the water surface. The Sudbury River forms the southerly border of the Town.

The DPW supports the underlying goal of this draft permit, which is to improve the water quality of the waters of the United States found within its borders. The DPW is the implementing agency for the Town of the original 2003 Phase II MS4 General Permit (2003 Permit), and we have worked diligently and successfully to implement the requirements of the original 2003 Permit. In reviewing the draft permit language, we have a number of concerns with the requirements of the draft permit, as well as with the Town's ability to successfully implement those requirements. We offer the following comments for your consideration:

1. Implementing these draft requirements will be extremely costly to the DPW. The costs associated with simply developing the basics of the draft permit are significant, and include surveying the existing drainage systems for over 65 miles of roads and numerous public buildings and properties, possibly hiring outside consultants to help draft the Stormwater Management Plan, developing public outreach materials and methods to monitor the impacts of those materials, and retrofitting the drainage system to meet the anti-degradation

requirements. Annual operating costs will also rise dramatically, in order to meet the proposed increased street sweeping, catch basin inspection and cleaning, outfall monitoring, outreach, and other permit requirements. The DPW currently has a minimal amount of funding available to fund the basic operation and maintenance costs for the existing drainage system. Implementing these permit requirements will be extremely difficult and will require a large increase in the DPW's operating and capital budgets.

2. The timeline for the submission of a new Stormwater Management Program (SWMP) is quite short for the amount of work required to properly and thoughtfully develop the SWMP. As stated in section 1.10.c of the draft regulations, *"The permittee is encouraged to maintain an adequate funding source for the implementation of this program. Adequate funding means that a consistent source of revenue exists for the program."* Under the Town's form of government, only an Annual or Special Town Meeting can approve funding for any Town expenditure. In order to develop a SWMP that will be adequately funded, the appropriate level of funding must be presented to and approved by a Town Meeting. The draft permit proposes a one hundred twenty (120) day timeline for the development and completion of the SWMP. It will be difficult enough just to draft a SWMP in this timeline, and extremely difficult to secure the funding, or the expectations of funding, from a Town Meeting in such a timeline. We would suggest a time frame of at least three hundred (300) days, if not more, to allow for the proper development and securing of funding of a SWMP.
3. The timeframe for the implementation of the full requirements of the draft permit is very aggressive, and beyond the means of this DPW, and probably most others, to meet. While the survey of the existing drainage system and municipal facilities can be reasonably expected to be completed within two (2) years, the design, funding, and construction of any retrofits required to meet the anti-degradation requirements would take a period of at least ten (10) years, and most likely more, to complete. The time period for this permit should be extended to at least ten (10) years, or the requirements for the permit should be greatly decreased.
4. a. As stated previously, the Town is host to the Sudbury Reservoir and Wachusett Open Channel. According to the Massachusetts Surface Water Quality Standards (314 CMR 4.00), both of these water bodies are classified as Class A Public Water Supplies. Therefore, these water bodies and their tributaries and wetlands are considered Outstanding Resource Waters (ORW), or Tier 2.5 waters. Given the geography of the Town in relation to these water bodies, approximately two-thirds of the Town drains either directly to the Sudbury Reservoir and Wachusett Open Channel, or into their tributaries and wetlands. The Town has a total of approximately 200 identified stormwater outfalls. Approximately half of those identified outfalls drain to an identified ORW. The remaining third of the Town and other half of the identified outfalls drain to or towards the Sudbury River, which is classified by 314 CMR 4.00 as a warm water, Class B High Quality Water, or Tier 2 waters. Additionally any wetlands within the Town not tributary to an ORW are classified by 314 CMR 4.00 as High Quality Waters, or Tier 2 waters.
 - i. Section 2.3.3 (b) requires that discharges to Tier 2 waters must satisfy one of four different provisions to be allowed. For most permanent construction activities, or increased discharges, of a MS4, either parts iii. or iv. will be applicable. Part iii. requires that effluent from a discharge be of better water quality than the receiving water. Part iv. requires that no discharges from up to a 1-inch storm event occur. The costs to expand the Town's road system or municipal facilities (when the expansion involves an acre or more of new

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impervious surfaces) will increase dramatically under the terms of this draft permit. To meet Part iii. would most likely require the use of proprietary stormwater Best Management Practice (BMP) devices (i.e. Stormceptor units). These are quite expensive to purchase, install, and require specialized equipment to maintain, which the DPW does not own. The ability of a project to meet Part iv. will be extremely difficult as well, due to the varying soil characteristics and high ground water table found in the Town, as well as limited availability of land within existing roadway Right-of-Ways. Currently, the Town requires all public and private development or re-development projects that disturb an acre of land to comply fully with the Massachusetts Department of Environmental Protection's (MassDEP) ten (10) Stormwater Standards. We believe that demonstrating compliance with these standards should be sufficient to meet the proposed anti-degradation requirements, and suggest that this section be revised as such.

- ii. Section 2.3.3 (f) of the draft permit specifies that new or increased discharges to an ORW are not allowed under this draft general permit, and that individual NPDES permits would be required for such discharges. Given the large presence of the Sudbury Reservoir and Wachusett Open Channel in this Town, this section will be an extremely burdensome requirement. Any roadway or municipal facility expansion that creates more than 1-acre of impervious area and discharges to one of the ORW's (or their tributaries) in Town would require an individual NPDES permit. In the Town's case, this means that any new subdivision roadway planned within proximity of an ORW will require an individual NPDES permit. At this time, we have one such subdivision under construction, and a second one has been proposed. We do not believe that such a proliferation of individual NPDES permits within the Town was envisioned, or desired, as part of the development of this draft permit.
- iii. Section 2.3.3 (g) of the draft permit states that *"An existing discharge to Outstanding Resource Water is not authorized by this permit unless it is receiving the highest and best practical method of treatment as determined by MassDEP. (see 314 CMR 4.06)."* As stated previously, approximately half of the existing outfalls in the Town's drainage system are draining directly to an ORW or its tributary. Therefore, under this provision, approximately 100 outfalls will have to be upgraded to provide a treatment level decided not by the Town, but by the MassDEP. Given the constraints of available existing roadway Right-of-Way space, soil characteristics and high ground water levels, the available types of stormwater BMPs that could be used to provide the *"highest and best practical methods of treatments"* are limited to essentially proprietary BMPs. Regardless of the BMP chosen at any one particular outfall, to retrofit each outfall will cost approximately \$10,000 to \$20,000. At a total of approximately 100 outfalls, this section alone will require an expenditure of between \$1,000,000 and \$2,000,000 to retrofit the Town's drainage system.

b. Taken together, the three sections of the anti-degradation requirements discussed above will be a substantial burden upon the Town, both financially and in terms of its ability to grow and develop. Expansion of the municipal transportation system and municipal facilities will be much more costly, due to the requirements to infiltrate up to a 1-year storm event or provide high levels of water quality treatment. Such expansion will also most likely require the burden and cost of seeking of an individual NPDES permit for the discharge.

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These requirements alone will be a strong disincentive to the Town to accepting any new subdivision roads that may be proposed. The requirements to upgrade all existing outfalls discharging to an ORW are particularly onerous, and are realistically extremely difficult to meet, if not impossible, using either currently available (i.e. general municipal fund, capital budget line items) or potentially available (i.e. stormwater fees) municipal funding mechanisms.

5. a. In regards to the overall public education and research component, the DPW believes that many of these messages are best addressed through watershed wide or state wide public relation campaigns that would be best conducted by state and federal agencies. Using such a higher level campaign would allow for television, radio, and newspaper articles that would reach a wider audience, with more polished messages than those than can be compiled on a town by town basis. We note that the Town is a subscriber to the SuAsCo Community Watershed Council's Stormwater Community Assistance Program, which provides public outreach material to a number of municipalities. However, a higher level campaign conducted by state and federal agencies would be even more effective than this regional effort.
 - i. Section 2.4.2.1 (c) (i) of the draft permit states "*If the small MS4 has greater than 50 percent of its residents serviced by septic systems...the municipality shall include maintenance of septic systems as part of its education program.*" For municipalities that are serviced both by septic and sewer systems, the ability to determine the actual population of people served by either system is difficult. We suggest a better metric for use in this section would be number of parcels served, rather than actual number of people.
 - ii. Section 2.4.2.4 requires the Town to "*report on the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program in the annual report.*" This section requires municipalities to not only be public relation specialists in designing effective public education measures, but also requires municipalities to become survey specialists as well, in order to measure the change in the public's attitude and awareness of stormwater matters. The DPW does not have this expertise available, and would most likely have to contract out to public relation specialists to create the means and methods to measure the effectiveness of the education program. We believe that recommended tools or suggested methods of measuring the effectiveness be included within the permit. These tools and methods could include pre-made community customizable surveys, as well as information to help determine proper sample sizes, minimum number of required responses, and software or services to perform data analysis to determine the quantifiable effectiveness of the messages. Providing these tools to municipalities will help to ensure that reasonably accurate and useful data can be developed. Absent providing such help to municipalities, the requirement to determine the effectiveness of the outreach messages should be eliminated, as an average municipality will not have the knowledge or resources to properly conduct such a survey.
6. Under the Illicit Discharge Detection and Elimination (IDDE) program requirements, Section 2.4.4.7 requires an outfall inventory of 25 percent of the outfalls each year of the draft permit, beginning in year 2 of the permit. We note that the DPW has completely inventoried

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its outfalls under the terms of the 2003 Permit. This draft permit should clarify if it is requiring a second round of inventory, or if the previously completed inventory is sufficient to meet the requirements of this section.

7. a. The proposed requirements for Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management) are confusing and require data collection activities that will provide data of marginal usefulness. Additionally, the applicability of these requirements to proposed affordable housing developments under M.G.L. Ch. 40B needs to be addressed on a state wide level.
 - i. In Section 2.4.6.4 (a through c), a variety of different thresholds are presented in terms of size of new development, redevelopment, and the various standards of the MassDEP's Stormwater Standards that must be met. All together, this is a confusing menagerie of requirements. And in no scenario, are MassDEP's Stormwater Standards 1 (untreated discharges), 2 (runoff rates), 8 (construction related impacts), 9 (post-development operations and maintenance), or 10 (illicit discharges) referenced. Only Standards 3 (groundwater recharge), 4 (water quality), 5 (land uses with higher potential pollutant loads), 6 (critical resources), and 7 (redevelopment) are referenced. Given the draft permit's emphasis and priority placed upon the overall proper pre- and post-development design, construction, and operation and maintenance of stormwater systems, as well as system wide illicit discharge elimination, the DPW believes that all of the Stormwater Standards should be applicable to the various post-development impervious area thresholds. As stated previously, this Town requires compliance with all ten stormwater standards for all new development and re-development projects disturbing one (1) acre of land, regardless of proximity of the discharge to a Massachusetts regulated wetland. We note that the EPA's own Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities for Massachusetts requires compliance with all of the stormwater standards. Establishing one common standard, regardless of development activity will eliminate confusion about what standards are applicable and when.
 - ii. M.G.L. Chapter 40B (40B) is a Massachusetts zoning law that allows developers to seek exemptions from municipal zoning and development codes, if a certain percentage of the proposed development incorporates dedicated, affordable housing units. Under 40B, if a developer believes that a local zoning regulation or bylaw is burdensome to the inclusion of affordable units within the proposed development, the developer can seek a waiver from compliance with the rule. Massachusetts courts have ruled strongly in the favor of developers in cases where local zoning and bylaws have been strengthened beyond basic state regulations. For instance, the Town of Southborough has a Wetlands Protection Bylaw, which provides increased protections for wetland resources above and beyond those currently prescribed by the Massachusetts Wetland Protection Act. However, such a bylaw is recognized to have no bearing over a 40B proposed in Town, and has indeed been bypassed, or waived, in previous developments. The Town has additionally adopted a Stormwater Management Permit Bylaw (SMP) and Lower Impact Development Bylaw (LID), which require obtaining a permit from the Conservation Commission and Planning Board, respectively, for developments that generally disturb one (1) acre of land or more, or require Major Site Plan approval. Several 40B projects have been permitted since the SMP and LID bylaw implementation, and waivers from portions of these bylaws

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have been granted by the Zoning Board of Appeals, due to the status of these projects as 40Bs. While the Town believes that the SMP cannot be waived due to its genesis as a response to a federal regulation (2003 Permit), local developers and their attorneys have disputed this. The Town has been fortunate that these developers have chosen to voluntarily comply with the SMP. However, it is not clear if Massachusetts courts would agree with the Town's interpretation. Considering that the draft permit will require the changing of local zoning codes and/or the incorporation of new bylaws to meet the requirements of section 2.4.6.4, this creates a potential conflict with 40B. The DPW believes that further clarification of the ability of a proposed 40B development to overrule a local bylaw created to comply with this section of the draft permit needs to be provided by EPA and MassDEP.

- iii. Section 2.4.6.6 states *"...The new development/redevelopment program shall have procedures to ensure adequate long-term operation and maintenance of stormwater management practices that are put in place after the completion of a construction project. These procedures may include the use of dedicated funds or escrow accounts for development projects or the acceptance of ownership by the permittee of all privately owned BMPs. These procedures may also include the development of maintenance contracts between the owner of the BMP and the permittee. The maintenance contract shall include verification of maintenance practices by the owner, allow the municipality to inspect the maintenance practices and perform maintenance if inspections indicate neglect by the owner..."* This draft language sets a dangerous precedent of implying that municipalities should become responsible for the maintenance of private infrastructure. Also, the requirements for inspection of private BMPs opens the municipality to liability if a problem with a BMP occurs and causes downstream damage, subsequent to an inspection by the municipality, or absent of an inspection. Regardless of any potential liability issues or whether a municipality has the right to insist upon such inspections and maintenance, the suggestion that a municipality perform the maintenance themselves is not reasonable, given the difficulties in securing the proper funding for maintenance and inspection of BMPs that the Town is already responsible for. While it is proper for a regulated project to demonstrate proper post-development operations and maintenance, any language suggesting a municipality should involve itself in such operations should be stricken from the draft permit.
8. The proposed requirement under Section 2.4.6.9 to track the amount of impervious surfaces and directly connected impervious surfaces tributary to a municipality provides no useful data, and requires a substantial amount of tedious data analysis and accounting. While the DPW acknowledges that expansion of impervious areas without adequate controls can lead to a degradation of water quality and stream flows, the other requirements found throughout this permit would ensure that new development and redevelopment projects will most likely be mitigating the effects of the development. The collection and recording of this proposed data is purely an academic exercise, and stretches already thin resources even more, for no appreciable benefit. The DPW recommends that this requirement be removed from the draft permit.
 9. Sections 2.4.6.9 (c) requires within two (2) years of the permit effective date a municipality to *"...complete an inventory and priority ranking of MS4-owned property and infrastructure (including public right-of-way) that may be retrofitted with BMPs designed to reduce the*

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frequency, volume, and peak intensity of stormwater discharges to and from its MS4.” Section 2.4.6.9 (d) requires that *“Beginning with the third year annual report and in each subsequent annual report, the permittee shall report on those MS4 owned properties and infrastructure that have been retrofitted with BMPs...”* The DPW is concerned that reporting such a priority listing will quickly lead to regulatory requirements that require the implementation of these retrofits, with no attendant funding being provided. As mentioned previously, the retrofitting of the one hundred (100) roadway drainage outfalls will cost between \$1,000,000 and \$2,000,000. The permit language should be clarified as to what the expectations are for this prioritization inventory, and also ensure that if such an inventory is created, that municipalities will not be penalized for not implementing the improvements, due to a lack of available funding.

10. a. Section 2.4.7.1 (d) (iii) addresses the proposed requirements for catch basin inspection, cleaning and maintenance. The requirements listed in this section are impractical, and fail to take into account how most municipalities conduct annual catch basin cleaning. The requirement to clean all catch basins that are fifty (50) percent full may require frequent (monthly or more) cleaning of those older basins that have shallow sumps, prior to any such basins being potentially retrofitted. This is an inefficient use of limited staff and equipment time. The majority of municipalities develop catch basin cleaning schedules based on cleaning basins located close to each other, such as on the same street or within the same general area. Attempting to clean catch basins when they reach fifty (50) percent full is inefficient, and generally impractical and quite expensive. Additionally, we note that until the required drainage system mapping is completed by the end of Year 2 of the permit, the information to determine if a basin is fifty (50) percent full will not generally be available. We suggest that a) the requirement to clean a basin at fifty (50) percent full is changed to require a certain percentage of basins are cleaned each year, and; b) if the requirement is not changed, that it be amended to reflect the fact that the information needed to determine if a basin is at the cleaning threshold will not be generally available until the end of permit Year 2.

b. The proposed requirement to track and report the amount of catch basin sediments collected per drainage catchment is not practicable, for two reasons:

i) Generally speaking, a maintenance truck will collect from a variety of basins during the course of a day's worth of work. While working in the same general geographic areas, the truck may be quite likely working in a variety of different catchment areas. In fact, based on topography, on any one street, basins can drain to different catchment areas. Thus, to track materials by catchment areas requires the ability to account for removed materials in individual scooped buckets from the catch basin.

ii) The DPW has also found that it is extremely difficult to estimate the amount of material being removed in individual scooped buckets from a catch basin, based on how a typical clamshell style bucket works. The DPW, at the start of the original 2003 Permit, attempted to measure material removed per individual scoop. The DPW found that it was extremely difficult and inaccurate to measure the material quantity in a scoop, due to: 1) the configuration of the bucket; 2) water draining out of the bucket, and; 3) the inability to observe the disposal of the bucket into the attached dump, due to the position of the truck operator. In order to track material quantities removed from catch basins, the DPW has found

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the only practical method is to track the number of full loads of the dump that are created by the cleaning process.

- iii) As described above in i), a truck will operate across a variety of different catchment areas in the course of a work day. In order to measure the material removed from any one catchment (often times single basins in areas with little to no drainage, or country drainage) will require the truck to clean one basin, return to the DPW garage to dump to determine the quantity of material from that catchment, and then return back to the area the truck was working in. As stated previously, with the potential for several different catchment areas being located within the same general work area, it would be extremely disruptive, time consuming, expensive, and impractical to clean catch basins in this manner. Additionally, the information to determine what catchment a catch basin is within may not be available until the end of permit Year 2, when the mapping of the drainage system is to be completed. We suggest that the requirement be changed to tracking and reporting the total amount of sediment removed per permit year, not subject to catchment classification, and that the draft permit does not attempt to hone data collection to such a specific and unattainable level. If the requirement to track by catchment is retained, the timetable for the implementation must be changed to reflect that the data to determine catchments need not be completed until the end of permit Year 2.

c. Section 2.4.7.1 (d) (iv) proposes that roadways are to be swept a minimum of twice per year, "...once in the spring (following winter activities) and once in the fall (leaf clean up)". Given the use of sand in winter de-icing operations, it is understandable, and common, to perform a spring street sweeping. However, the proposed requirement to perform two rounds of sweeping, including one specifically in the fall is not practical, and would provide little benefit to the operation of the drainage system. Additionally, the timing of the fall clean up, in order to remove leaves from the roadways, will quite simply not work, given the climate of Massachusetts. As currently performed, the DPW's spring sweeping takes approximately six (6) to eight (8) weeks to perform, using available DPW staff and equipment. Beginning the clean up after the leaves have fallen, will allow only a small amount of time before the snow season begins. Additionally, given that leaves take up a large volume of space, fall sweeping will be slower than spring sweeping, due to the increased volume of material picked up, thus the hopper of the sweeper will fill up faster and will require more stoppages to allow for emptying of the hopper. The combination of a short period of time between leaves falling, the onset of winter, and the increased amount of time required to sweep leaves will make it impossible for the DPW to perform a fall clean-up using existing staff and equipment. If this requirement were to remain, it will be extremely expensive for the DPW to meet, and will require the hiring of outside contractors to perform. We note that most other municipalities in Massachusetts may also be required to hire outside contractors, in the same time period, and this will lead to a large increase in the cost for the use of outside contractors. We suggest that this proposed requirement be removed entirely from the final permit, due to its impracticality, large financial burden, and limited benefits.

- 11. The proposed requirements for the development of individual Stormwater Pollution Prevention Plans (SWPPP) for municipal "maintenance garages, public facilities, transfer stations and other waste handling facilities" in Section 2.4.7.2 will be quite expensive, on the order of at least \$25,000 to \$50,000 per facility, if not more, depending upon the size and type of facility. This is a tall financial burden for municipalities to attempt to overcome.

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Additionally, SWPPPs shall be in place within one (1) year of the issuance of the permit. It is not practical that municipalities will be able to conduct the funding, design, and construction of improvements required under the SWPPPs within one (1) year of permit issuance. We suggest that at least five (5) years be provided to develop, fund, and implement the individual facility SWPPPs.

12. Section 3.0, Outfall Monitoring Program, imposes drastically impractical and burdensome water sampling requirements on municipalities. The proposed requirements to conduct wet weather monitoring of outfall discharges are arbitrary and will not lead to any useful data collection. As there are no requirements to tailor the wet weather monitoring to a specific storm size, timeframe, season, or some other comparable baseline characteristic, the information collected will not be scientifically sound, and only serves as a waste of staff time and efforts, as well as a large waste of money spent on the chemical analysis of the samples. The collection of this data serves no purpose, and municipalities should not be forced to collect useless data. For laboratory analysis of stormwater discharges, it costs the DPW approximately \$100 per sample. As stated previously, there are approximately two hundred (200) outfalls in the Town. To perform the wet weather monitoring proposed in this permit will cost at least \$20,000 over the course of the five (5) year permit period, and this cost does not include costs associated with staff time for the collection and transportation of the samples to the laboratory. Also not included in this possible cost is the sampling required at interconnections between the Town's drainage system and other MS4 systems. State controlled and maintained highways in Town include Routes 9, 30, 90, and 495, as well as portions of Southville Road and Firmin Avenue. The requirement to sample at these interconnections is burdensome and does not provide a measurable benefit. If dry weather monitoring of outfalls indicate that there are no water quality problems, the investigation of upstream interconnections is needless. If dry weather monitoring of an outfall indicated that a water quality problem was present, then the investigation of upstream interconnections would be prudent. Short of an identified water quality concern with a downstream outfall, there should be no need to perform additional costly sampling of drainage interconnections. Sampling of interconnections on State highways can be particularly costly, due to the traffic control requirements associated with police details required when working on State highways. The requirements regarding wet weather monitoring and interconnection monitoring should be removed from the draft permit entirely.
13. We concur that a change in the reporting period should be made, as proposed in section 5.3.1. However, the DPW suggests that a calendar year (January 1 to December 31) time period should be the new time period, rather than the proposed period of July 1 to June 30. Such a time period best reflects the seasonal flow of DPW operations (i.e. winter plowing operations, spring street sweeping, summer catch basin cleaning and system repairs, etc.).

In summary, The Town of Southborough Department of Public Works strongly supports the ideals of protecting the water quality and natural resources of the Town, the State of Massachusetts, and the Nation. The DPW spends approximately \$40,000 per year currently to implement the requirements of the existing 2003 Permit, and we expect to continue to implement the existing SWPPP and take proactive steps to protect the environment, using all available financial and institutional resources. In examining the proposed requirements in the draft permit, we estimate that the Town will incur additional yearly costs of approximately \$40,000, for a new total annual cost of \$80,000. Further, the estimated one-time costs required by this draft permit range from between \$1,300,000 to \$2,300,000, depending on the implementation costs to satisfy the anti-degradation sections of the draft permit. Taken altogether, the approximate five (5) year cost of this draft permit to the Town of Southborough

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will range between \$1,700,000 and \$2,700,000. This is a low range of costs, which do not take into account further administrative costs that could be related to filing individual NPDES permits for future increased discharges into the ORWs found within the Town, or the costs for specialized equipment to maintain proprietary BMPs which may need to be installed.

As described above, there are a number of proposals found within the draft permit that are either: 1) impractical to implement; 2) have little to no appreciable benefit to the environment; 3) are extremely expensive to implement, or; 4) some combination thereof. We believe that a number of changes must be made to the draft permit, in order to create a regulation that will work. We believe that many of the requirements of this draft permit are best instituted on a statewide or nationwide level, given the greater amount of resources available to the EPA and MassDEP. Without an infusion of a large amount of state and federal fiscal resources, as currently designed, this draft permit sets up small towns and cities for failure, as the required fiscal resources are simply not available to them. We strongly suggest that the goals of the draft permit be pared back to better reflect the resources available to all levels of government.

We thank the EPA for providing this opportunity to comment, and look forward to working with you to create a more practical and easy to implement general permit. If you have any questions regarding these comments, please feel free to contact John Woodsmall, Town Engineer at (508) 485-1210 or at jwoodsmall@southboroughma.com.

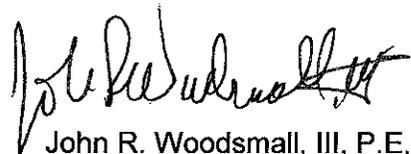
Sincerely,

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS



Karen M. Galligan
Superintendent of Public Works

and



John R. Woodsmall, III, P.E.
Town Engineer

CC: U.S. Senator John Kerry
U.S. Senator Scott Brown
U.S. Representative James McGovern
MA State Senator Jamie Eldridge
MA State Representative Carolyn Dykema
MA State Representative Steven Levy
Frederick Civan, MassDEP Stormwater Coordinator
Southborough Board of Selectmen
Jean Kitchen, Town Administrator
Eric Denoncourt, Town Planner
Beth Rosenblum, Conservation Administrator

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