



January 21, 2011

Kate Renahan
 U.S. EPA-Region 1
 Office of the Regional Administrator
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 Mail Code-ORA01-1
 Boston, MA 02109-3912.

Subject: Comments on EPA's Draft General Permit for Small MS4s in the Interstate, Merrimack and South Coastal Watersheds of Massachusetts – (NPDES Permits MAR041000, MAR042000, and MAR04000I).

Dear Ms. Renahan,

The Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council is sending this letter in support of the MS4 Stormwater Draft General Permit (the Permit) for the Interstate, Merrimack and South Coastal Watersheds of Massachusetts. We urge its adoption as soon as possible. By controlling stormwater through this permit, there is the potential for significant water quality improvements and protection of stream flows in the rivers of Massachusetts, and on the Sudbury, Assabet and Concord Rivers specifically, part of the Merrimack River watershed..

As you know, 29 miles of the Sudbury, Assabet and Concord Rivers were nationally designated as Wild and Scenic Rivers in 1999 because of their outstandingly remarkable resource values, including ecology, scenery, recreation, history and literature. The River Stewardship Council (RSC) was created to work with the National Park Service to protect these resources. It includes membership from the Towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford and Billerica, as well as Sudbury Valley Trustees, Organization for the Assabet River, SuAsCo Watershed Community Council and state and federal representatives.

Degradation of water quality is a serious threat to our rivers, one on which the RSC has focused much attention. Stormwater is a major contributor to water quality impairments in the lower Sudbury River, and it is a significant contributor to both the Assabet River and Concord River pollution problems with respect to both phosphorus and pathogen contamination. The Assabet River has a TMDL for phosphorus. Stormwater runoff is an increasing threat to base flows in the rivers as well. Runoff from impervious surfaces that does not infiltrate back into the ground water accentuates natural low flow conditions and allows silt and pollution to flow directly into the rivers, degrading water quality and threatening habitat for aquatic species. Conversely, during spring high flows such as we experienced in 2010, runoff from impervious surfaces and discharges from stormwater systems both contribute to dangerous flood conditions downstream.

There are eight towns along the wild and scenic segment; all or part of six of them (Billerica, Bedford, Carlisle, Concord, Sudbury, Framingham) are included in the Interstate, Merrimack and South Coastal Watershed Draft General Permit. It is for this reason that the RSC is submitting comments. The RSC supports the efforts EPA has made in the Permit to control stormwater in a more comprehensive way. Specifically, we support efforts to eliminate current problems by finding illicit connections and disconnecting large paved surfaces from the stormwater system so that water will infiltrate on-site, filtering pollutants and replenishing local base flow. Also, we support requirements to sample outfalls so that the quality of direct discharges into rivers can be monitored and improved, if necessary. We support the focus on updated municipal bylaws and increased public education in an effort to minimize new sources of stormwater.

We endorse the efforts of EPA and MADEP to encourage use of low-impact development (LID) techniques in the Permit. In order to further ensure that these practices are used, these performance standards should be included in the Post-Construction bylaw that the Draft General Permit requires municipalities to adopt or amend.

We are concerned that this proposed permit weakens an important permit provision included in the Draft General Permit for the North Coastal Watersheds Massachusetts (2010). That permit requires new development and redevelopment projects of "one or more acres" to meet a number of DEP's Stormwater Standards, specifically #3-6 for new development and #7 for re-development. By contrast, EPA's Draft General Permit for the Interstate, Merrimack and South Coastal Watersheds requires projects that "result in two or more acres of impervious surface" to comply with those standards. The "one or more acres" threshold should be restored in the Draft General Permit. Towns are already required by EPA's existing 2003 MS4 permit to issue stormwater permits for all development that disturb more than an acre; consequently, compliance with the new DEP Stormwater Standards should not be a significant added burden to developers and would be consistent with the North Coastal Permit.

As you know, the Town of Billerica withdraws its drinking water from the Concord River, downstream of Concord, Framingham and other developed areas. The towns, state and federal agencies should assess this situation and eliminate all existing stormwater discharges that have potential to contaminate this public drinking water source. We recognize that some of the requirements of the Permit, especially for

sampling, may seem onerous to municipal governments. As described above, we believe sampling is important. To allay some towns' concerns, we suggest that the Permit be flexible enough to encourage municipal governments to work in cooperation with local watershed groups that are equipped to do this kind of sampling. Many watershed groups have trained volunteers, and already undertake sophisticated sampling programs, at low costs.

The Permit is very restrictive for any new development in a watershed with a TMDL or an impairment, which we support. There are other watersheds however, such as the Sudbury River, that do not have a TMDL or may not be on the 303d list, but nevertheless have poor water quality. Data currently being collected on the Sudbury River may lead to a TMDL, but the process is not yet complete. We believe the Permit should look to other sources of water quality data in addition to the 303(d) list in order to determine impaired waters. In the case of the Sudbury River, data used by the EPA in the fact sheet for the Wayland wastewater treatment plant indicates impairments for phosphorus. Additional data is currently being generated by a local watershed organization. These data sources should be used to help assess water quality in the Sudbury River, and when a river is considered impaired, strict restrictions on pollutants should be applied.

Stormwater management programs developed by each town should be made available to the public. They may be of interest to many town residents, as well as to watershed groups, businesses and developers. Documentation of these programs should be placed in a readily accessible central location, such as on EPA's website, so any interested party may review it. This also may encourage towns to learn from each other.

We support the efforts made by EPA in this Permit to protect and improve water quality in Massachusetts Rivers. We urge the EPA to finalize and implement the Permit as expeditiously as possible.

Thank you for the opportunity to comment.

Sincerely,

Susan J. Crane, Chair
Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council

Cc: Ann Lowery, Deputy Assistant Commissioner, MA Department of Environmental Protection, One Winter Street, Boston, MA 02108