

To Whom it May Concern:

With regard to section 2.4.7.1 - Operations and Maintenance (O & M) Programs of the small MS4 General Permit and the trigger to clean catch basins:

I am in agreement that a sump being 50% full is a reasonable point to require catch basins to be cleaned, as proposed as the general standard in the O&M section of the draft permit. This standard keeps communities from having to clean catch basins that don't need to be cleaned.

There is however, a likely unintended consequence of the language as proposed because there is an inherent disincentive to improve any catch basin's removal efficiency as the O&M costs would necessarily increase. If cities and towns have trouble financing the costs of required maintenance, as most do, they will literally not be able to afford, and therefore will not seriously contemplate, utilizing BMP's that help a catch basin to perform better.

As a developer who has devised a way to improve a catch basin's efficiency, namely "Inverted Cone Filtration", I've seen first hand the reluctance to pursue an improvement to a device, even in priority areas, and even if the device is paid for by others, simply because the frequency of cleanout would need to increase due to additional sediment being retained.

I have contemplated how the proposed standards could be modified so that this discrimination could be avoided, but haven't been successful in coming up with a proposal. I do feel that it is important to highlight this concern while additional provisions may be considered by rulemakers.

A second concern I have specifically, is to request that when catch basins are improved with an accessory, or have been retrofitted to more of a water quality treatment device, either of which have been proven to prevent re-entrainment and reduce scouring, that the frequency standard for cleanout be relaxed. I believe it should be relaxed to a frequency compatible with the performance of a catch basin with a sump 50% full. I believe that additional language can be added to the proposed draft permit conditions replacing the 50% standard with an independent testers/manufacturers/DEP recommended cleaning interval for the upfit catch basin.

As one example, the Inverted Cone Filtration method we've been using and have been testing can prevent re-entrainment even when the sump is slightly more than 100% full by the Draft Permits definition "the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin" . This is because the Inverted Cone Filter emulates a deeper sump than the catch basin actually has.

Requiring these catch basins to be cleaned when the sump is 50% full, rather than when they actually need to be cleaned to reach the same objective will both disincentivize the use of this and similar performance enhancing modifications, and/or waste resources cleaning those catch basins unnecessarily.

Thank you for your consideration.

Sincerely,

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