

# OAR



Organization for the Assabet River

23 Bradford Street, P.O. Box 1116, Concord, Massachusetts 01742

February 7, 2011

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Ann Lowery  
Deputy Assistant Commissioner  
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One Winter Street  
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Subject: Draft General Permit for small MS4s in the Interstate, Merrimack and South Coastal Watersheds of Massachusetts –NPDES MAR041000, MAR042000, and MAR04000I

Dear Ms. Renahan and Ms. Lowery:

I am writing to convey the support of the Organization for the Assabet River (OAR) for the above Draft General Permit for Small MS4s in the Interstate, Merrimack and South Coastal Watersheds of Massachusetts. OAR has some 900 members in the Assabet, Sudbury and Concord river watersheds, which are part of the Merrimack watershed. The Concord River, of which the Assabet and Sudbury rivers are tributaries, is the public drinking water supply of the town of Billerica. All three rivers have impaired waters, influence by both wastewater and stormwater discharges, and there are many lakes and ponds with water quality problems. Several municipalities have local ponds as part of their public water supply system. OAR's EPA-approved water quality monitoring program has tracked changes in water quality since 1992.

OAR believes that this Draft General Permit, with a few modifications, will serve to protect and restore the health of the water resources of the Merrimack watershed while recognizing the constraints facing municipalities. It builds upon the 2003 MS4 General Permit, significantly strengthening those areas where increased attention and action is needed. We urge EPA and Mass. DEP to issue it this year.

In Massachusetts around 60% of water pollution comes from stormwater. Rain falling on roads, parking lots, and other impervious surfaces in our watersheds carries pollutants through municipal storm drains directly into our rivers, streams, lakes, ponds, and wetlands. Monitoring data show that phosphorus and bacteria, both common pollutants in stormwater, are the two main causes of impairment of the rivers in our watersheds. It is clear that municipalities, as well as state and federal agencies, must do more to reduce

pollution from stormwater by improving treatment and increasing groundwater recharge to reduce discharge volumes and hence pollutant loading.

In particular, we strongly support the strengthened language regarding deadlines, reporting and deliverables, specifically provisions that require or encourage towns, and state and federal agencies to:

- Find and expeditiously eliminate pipes illegally connected to town, state or federal storm sewers (IDDE). These often contaminate stormwater with untreated human waste and toxic pollutants. For example, a contaminated illicit discharge to the Assabet River was discovered by a high school student last summer—it had been going on for years. The requirement for an outfall inventory and complete detailed mapping of the system, including catchbasins, interconnections, treatment structures, etc., will assist in this process.
- Monitor the quality of water that is discharged from storm sewer outfall pipes to surface waters to determine the types, quantities and concentrations of pollutants. Tie the IDDE program to monitoring.
- Prevent pollution of stormwater by covering and properly managing potential sources of pollutants such as road salt, motor oil, and exposed soil.
- Disconnect large paved surfaces (such as buildings, parking lots, driveways, and streets) from storm drains. These surfaces carry huge quantities of polluted stormwater into storm drains which discharge to rivers, streams, lakes, ponds, and wetlands. Thermal pollution from large paved areas is also a problem for our streams and rivers.
- Require an ordinance covering post-construction conditions to incorporate Mass. Stormwater Standards #3-7, applied municipality-wide (see below).
- Develop a written Stormwater Management Plan with increased specificity in requirements. Document in the SWMP and Annual Reports how discharges to impaired waters (with or without a TMDL) will be controlled to ensure that stormwater discharges do not cause or contribute to the impairment.
- Notify EPA and Mass DEP prior to commencement of an MS4 discharge to unimpaired waters, demonstrating that the discharge will satisfy the anti-degradation provisions of the state water quality standards.
- Educate residents, employees, and businesses about the damage stormwater runoff does to local waterways and clearly identify and communicate specific steps they can take to reduce pollutants in stormwater runoff.

We would also like to request three important changes to the draft permit:

First, the Draft General Permit for the North Coastal Watersheds in Massachusetts (2010) 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, this Draft General Permit for the Interstate, Merrimack and South Coastal Watersheds only requires projects that “*result in two or more acres of impervious*

*surface*” to comply with those standards. This change in the threshold would significantly reduce the effectiveness of the permit. Hence the “one or more acres” project threshold should be restored in the Merrimack General Permit. Towns are already required by the existing 2003 MS4 permit to issue stormwater permits to all development that disturbs more than an acre, so having them comply with basic DEP Stormwater Standards would not be a great burden.

Second, the General Permit should include performance standards based on Low Impact Development (LID) and Green Infrastructure stormwater management practices. At a minimum, these performance standards should be included in the Post-Construction ordinance that the Draft General Permit requires municipalities to adopt or amend.

Third, the General Permit should require towns, state and federal agencies to eliminate or relocate stormwater discharges that have reasonable potential to contaminate reservoirs, lakes and ponds that are used as drinking water sources.

With these changes this Draft General Permit for the Interstate, Merrimack and South Coastal Watersheds will make a real difference to the health of our streams, ponds and rivers. Thank you very much for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Juma', with a long horizontal flourish extending to the left.

Alison Field-Juma  
Executive Director

Cc: Congressman Jim McGovern  
Congresswoman Niki Tsongas  
Senator Jamie Eldridge  
Representative Carolyn Dykema  
Representative Kate Hogan  
Representative William Greene  
Representative Thomas Conroy  
Representative Cory Atkins