



BOARD OF DIRECTORS

February 27, 2015

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Newton Tedder, Physical Scientist  
U.S. Environmental Protection Agency, Region 1  
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Laura Rome  
Vice President  
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Via Email: [Tedder.Newton@epa.gov](mailto:Tedder.Newton@epa.gov)

Richard Tardiff  
Treasurer  
Wayland

Re: Comments on Draft Massachusetts Small MS4 General Permit

Dick Lawrence  
Clerk  
Hudson

Dear Mr. Tedder,

Don Burn  
Westborough

Thank you for the opportunity to comment on the draft small MS4 General Permit. OARS is the watershed organization for 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.

Robert Donelan  
Concord

Allan Fierce  
Stow

OARS' EPA-approved water quality monitoring program has tracked changes in water quality in the rivers and tributaries since 1992. Our organization is dedicated to restoring these three rivers to their Class B water quality—fishable and swimmable. Currently stormwater is a major source of impairment and the proposed MS4 permit will go a long way in enabling us and the communities in this 400-square mile watershed to meet this goal. As municipalities complete major investments in reducing pollution entering our rivers from wastewater treatment plants, stormwater is increasingly the major source of pollution.

Paul Goldman  
Marlborough

Dave Griffin  
Maynard

OARS 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 to issue it this year without further delay. OARS strongly supports the detailed and important points made by the Mass. Rivers Alliance and Mass. Audubon (particularly regarding the use of low impact development techniques) in their comment letters regarding this permit, and we will not repeat them here.

Ingeborg Hegemann  
Stow

Brian Kilcoyne  
Concord

Martin Moran  
Hudson

We would, however, like to emphasize a few key points.

Pam Rockwell  
Concord

1) Illicit connections to storm drains are a serious problem. Requirements to prioritize, investigate and eliminate illicit connections will reduce dangerous pathogen levels and help restore designated uses such as swimming and boating. OARS strongly supports the revised IDDE methodology in the draft permit. Permits should also include a date for the elimination of the illicit connections that have been identified. Right now we are struggling to deal with an

Lisa Vernegaard  
Maynard

illicit discharge into the Wild & Scenic section of the Assabet River. Proactive municipal governments are far better at dealing with this problem than under-funded state agencies who can only get involved via enforcement after the problem has been located—which may not be for years. It is not only illicit connections, however, that are a source of pathogen pollution. Sheet flow runoff that enters MS4s is also a source; this is addressed in part by #2, infiltrating the first inch of rainfall for all new and redevelopment. The Neponset River Watershed Association has proposed language to this effect in their comment letter, which we support.

- 2) All new development and redevelopment over half an acre should infiltrate at least the first inch of runoff since this is the most polluted runoff, or provide an equal measure of pollutant reduction. This should apply to the entire site so that developers evaluate the infiltration opportunities throughout a site and not just that portion being redeveloped. This will ensure that ever more large developments use modern stormwater management techniques, whether new or on previously developed land. It is important that developments not be able to avoid this requirement by having fragmented parcels that fall under the threshold. We recommend that a half-acre threshold be used due to the cumulative effects of stormwater runoff in urbanized areas, which would otherwise have no attenuation at all unless they were in wetlands resource areas. Because the eastern part of the state is so highly developed already, we strongly support the inclusion of redevelopment in this provision. This requirement will reduce the financial burden on towns by making private parties who use the public storm systems responsible for their discharges.
- 3) Cost. We understand our communities are concerned about the cost of stormwater management, but there are several ways towns can take the initiative to defray costs. Establishing stormwater utilities, requiring that even small new commercial developments which use public storm drains minimize their own stormwater pollution, and working together with other towns and watershed associations to reduce costs are all useful approaches. For example, in 2005 the town of Westborough put in place a cost-effective stormwater infrastructure maintenance reporting program for over 260 private industrial, commercial and high-density residential sites. These sites are inspected annually to ensure that the structures are being effectively maintained and that owners are reporting accurately. A program like this reduces the financial burden on towns by making private parties who have stormwater infrastructure or use the public storm systems responsible for their discharges. We support the Charles River Watershed Association's suggestion of "trading program" or off-site stormwater management compliance options where on-site opportunities are prohibitively expensive or impossible.
- 4) Salt. Towns discharging to water bodies should minimize road and parking lot salt use to help improve habitat and restore fish diversity. This could be done through good housekeeping and tracking/reporting use. This should be done whether or not the water body is considered "impaired" for chloride. We are glad that this important pollution problem will finally be addressed.
- 5) Individual pollutants. Where stormwater runoff causes or contributes to violations of state water quality standards extra measures should be taken to control individual pollutants (e.g., bacteria, nutrients, solids, salt, metals, oil and grease). This is an effective way to target the most serious water pollution problems in individual waterways. We support allowing rebuttal of the presumption that discharges contain specific pollutants by presenting evidence that the target pollutant is not present.
- 6) Municipal public outreach. Campaigns should target businesses, institutions and industries—not just residents. These entities have a large role in pollution and need to change their behavior at least as much as residents.
- 7) Greater public access and opportunities to comment on towns' on-going efforts to comply with the MS4 permit is important to increase public support for increased municipal stormwater management and investment. Stormwater Management Plans should be made readily available to the public on-line and in public libraries.
- 8) Compliance schedules. We support the Charles River Watershed Association's point that the Charles River TMDL compliance should be within ten years, with the milestones that they propose. It is entirely reasonable to expect compliance within a decade if work is started now.

9) Street sweeping one per year is completely inadequate. Municipalities should prioritize parts of their communities for more frequent street sweeping (at least twice per year). High-efficiency vacuum sweeping should be encouraged to remove nutrient-rich particulate pollutants. It is also necessary for permeable asphalt paving. Several communities currently collectively purchase such equipment for cost savings.

We appreciate all the work that EPA staff and others have put in to making this draft permit as effective and responsive to the Commonwealth's needs as possible. We urge all due speed in issuing this permit which has been delayed for far too long so that the effects can begin to be seen. With the increasingly intense precipitation events that we are observing and that are predicted, this becomes more urgent than ever.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. Juma', with a large, sweeping flourish underneath.

Alison Field-Juma,  
Executive Director