UNITED STATES OF AMERICA

ENVIRONMENTAL PROTECTION AGENCY

BOSTON REGION

In the Matter of:

PUBLIC HEARING:

RE: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMITS FOR STORMWATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)
MASSACHUSETTS INTERSTATE, MERRIMACK AND
SOUTH COASTAL WATERSHEDS
NPDES PERMIT NOS. MAR041000, MAR0422000 AND MAR04000I,

Library
30 West Street
Leominster, Massachusetts

Wednesday
March 9, 2011

The above entitled matter came on for hearing, pursuant to Notice at 11:00 a.m.

BEFORE:

DAVID WEBSTER, Chief, Industrial Permits Branch
THELMA MURPHY, Permit Writer
U.S. Environmental Protection Agency
New England Region I
5 Post Office Square
Boston, MA 02109

I N D E X

P R O C E E D I N G S

MR. WEBSTER: Good morning.

My name is David Webster and I'm the Chief of the Industrial Permits Branch with the New England Regional Office of the U.S. Environment Protection Agency, also know as the EPA. Joining with me this morning is Thelma Murphy, EPA's permit writer for the permits which are the subject of this hearing.

This hearing concerning the issuance, the reissuance, of the National Pollutant Discharge Elimination System, or N.P.D.E.S, or "Nip-tees" general permits for storm water discharges from small municipal separate storm sewer systems, or MS4s, to certain waters of the Interstate, Merrimack and South Coastal Watersheds of the Commonwealth of Massachusetts, shall come to order.

First, for clarification a municipal separate storm sewer system, or MS4, is a publicly owned system of drains, gutters, catch basins, pipes, conveyances, treatment units, outfalls and other devices which are used to collect, convey, treat and discharge storm water to a surface water. Along with describing a municipal storm water collection system, the term "MS4" also includes systems similar to separate storm sewer systems in municipalities such as military bases, large hospitals, prison complexes, highways and other thoroughfares.

EPA Region I issued the current general permit for storm water discharges from small MS4s on May 1st, 2003. That permit expired on May 1st, 2008 and EPA is now proposing to reissue small MS4 general permits for MS4's in certain geographical areas. The new small MS4 general permits continue to apply to small MS4s located in urbanized areas. At this time EPA has not designated any additional small MS4s as requiring coverage under this permit.

Region 1 EPA has proposed reissuance of three NPDES general permits for storm water discharges to certain waters within the Commonwealth of Massachusetts from municipal storm water sewer systems, or MS4s, in the Interstate, Merrimack and South Coastal Watersheds of the Commonwealth of Massachusetts.

The permit numbers for these three general permits are: MAR041000, for traditional MS4s, meaning MS4s that are owned by cities and towns.

MAR0422000, for non-traditional MS4s, meaning MS4s owned by other public facilities other than transportation facilities.

MAR04000I, for systems located in Indian County land within the Commonwealth of Massachusetts.

Thus, the permit which is the subject of this hearing is actually three general permits. Each general permit applicable to particular entities within the

Massachusetts Interstate, Merrimack or South Coastal, or IMS, Watersheds geographic area. Since most of the permit terms and conditions are identical across all three permits, for simplicity's sake I will be referring to these three general permits as the Massachusetts IMS small MS4 general permit or, simply The Permit.

The Permit will be issued in final form upon consideration of comments received during the public comment period. Comments can be made in writing to EPA or orally during this hearing.

The N.P.D.E.S program issues permits to all facilities that discharge into waters of the United States. The permit writer develops effluent limitations, best management practices, monitoring requirements, reporting requirements, and eligibility requirements based on information from the facilities, Federal regulations, State water quality standards, technical guidance published by EPA and the State, and State and Federal policy and other information.

The conditions in this draft permit were established pursuant to the Clean Water Act Section 402(p)(3)(iii) to ensure that pollutant discharges from small MS4s are reduced to a maximum extent practicable or sometimes referred to as MEP, protect water quality, and satisfy the appropriate water quality requirements of the

Clean Water Act.

The new draft Massachusetts IMS small general permit builds upon the requirements of the previous small MS4 general permit issued in 2003. This new draft permit requires small MS4s to continue to implement a storm water management program required by the previous program including six controls. The new permit contains more specific requirements and best management practices for each control measure. Under the provisions of the draft general permit, owners and operators of small MS4s that discharge storm water will be required to submit a notice of intent, or NOI, to EPA regional 1 to be covered by the general permit and will receive written notification from EPA of permit coverage and authorization to discharge under the general permit.

More information on the N.P.D.E.S program is available in the N.P.D.E.S program summary handout entitled Water Permitting 101. We have a few copies here today along with this document and there are lists of web addresses where you can find additional information on the N.P.D.E.S program.

Also available today is a multi page table presenting a summary of requirements contained in the draft Massachusetts IMS Small MS4 General Permit. Also available is a multi page table presenting a comparison of the draft

Massachusetts IMA Small MS4 General Permit with the 2003 general permit requirements. Both of these are also on EPA's website.

EPA released the draft N.P.D.E.S. Massachusetts IMS small MS4 General permit on November 4th, 2010 with a notice of availability published in the federal register on November 4th, 2010 as recorded as 75 CFR 67960. The public comment period was originally set for November 4th, 2010 to January 21st, 2011. A notice for the public comment period was published in the Federal Register on November 29th, 2010. In that notice EPA also provided notice of a public hearing scheduled for Jan 12th, 2011. EPA subsequently canceled the Jan 12th, 2011 public hearing due to a snow storm and posted notice of this cancellation on the EPA website on Jan 11th, 1011. Notice that the public notice period would be extended and that the public hearing was rescheduled for March 9, 2011 was provided on the EPA webpage and by email to permittees and other parties on Jan 20 and 21. In the federal register of February 15th, EPA provided additional notice of this public hearing and the extension of the public comment period to midnight, March 11th, 2011.

The draft N.P.D.E.S. Massachusetts IMS small MS4 general permit the fact sheet explaining the draft general permit and the supporting documents have been available

since November 4th, 2010 for interested parties to review and to provide comment. The fact sheet provides a brief summary of the basis for the draft general permit conditions and significant factual legal and policy questions considered in reporting this draft general permit.

You have probably received or have seen copies of the draft general permit and fact sheet; they are available on the website at: http://www.epa.gov/region1/npdes/stormwater/mimsc_sMS4.html.

You may also request to receive a hard copy of the draft general permit and fact sheet and we have a few copies here today.

As previously mentioned comments can be made in writing to EPA or orally during this hearing. Today's hearing is an informal, non-adversarial hearing providing interested parties with an opportunity to make oral comments and/or to submit written comments on the proposed general permit. There will be no cross examination of either the panel or the commenter. Any questions directed to a commenter from a panel member will be for clarification purposes only. This public hearing is being recorded. The transcription will become part of the official administrative record for the general permit however in order to ensure the record's accuracy we highly recommend that you submit written statements in addition to any

comments made this morning.

As I described earlier, the public comment period will close at midnight on March 11, 2011. Following the close of the public comment period EPA will review and consider all comments received during the public comment period both in writing and at today's public hearing. EPA will prepare a document known as a "response to comments" that will briefly describe and address the significant issues raised during the comment period and what provisions, if any, of the draft general permit have been changed and the reasons for the changes. A notice of availability of the final small MS4 general permit for the Massachusetts IMS Watershed, and the response to the comments will be published in the Federal register once the general permit is finalized. In addition, notice of the availability of both the response to comments and the final general permit will be mailed or emailed to everyone who commented on the draft general permit. The actual complete final small MS4 general permit for Massachusetts IMS Watershed and the response to comments will be available on the EPA webpage.

Under section 509(b) of the Clean Water Act, judicial review of this general permit can be had by filing a petition for review in the United States Court of Appeals with 120 days after the general permit is considered issued for the purposes of judicial review. Under section

509(b)(2) of the Clean Water Act, the requirements in this permit may not be challenged later in Civil or Criminal proceedings to enforce these requirements. In addition, this permit may not be challenged by other agency proceedings.

I'm going begin; I'll request comments from Federal, State and local officials and members of the public audience in that order. I will use the attendance cards that people filled in regarding who wishes to comment. These cards will also be used to notify persons of the subsequent final permit decision. Speakers, when called, should come to the podium to speak. There is one mic for the audience and there is also mics for the stenographer up here, so that's why it will be difficult to record comments made other places in the hall. I ask that before you begin your statement to please identify yourself and your affiliation for the record.

I think this is an excellent facility and I thank he City of Leominster for that. There are a fairly large number of people who want to comment today so I'm going to ask that in order that as many participants as possible be allowed to express their views, I ask that you to, at least initially, limit your comments to 3 minutes. At any time if you're asked to stop but have not finished, I'll ask you to defer the remainder of the comment until each person has had

an initial opportunity to speak. Then, if there is time at the of the morning, we we'll give a short opportunity to finish the comments. If you have a written statement you may read it if it can be done within the 3 minute time frame. If not, I ask you to summarize the statement. In either case I encourage you to submit the written statement, tonight or before the close of the public comment period on March 11.

I've got a number of cards that say that people want to make a comment; I'll start with those roughly in order that you came in and signed up and then I have another set of comments where people said, "Maybe." I'll go through those and ask if you want to comment and then I anticipate at the end of that asking, "Does anybody else?" So, I don't want anybody to leave without having an opportunity.

Okay.

Thank you.

MR. WEBSTER: I first call Debbie Dineen from the Town of Sudbury. Thank you.

MS. DINEEN: My comments will be very brief. Thank you for the opportunity. My name is Debbie Dineen and I'm the Sudbury Conservation Agent and I'm also our co-storm water coordinator with our town engineer, and I'm here on behalf of the Town of Sudbury including our Board of Selectmen.

Sudbury has worked very hard to comply with the requirements of our permit. We're very concerned about our water quality in town. We're a town that is 100% on ground water wells and 100% on septic systems, so it all makes sense until you come down to trying to find the money to do it. Our major concern is with the timing of the requirements in the new permit. A number, or the majority, of the most costly items are front loaded in the first two years of the permit. When you look at the municipal process for appropriating funds, it doesn't really work if this permit becomes effective later this year. Our budgets are in for 2012 already. Our town warrant is done. Our town warrant was not completed, but all departments had to have all of their funding items before the November 4th, 2010 deadline, so there is a disconnect between the process for getting the funding as well as the time frames that are needed on the municipal level. I think that is our biggest concern right now, is that there's really no relief in the permit as far as, for example, the 120 day storm water management plan. We're going to be facing staff layoffs come July 1st, quite likely, so we're going to have to do more with less on something that we couldn't anticipate in this year's budget, so I think if you could consider some kind of relief in those time frames.

We are looking into investigating storm water

utilities. That's not something that on a municipal level is going to happen overnight. That's something that is going to take an awful lot of time and public education. We are all for clean water. We want to comply, it is very important locally that we do our best, but we need the time to put the mechanisms in place for that funding. I'll leave it at that for now and we'll be submitting some additional written comments as well. Thank you.

MR. WEBSTER: Thank you very much.

John Woodsmall from Southborough.

MR. WOODSMALL: Good morning. I'm the Town Engineer from the Department of Southborough, Department of Public Works.

Both the DPW and Board of Selectmen have submitted written comments previously to EPA. Just to follow up on my question earlier this morning, I think the draft permit needs to clarify the applicability of the permit to school departments. Both regional, as I previously mentioned, but also local. The draft permit requires the highest elected official in town to sign the permit and the annual reports, however, at least in Southborough, that person would be the Chairman of the Board of Selectmen and the Board of Selectmen has absolutely no authority over the public school system, either local or regional, so to ask an official underneath the pains and penalties of perjury to sign

something that they don't have any authority over, a department, to enact is -- creates -- is certainly problematic.

Overall, I think the goals of the permit are admirable in terms of clean water, however given the current fiscal situation that cities and municipalities throughout the State it's just -- it's downright near impossible for most public works departments to be able to fully implement the draft permit requirements as currently presented. And without some sort of infusion of State and local monies, I'm sorry, State and Federal monies, the permit right now sets small -- especially smaller towns that don't have sewer agencies or anything like that, it just sets these towns up for failure and I think it is going to be very difficult for towns to meet these permits. Thank you.

MR. WEBSTER: Thank you.

Michele Stein, Tewksbury.

MS. STEIN: My name is Michele Stein and I'm speaking on behalf of the Town of Tewksbury. My position in the town is town engineer. Tewksbury is located in the Middlesex county with four major watersheds, Merrimack, Shawsheen, Ipswich and the Concord river. I have submitted comments, and my in my comments here I basically tried to do what I'm most concerned with, and I have a page section to reference. Page 11, section 1.11 Storm Water Management

Plan, part (c). "The permittee is encouraged to maintain an adequate funding source for the implementation of this program."

Currently the only way most municipalities have to create such a source is to request it from the public and obtain an approved vote on it at Town Meeting. In this current economy with reduced budgets requesting any additional fees for storm water utility would most likely result negatively. If the EAP promulgated new regulations based on the Clean Water Act requiring municipalities to establish such a thing in order to ensure adequate funding, then the municipalities would have justification for a positive vote for town meeting. I'm referencing that trench permit that we were all required -- we were mandated to do that and that gave us some background to enforce that.

Second comment was page 13, section 2.1.1, Requirements to Meet Water Quality Standards, part (c). This paragraph states, "…if at any time the permittee becomes aware, or EPA or Mass DEP determines, that a discharge causes or contributes to an exceedance of applicable water quality standards, the permittee shall within 60 days of becoming aware of the situation eliminate the conditions causing or contributing to the exceedance of water quality standards."

This time frame is unrealistic. Beginning the

process to take action within 60 days is feasible, however the legal process alone can take more than 60 days and this section needs to provide some more flexibility.

Comment 3, page 24, 2.4.4.6 – System Mapping. There is a lot of information required for this map. This detailed information will be difficult to view as a hard copy and almost forces the information through GIS's various layers; however the amount of information required is a lot of work for a municipality that currently does not have a GIS department or unit, or even a devoted staff member. This requirement forces municipalities to hire a consultant in order to meet such a deadline. In order to make this more economical for towns, this requirement should be extended until the forth or the fifth year of the permit. Our suggestion is that the permit could require certain information for each year as to ensure that the towns are making continuous efforts completing their map requirements.

Next comment, page 29, section 2.4.4.8 Illicit Discharge Detection and Elimination Program – The IDDE, part II. This section requests for the permittee to have a written systematic procedure illicit discharge detection. It would be beneficial for EPA to provide a template that could be modified and adopted for each community. This would save the town valuable resources to better focus on other requirements within the permit.

And my last comment is page 48, section 5.1. Program Evaluations. It states, "The permittee shall self-evaluate its compliance with the terms and conditions of the permit."

It would be helpful if there was a link attached to this section that one could review as a template. This would create cost savings and time savings, as well as ensure that the permit is satisfying the needs of the authority.

Tewksbury appreciates the opportunity to review and comment on the draft permit. Thank you.

MR. WEBSTER: Than you very much.

I next call Paul Starratt, from Westford. Have I got that right?

MR. STARRATT: Thank you. Paul Starratt from the Town of Westford. I'm the town engineer. In Westford I also serve on the steering committee for the SuAsCo Watershed Community Council, although I don't represent them today. I'm here to speak on their behalf asking that the EPA consider turning around some of the fines that they are issuing and will continue to issue. Instead of having that money go to the U.S. Treasury, we'd like to see that money come back to the local jurisdictions in assistance to the small, watershed community councils and other groups that have been great assistance to us. It was one of the

benefits of the first NOI was encouraging partnerships with these watershed community councils and our local environmental groups, but they are suffering just as much as the municipalities are right now financially and I think it is a tragedy to take this money and send it the U.S. Treasury instead of keeping it here where we can use that money to benefit our natural resources.

MR. WEBSTER: Thank you.

Carl Balduf from Westborough.

MR. BALDUF: Good afternoon. Carl Balduf, Town Engineer, Westborough, Department of Public Works.

Let me first note that I agree with many of the points, in fact if not all of the points, drawn by the prior speakers. Westborough, under my signature and our junior engineer Christina Papadopolus, filed comments with EPA dated January 5th, a detailed letter. Many of the things that have already been pointed out in detail are also cited in our letter with regards to timing.

Just a quick summary, to summarize our letter. Once again, unfunded mandates. Town and State struggling to meet budgets. There are no funds coming down with this and as prior speakers have already pointed out there are many different costs that could be experienced by communities here.

One of the points that we drew in our letter, we

very much took EPA's recommendation to heart and not only did we express our feelings of not liking some of the issues in the permit, we also suggested things that could remedy, that could be done, to make it better.

One of the points that we extrapolate is this would be much better done on a regional basis where we're dealing with regional watersheds. Things can be done, for instance, to facilitate disposal of street sweepings, catch basin cleanings, and things like that, so we feel that a regional process would be better and it would eliminate the duplicity of each town in developing public outreach materials. We're all doing the same there here essentially and these materials should really come down with the permit so that we streamline the efforts involved, save costs, etc.

So, just a quick note. We urge the EPA to review our letter dated January 5th and take it into consideration as they draft the final permit. It would appear to me that this is not the time to move forward and be bold. Environmental regulation, the last time I looked the Federal Government it was heavily in deficit, State and locals are struggling with largely the same thing. Pension costs, health care costs and if we can't afford to do this then we may need to suspend this. Maybe we should take a five year break until we can come up with some money to fund this?

MR. WEBSTER: Thanks very much.

Eileen Punnetier.

MS. PUNNETIER: Hi, I'm Eileen Punnetier from Comprehensive Environmental in Marlborough.

Overall we thoroughly studied this and there are a lot of piecemeal items that are more costly than necessary. Here with some specifics, Item 1.7.4 we suggest dropping the public notice of the NOI as it is unclear how many municipalities could modify the notice if they got comments when it's really part of a plan, or combining the notice of intent and the storm water management plan.

Item 1.9.1, the Endangered Species Act and 1.9.2 Historic Properties, should be part of the mapping instead of part of the NOI as it creates a duplication of effort and will cost more and take more time.

Item 2.3.2, New Discharges. As Selman noted it's very unclear how these are going to be treated. We suggest that this be limited to municipal discharges and that EPA provides specific design standards such as the 1 inch rainfall that provides specific language for MS4's to use to put in subdivision and site plan reviews, in that planning boards and public works departments don't always work together, and it creates a huge time delay in trying to get subdivision and commercial standards to match what municipalities may be needing.

Item 2.3.3. We suggest dropping the

anti-degradation requirements completely at this point because they're confusing and talking with most regulators, they don't even understand them, let alone, MS4s. The anti-degradation requirements have had very little public notice and should really be separated out completely and publicly noticed separately, because the impacts of those anti-degradation requirements, I don't believe, are understood by most people including a lot of regulators.

2.4.6, Post Construction. This requires more ordinances in addition to the fist ordinances that were supposed to be done in under five years and there are probably a lot of people that haven't done the first ordinances. We suggest combining all the ordinance requirements throughout this five year permit, and the previous five year permit for those who haven't done them, and providing templates that are more concise and understandable than the current models out there from the last found.

Item 3.3, Wet Weather Monitoring. We believe that this should be combined with the dry weather monitoring for prioritization because in reality when you go through a watershed mapping catchment and prioritization, you would be doing it all at once, and that could save a lot because there are certain areas where it is storm water dominated and certain areas where it is ground water dominated, so you

wouldn't sample both in the same program. That could actually save a lot of time and field effort.

Finally, I think it would be helpful, and I think Fred Civian mentioned this, for DEP to provide guidance on disposal of catch basin cleanings and street sweepings. The SSO's requirements seem repetitive with other requirements under other regulations and that they really don't belong under storm water as it is probably repetitive with another program. So, overall our suggestion is that some reorganization into like parts, for example, operations requirements and mapping requirements, and monitoring requirements, would make the draft easier for people to understand as well as cheaper and less time consuming to implement.

Thank you.

MR. WEBSTER: Thank you very much.

Next I call on Aubrey Strause; is it?

MS. STRAUSE: You got it. My name is Aubrey Strause and I work with TATA and Howard in Marlborough, Massachusetts, and the following written statement represents comments for this public hearing from the towns of Leicester and Spencer Massachusetts, but also echoes the concerns of a number of small communities in the Merrimack, Interstate and Southern Coastal watersheds. I'll also note that both Leicester and Spencer have submitted written

comments to the EPA.

The objectives of the draft IMS MS3 permit are admirable but have been delineated in such a way that very few small communities such as Leicester and Spencer, which have small departments, will be able to satisfy. Leicester and Spencer's concerns center around the fact that the draft permit is far too prescriptive in its requirements and has unreasonable deadlines, as other have mentioned, for compliance with individual components and does not differentiate between needs, abilities and successes of the individual MS4s.

Individual communities should be encouraged to apply the knowledge gained during their efforts under the 2003 permit and to focus the limited storm water budgets on parts of the urbanized areas with the highest need. The draft permit does not have this flexibility. For example the requirement to clean streets twice a year in Leicester or Spencer due to existing department staff levels and budgets, mandatory education and outreach components aimed at impaired waters, decreases the community's abilities to focus on issues that have higher priority. Requirements to provide IDDE training to all staff, wet weather and dry weather sampling of all outfalls within the permit term and development of O&M plans for all municipal facilities are not economically feasible for small towns. The mandated

evaluation of sources of nitrogen and phosphorous to impaired waters will reduce the amount of funding available to tackle potential sources that have already been identified. Submittals required under the final MS4 permit need to be aligned to the municipal period so that funding can be allocated in a thoughtful and reasonable way and we request U.S. EPA to consider new and more functional time lines for compliance with individual sections.

Finally, from a big picture perspective the draft MS4 permit developed by EPA Region 1 does not mirror the Federal voice on nonpoint source pollution. There is an inefficiency in requiring hundreds of communities to complete common actions such as GIS management of data layers, development of educational materials and update of IDDE programs instead of developing these tools at a Federal level and making them available to all communities.

Federal funding programs such as 319 Grants and SRF programs should not only allow, but should encourage, communities for storm water construction and best management practices within MS4 area. These uses are in compliance with the spirit of the Clean Water Act and may provide the only mechanism for some communities to tackle larger issues.

U.S. EPA taking the lead on storm water issues would make it more palatable to community leaders and residents and would provide tools that could be used by

many, many municipalities allowing them to focus limited budgets on making real improvements to water quality within their community.

Leicester and Spencer thank you for your consideration.

MR. WEBSTER: Thank you very much.

Sue Beede.

MS. BEEDE: Thank you.

My name is Sue Beede and I am the policy director for the Massachusetts Rivers Alliance whose mission is to protect and restore rivers in Massachusetts. We represent 32 conservation groups around the State and we also have individual members.

In addition to our testimony today we will also be submitting written comments. Today, on behalf of the alliance I would like to comment on two important provisions of the permit. The requirement to map, inventory and monitor outfalls and the post construction ordinance.

So, let me begin, and thank you for allowing me to show some pictures here. I'd like to begin with the mapping and monitoring requirement which the alliance strongly supports. This is the Assabet river which is where I live and last summer I learned firsthand why it's really important to accurately map your system and to know what's coming out of the outfalls.

My son and I were on a canoe trip and we noticed the sound of running water off in the bushes and we went to investigate and we saw a milky plume coming from the bank. There were surgical gloves and other debris and we basically followed the plume up the bank. This is actually looking back out toward the river. You can see a lot of debris. There was a steady flow. The water smelled like soap and sewage and it was giving off heat. And here is where it was coming from.

It was a bright sunny day. It was not raining anywhere and so we had found an illicit discharge. When we walked further up the bank we found that a lot of the flow was not even coming out of that outfall pipe, it was actually draining down the bank. And so we followed it up to where it was coming from which is MCI Concord, the prison which is located in West Concord.

So, in 2008 the prison had submitted in its annual report a comment that they had finished mapping their system. Now, under the existing permit you're not required to check the outfalls personally, or their condition, but this just shows why it is so important because there really are illicit discharges out there. This problem is still not entirely fixed. They had an illegal connection from showers and through sampling the DEP and EPA did, they found elevated levels of bacteria, ammonia, surfactants and

pharmaceuticals even though the prison initially said, "Oh, it is coming from our kitchen."

So, these are complicated problems to resolve and I want to give hats off to EPA and DEP for really following up on it but these illicit connections and discharges are definitely out there.

Okay. On to something totally different, the post construction program. The North Coastal permit, which some of you may have seen that was issued about a year ago, had similar requirements to the current permit however there has been a pretty significant change. The current permit that we're considering today has a different threshold for when the State's storm water standards, not all of them, but some of them, would apply to a new development or a redevelopment project.

In the North Coastal permit it would apply to any new development, or new development of one or more acres. Now, the storm water standards, again basically 3-6, would only apply to developments and redevelopments that upon completion created two acres, or more, of impervious cover. Now, we strongly support the use of impervious cover as a metric because as, I believe, Thelma Murphy said earlier and I've seen this myself, there is quite a large body of literature documenting the connection between impervious cover and impaired streams and poor water quality.

So, back to what is this? This is Gillette Stadium. How much is two acres? How much is an acre? Okay. A football field is 1.3 acres and this overlain red line, that is an acre. So, I think, and it is the Alliance's position, that yes, it is good to use impervious cover as criteria, however it should be a much lower threshold. I mean certainly no more than an acre. Can you imagine allowing essentially two football fields worth of pavement to be built and to not require any storm water management, or compliance with any storm water management standards? And I would agree with Ms. Punnetier's comment that there really needs to be a template, a model bylaw, that goes back even to the 2003 permit. There are so many different types of regulations and ordinances out there and communities are -- it's a lot of work for them to figure out what makes the most sense, so I have strongly recommended some guidance on this.

That's it. Thank you very much.

MR. WEBSTER: Thank you.

I next call Heidi Ricci from Mass Audubon.

MS. RICCI: Thank you. My name is Heidi Ricci. I'm senior policy analyst at Mass Audubon. Our mission is to protect the nature of Massachusetts for benefit of both people and wildlife and we have about 100,000 members Statewide.

We will submit written comments, so I will just briefly summarize a few key points. We thank EPA for working on this permit. Certainly, cleaning up storm water is a very important priority. It's a major source of pollution and I just want to note that not cleaning it up does have costs. Certainly, it is very costly to do all this work and we're very sympathetic with the fiscal situations in municipalities across the Commonwealth and support many of the recommendations that have been made about ways to make this more economically feasible for communities to adopt. Storm water utilities gives them some time to do that, develop templates for all the different components, encourage partnering with the watershed groups, the pooling of resources, doing things regionally rather than repeating the same effort municipality by municipality, and prioritizing so that we put the limited resources to the locations where the pollution is the worst.

But, I just want to note also that not cleaning up storm water has its costs a well. We all suffer if water bodies, our lakes and streams, are not fishable or swimmable, if fisheries are degraded, and even in come instances there could be threat to water supplies. Further more with climate change what we're already seeing in the hydrologic record as documented by the natural resource conversation service and Cornell University throughout the

Northeast, is that the high intensity storms are increasing, we're seeing more of these intense flooding storms, so the more we can do to not only use low impact development to mimic natural hydrology on new development sites, but also we really need to retrofit more of the existing development and infiltrate the storm water and use roof runoff as a resource, not as a waste product. We should be using that to irrigate and that helps us to deal with another problem and that is the rivers drying up in the summer and the droughts and all of that.

So, with all the techniques that are available now, rain barrels and other techniques, at Mass Audubon one of our properties is using large cisterns to gather storm water off the roof, and use that both for irrigation and for toilet flushing. So, you know, there are ways to deal with this that are very cost effective and we encourage EPA to listen very carefully to all the suggestions on how to make it more so. And to work with the municipalities to make progress and do that as cooperatively as possible while recognizing that there are mandates under the Clean Water Act for good reasons that are beneficial to the public and this work needs to be done.

Thank you.

MR. WEBSTER: Thank you very much.

I next call on Jack Perreault.

MR. PERREAULT: Good morning. My name is Jack Perreault and I'm the Town Engineer in Shrewsbury, and thank you for letting us speak.

I'll start off by saying that we have already submitted a comment letter, so you do have that. What I'd like to do is just kind of summarize some of the points that are in that letter and just point out how this particular permit would impact the Town of Shrewsbury and what it would be for us to implement it.

In general we support clean water, we recognize the importance of storm water management and we believe it the goal. As we see the permit though, it requires too much and too fast. And in my opinion if we were just required to implement the permit with the staffing and the funding levels we have now, it is destined for failure. We will then be in an adversarial role between EPA, the State and ourselves where we'll be discussing and arguing and going over the permit, why we didn't meet it, as opposed to putting our energies into actually accomplishing what is in the permit.

So, with that in mind we see the key to the program as being funding, and how do we get the funding? Even within the permit itself it recognizes the need to establish a funding source that is sustainable for the permit. From that, if you go to the website it sends you

the brochure about setting up a storm water utility and the storm water utility is what we see as the key to the funding source for us to be able to implement the permit.

When you start to think about it, the permit gives you no time to set up the storm water utility. Even within the requirements, if you read through what's required to set up the utility, what's recommended and how to go about it on the EPA literature, there are many steps in there. Talking to consultants, and some of the consultants who have actually set up some of the storm water utilities that are referenced in that brochure, you're looking at a minimum of a year and a half to two years just to set up the storm water utility to go through all the steps you need both on the technical end of things and the political end of things. That only gets you the utility in place. It doesn't give you a dollar one yet, so when you start to bill after you've got the utility in place it is more than a year's cycle before that full amount of money is available in a fund which you then may need to go to Town Meeting to actually allocate out to be able to use. So, practically you're looking at a minimum of three years before the full funding source is available and before you can have that to implement the program. And it is probably more like three to four years. So, I think that's where the actual permit falls down because it doesn't allow for that time.

The other thing too, is we are constantly asked now a days, and I know people that go to Town Meeting, if you're spending money they want to know, what is the benefit? What is the cost benefit analysis here? What's the money going to? Is it worth it? I don't see that -- we haven't heard, and if you can give me that information, I'd like to have that to go to Town Meeting to explain what the benefit will be of each one of these things and why we're doing them.

We need to also put it into context of everything that is in a city or town right now. From our perspective alone, sewer rates since 2006 have gone up 422%. The largest factor in that is to meet the waste water treatment plant upgrades which were part of our last NPDES permit which we received. In that time water rates have doubled, school fees have been added for bussing and after school activities. We're taxed to the maximum rate allowed by proposition 2 1/2, State aid has been cute, staff reductions have happened, there will be more coming this year. We're talking about laying off four firefighters this year. It is going to be hard for me to stand up in front of Town Meeting and say can you layoff some more so I can fund a storm water program.

In that whole context along comes an unfunded mandate of this particular permit. In our particular case

we estimate that it is probably 350 to 500 thousand per year to implement the actual permit. Some of the particulars, and we'll get into these probably more in another letter responding to them, but street sweeping, particularly the second street sweeping. In Shrewsbury our program takes 8 to 10 weeks to sweep the 150 miles of street that we have. If we start that after the final leaves have fallen off the trees in mid-November that means that we're finishing our street sweeping the end of January. If you take a look at his year what would we have been sweeping in January? It's just not practical.

Catch basin cleaning is another thing where when the catch basins are 50% full you need to get out and clean them. Quite honestly, because of the age of some of these storm water systems and what the details were in the requirements previously, we don't know how deep the subpumps are on many of those basins, so we won't know when they're 50% full until we actually clean them. So, we'd have to go through and actually clean the whole system first before we actually have that data. Anybody that has been around as long as me knows that years ago a 2 foot sump was good, then it went to three, now it is at four. Certainly, we don't have a list that tells us what every catch basin is in Town of -- I think it is probably 5 thousand catch basins that we have.

Outflow monitoring is another area that's probably going to be problematic for us in particular. We have 350 outfalls. It also requires that we look at the interconnections and transfer locations. In our town we have six State roads that go through the town. Many -- some of them are, you know, 290 is a Federal Highway. That's not going to be a real issue for us but Route 70, Route 9, Route 20, Main Street, Medical Ave, they are all State roads. And I haven't looked into it specifically but I did a quick count, we have 120 streets that intersect those State highways. So, there are 120 opportunities for interconnections if you add it to those 350 that we already have.

Also, you've heard a lot today about public education which to me would make a lot more sense coming from EPA or DEP with the one voice, one program, one message, to be put out there instead of us reinventing the wheel with different levels of abilities and different levels of materials that we put out, with different messages to different groups. It just doesn't seem to make a lot of sense.

Kind of in summary we see the permit as being pretty onerous but honestly, we don't know what we don't know because we haven't implemented it yet. And I'm sure that there are issues that we're not even thinking about

until we work through it all. The funding is going to be hard to get and we need to use it wisely. We suggest that we need to have time to set up the program, to establish a storm water utility and we can't do it all at once.

Thank you very much.

MR. WEBSTER: Thank you very much.

I think I've gone through anybody that indicated up front that they definitely wanted to speak so I'm going to go through names of people who said maybe and you can either come on up or say "no thanks" for what ever reason.

Jeffrey Blake.

MR. BLAKE: No thanks. I think most of my concerns have been addressed here.

MR. WEBSTER: Thank you.

Richard Granneus?

MR. GRANNEUS: I'm Richard Granneus from the Town of Southwick, DPW Engineer.

We did send in a letter from our Board of Selectmen with our aggregate concerns but one thing that they would like, and that I brought up earlier in the meeting, was to seek some real strong clarification of the interaction of the storm water traversing through State lands, Federal lands, public ways, that are accepted public ways, that are unaccepted private ways, and private land. Because we live in a town that is basically lots of rivers

and ponds and water has to go into one of those, and it's a very hilly town so it tends to traverse from, like I say, a private land into a public way into maybe back into a private road, or into a public way that has not yet been accepted by the town. Maybe it is in a development that has not yet been accepted or maybe it's in an old development which we have a lot of. Ones that were done in the 20's and 30's that have a lot of unaccepted public ways. And it is very difficult to accept those, they have very narrow streets, don't meet other criteria for acceptance so they get into this never-never land and we really would like to see some clarification, so we don't have to create something that -- an iterative process that somebody either accepts or does not accept.

And there was one other -- I'll just quickly -- As far as the unfunded mandates, I echo that. It is very, very difficult to go and attack this problem without funds and we're all in the same mode of layoffs of our personnel and where do you get the money to do this? And to implement a storm water utility it doesn't take days, it takes years and to get -- and we're on a town that is managed by a Board of Selectmen and the town's people approve all budgets annually, so we're in the same mode. We're in the budget process for 2012, fiscal 2012 which starts July 1st. That is already cast in concrete, ready to go to the voters for

approval. No -- this is being defined now, so we're another year away.

Thank you.

MR. WEBSTER:

Thank you.

Katherine Weeks.

MS. WEEKS: My name is Katherine Weeks and I'm the Senior Storm Water and Environmental Engineer for the Town of Framingham.

The Town of Framingham has already submitted comments on Jan 4th, so I'm not going to repeat those and I certainly echo all of the issues that people have brought up regarding the time and the cost. One thing that I wanted to talk about a little bit more is collaboration. I'm thinking not just the towns and the agency which were very nicely mentioned by other folks, but also inter-agency and intra-agency collaboration. For example, the DEP used to use the EPA lab to analyze a whole lot of water quality samples and I understand that they've had to cut back on that program. I asked if the towns could start helping -- using the EPA lab as well and that was rejected, that request was rejected. We have been trying to work with the Army Core of Engineers. The Town of Framingham, like I'm sure many other towns, has got a whole lot of old, what we would like to call drainage channels but other people are

calling swales, that would be really great if we just eased up on certain of the requirements for dredging. For example, that would really ease up on our storm water management which really seems archaic in this case. We're gong to dredging channels that have been there for 100 years that are really only there for storm water and we have to go through the Army Core of Engineers for permitting for that. It would be really great if the agencies could start working together on certain things.

Finally, I also echo the catch basin, the beneficial use determination. We tried two years ago to put together a beneficial use determination and we went to the DEP and it was very, very difficult and it looked like it was going to cost us a lot of money and time and effort to do that, so we've put that on hold.

And finally in terms of intra-agency efforts, the Town of Framingham, the Sudbury river flows through, and all of the Sudbury river is impaired in the Town of Framingham, and a large part of that is due to something that is beyond our control, it's the waste that came from Nyanza. And so we in fact know that there has been a grant of 3.9 million dollars that was put out and we actually put in a request for 2 fairly modest proposals that we haven't seen anything from and it would be really helpful for us in terms of managing our storm water if we could be included in that

work.

Thank you very much.

MR. WEBSTER: Thank you.

Anne Capra.

MS. CAPRA: Thank you very much. I'm Ann Capra with Pioneer Valley Planning Commission. We're the regional planning commission for Hampshire and Hampden Counties. We're part of the interstate regulated area. I'd like to point out to EPA that appendix C which identifies the regulated communities, I don't believe is accurate. You know that, right? There are towns with 2003 permits that are not included in there.

Echoing some of the comments earlier seeking a more regional approach to implementing the requirements of this permit. For example, the educations outreach requirements in particular in our region. We deliver a regional campaign to 11 of our MS4s that's called "Think Blue Massachusetts". We operate on a shoestring budget that is funded by those communities. We raise between 1 thousand and 2 thousand dollars a year from each town. That doesn't allow us much media buy, and it doesn't allow us much printing costs for material. The State of Maine operated a public education outreach program. There were 11 MS4s in '05 and '06 and they spent $264,000, $230,000 of that was for media buy and that is the kind of money that's needed to

actually create behavior modification that would result in pollutant reduction.

Under the Wet Weather Outfall Monitoring Requirement, 3.1.4.5, I just wanted to echo my comment earlier that I think that EPA should strongly encourage the in-stream monitoring approach. It's a more strategic approach and I think communities really need to look at how they can implement these requirements in a more cost effective manner and if you are doing an in-stream monitoring program you can bracket your tributaries and see where you get hits and then, you know, begin source tracking and monitor outfalls as needed. It may not be applicable to all communities but certainly in some, it definitely is. We've successfully done that this past summer with the 604b grant in tributaries to the Connecticut River and have identified and addressed a number of illicit connections, which brings me to the comments about the 319 program being gutted this year. That is extremely unfortunate. It was one of the few funding sources that was available to address storm water sources to impaired waters. We strongly encourage EPA to figure out how you can rework that and fix that problem. I anticipate the 604b program for assessment will also be gutted given the same enabling law, the Clean Water Act, which enables both of those programs although that guidance hasn't been issued yet; we haven't seen that.

That RFR doesn't come out for several more months.

Under Construction Runoff Control, 2.4.5.3(e), there are references in there to site plan review and then site review. It would be great if EPA could clarify that. The site plan review is in fact not enabled under Massachusetts zoning laws, however a lot of communities do implement "Site Plan Review" but they do it in a number of different ways. What is enabled under zoning law is special permit, so processes -- I don't know if EPA can provide better guidance and a little bit of flexibility into it -- what they mean for communities to be doing, you know, what the regulatory backbone that you are seeking. Whether it is site plan review or a special permit process actually suffices. That flexibility there leads me to just flexibility in the overall permit. As we've heard numerous times today that communities really need a more flexible time line in order to establish the funding that is in fact needed to meet these requirements.

Those are all our comments. Thank you.

MR. WEBSTER: Thank you very much.

Priscilla Ryder. Are you still here?

(No reply.)

Patrick LaPointe. Are you still here?

(No reply.)

Joanne DiNardo.

MS. DINARDO: I wrote an epistle, no, I'm only kidding.

Welcome to the City of Leominster. I am the Environment Inspector and the Storm Water Committee Chair here in the City of Leominster.

We've worked very, very hard to improve our outfalls and our sewer separations and street sweeping and we worked under the 2003 permit and tried to make things better here in Leominster. As we look at the new permit we have some very, very deep concerns like everybody else has echoed. It is almost like an unfunded mandate and we have over 500 outfalls here in the City of Leominster, so it would cost us probably about $500,000 to implement something like this. Our budgets have already been submitted so in order to do the 2012 it definitely would not work, so we're worried about the time line that has been stated in here.

Basically, the public outreach is another concern to us that perhaps, without making all the communities do their own public outreach, if the DEP could perhaps step in and give us some sort of a uniform message and some uniform templates that we could introduce? Basically, on behalf of the mayor, he speaks, There are budget cuts coming down and he respectfully reminds the EPA that we don't have the funding to fund this. We've already had sewer increases and water increases and I can't imagine that my City Council is

going to support any -- put together a storm water utility and increase rates and pass them along. It is going to be difficult for our community.

Again, thank you and we will be submitting written comments as well. Thank you.

MR. WEBSTER: Thank you. And thank you for hosting the hearing here.

Claire Freda.

MS. FREDA: Good morning and thank you. My name is Claire Freda and I'm the City Council in the City of Leominster. The second welcome to you today; I thank you for mentioning our beautiful facility. We're very proud of it.

I'm also the chair of the water and sewer committee in the City of Leominster and we have assembled a great team in this city. We have the Board of Health, we have the Conservation Committee, we have DPW, and we have a real collaborative effort working on behalf of all these regulations. I'm not going to go into the financial piece but as Joanne just mentioned it is going to be very difficult to come up with 5 to 6 hundred-thousand dollars. I'm also a board of director on the executive board and that municipal association. And from the time of your workshop, I'm not speaking on their behalf, but I will share the observations. Workshops at our annual conference, the

legislative committee meetings that we've had, throughout the State, the theme is exactly the same, the clarification, the time line, 120 days, it's very serious. I don't think that there is anybody in any capacity in municipal government, whether it is elected or appointed or employed, that doesn't embrace clean water. I think that is everybody's goal, but I think there has to be that collaboration, and there has to be this feeling that there is some help from the EPA, as well as regulatory, and I think we need to feel comfortable that you want to help us get to this point that we all want to get to. We need to know that there is a partnership. It is not just a regulatory agency up here, and we're way down here. We want to cooperate and we want the collaboration. I think that is very important.

Thank you for being here and I do support all of the other comments that have been made.

MR. WEBSTER: Thank you.

Ian Gunn.

MR. GUNN: I'm Ian Gunn and I'm vice chairman of the Littleton Conservation Commission but under Massachusetts open meeting law I have to say my comments have not been reviewed in a properly posted public meeting of either the Conservation Commission or the Board of Selectmen, so my comments could be considered that of

somebody who has had the arrows in their back for the last 25 years.

What I'm looking at in trying to -- you know, we've had the same concerns about the cost of the implementation of this, but what I'm looking at is our municipality already has in place some stream monitoring programs, some zoning regulations, generally relating to public water supplies, but they go part of the way to meeting the objectives that you're spelling out in the draft permit. I want to recommend to EPA that they look at some of these, and I know we're not the only municipality that does this kind of thing, and so in terms of controlling costs, a period of phasing over to what more rigorous monitoring may require would be appropriate from the existing program, because existing programs are funded.

I have not met with any other boards or the water department in Littleton so I just made an attempt, I only learned about this four days ago at the MACC Conference, to get some kind of collaboration going. But I have got, and I note the impaired, what EPA considers the impaired water bodies in Littleton, and I know them very well, and I know what it takes to correct the problem.

One of the ponds we have an Army Core of Engineers and they did plan for remediation, of course nobody has any money, so it still remains a plan.

The second pond, because it was used for a 1925 summer camp development that is now turned into a full time, year round residency, what it's really going to take is a municipal sewer system. There is no municipal sewer system at the moment in the Town of Littleton so that is a very big dollar remediation.

A couple of other impaired water sources are on the town line and they're impaired, in one case, because the adjacent town, Industrial Park, is dumping into the watershed and we're the recipient of that. But on the other had, the next water body downstream we're dumping into, and Westford is the beneficiary. So, there are some situations where there are multiple municipalities that will have to be involved in doing the corrective action and the monitoring.

The specific comment on wet weather monitoring. I know about first flush out of pipes and everything else but I think a little more generic idea would be appropriate and easier to implement, so that a dry weather monitor and a high water table monitor. I know that in our storm drains, what we get when we have a high water table is the domestic sewage systems leaking into it, and so rather than have to capture the first flush which is a pretty -- a situation in wet weather, to put it more generally that a spring, with high ground water, and fall, the dry conditions, monitoring of the outfalls would be much simpler to implement.

Yeah, the only other point of things is that our water department has already developed a low impact development handbook with EPA funding. I've come to remember how it all worked out, so we have some of the stuff already done and I'm quite sure we're willing to share it with other municipalities, but these look like a couple of ideas that might reduce the costs to municipalities.

Thank you.

MR. WEBSTER: Doug McDonald from Northampton. Is he here still?

(No reply.)

Robert Lamoureux.

MR. LAMOUREUX: Bob Lamoureux, Town of Seekonk. I'd like to make a statement on behalf of the Town of Seekonk and several other communities within Bristol, County. While we clearly see a need to improve water quality and agree that some regulations are necessary, funding must be provided to reach the goal set forth in this new permit. We have discussed setting up a storm water utility but we have found little support within our Board of Selectmen and in other administrative boards within the town. We have a very active storm water advisory committee that includes the Board of Health, the building inspector, the town planner and the public works department and the conservation agent. We clearly see a need for funding to be

provided in order to accomplish the requirements of this new permit.

Thank you.

MR. WEBSTER: Thank you very much.

Richard Alves.

MR. ALVES: No thank you. All previous comments have addressed already what I had to say. Thank you.

MR. WEBSTER: Thank you.

That is my last card. I guess now if there is anybody that has not had an opportunity to speak and wishes to make a statement, please come up and identify yourself.

MS. SALES: My name is Tracy Sales. I'm with the Merrimack River Watershed Council and we have submitted written comments as well. One thing that I just wanted to say, I can't speak for the other watersheds but I can speak for the Merrimack Watershed. The Merrimack is impaired. There are people swimming and boating in that river. It is also a drinking water source for a lot of people who live in Massachusetts and it is really, really critical that this permit is actually implemented. We strongly support both wet and dry weather monitoring. I know for a fact that the Merrimack river, because I'm out there on a regular basis, is impaired primarily during wet weather due to storm water runoff. I just want to reiterate we had put in our written comments that this -- the monitoring in wet weather is very

important and we really do support these permits.

Thank you.

MR. WEBSTER: Thank you very much.

Is there anybody else who has not made a comment that wishes to provide one?

MR. SAARI: Derek Saari, Town of Westborough Conversation Commission.

The Town of Westborough has been very aggressive in their storm water management. From a private side we've been working on projects since 2005 inspecting over 218 private sites. I'm happy to say that they've all managed to clean their catch basins, the catch basins and swales, all the schools have been cleaned, but the majority -- and the reason for this project first was education. There is a huge amount of people, over 500 people that I have met individually on those 218 sites that are involved in that type of management. That's the number one goal. Many communities still don't know where their outfalls are and that is just a massive undertaking. I believe that as part of the permit requirement, the we and dry monitoring should be dropped from the requirement and should be added on in the next permit phase. The reason for that is when the communities still don't know where their outfalls are, when they begin to try to investigate where they are, they may find they are buried four feet in sediment. There is no way

to even in fact monitor the outfall. It can't be found; it has to be excavated. Then you get into questions of how many permits are required to excavate said headwall and I don't know how many are buried. Just in one area in Westborough that I focused on, in the Main Street corridor, there are four major outfalls and they were all buried in sediment. Then you have to jet the lines and these are all costs. It has taken me three years to work with the department of public works through their operating budget to do about a mile and a half of road in a heavy, urbanized area. So, the practicality of doing the wet and dry testing should not be included. The main focus should still be education, not only of the private sector, but more importantly the public sector. Most of us don't know where all this is and that should be the number one goal right now. What do we have and what type of maintenance do we need to do before we can even monitor those outfalls?

Thank you.

MR. WEBSTER: Thank you.

MS. BRYANT: Hi, I'm Nancy Bryant with the SuAsCo watershed community council and I just wanted to mention that the council have been doing a lot of educational work and providing those materials to communities across Massachusetts. There have been a lot of comments today about how bringing some of those materials together and

distributing them on a more uniform basis would be a good idea. I just want to express our willingness to perhaps be able to work through EPA or DEP or some organization to help fund us to create those materials and to get them out there on a more uniform basis through the municipalities. So, if there is some funding source to be able to enable that for us to be able to provide more to more communities please know that we are available and have had a great deal of experience over the page 8 years putting together educational materials that really do consider social marketing and trying to reach out to the various elements in the public and private sectors to help them understand their impact on storm water and that of course helps everybody in the long run and improves the water quality as well. Just know of our willingness out there to partner and work with entities if the funding can be provided to create more uniform messages across the state.

Thank you.

MR. WEBSTER: Anybody else that hasn't had a chance to speak that would like to?

Go a head.

MR. STONE: Brad Stone, Town of Shrewsbury Engineering Department. I'm also the conservation commission agent in town. Mr. Perreault, our town engineer brought up a lot of important points earlier. I have just a

couple of different comments to what the town has already mentioned previously and one of those is in section 2.3.1.2 where it mentions increased discharges to impaired waters with an approved TMDL. And this gets back to as well to what Mr. Civian mentioned about the need to outreach with the different municipalities and provide some more technical assistance. There doesn't seem to be a lot currently out there for what we're experiencing with our TMDL's, the treatment of phosphorus. There doesn't really seem to be any standardized MBP's or how you measure the phosphorus loading rates and how you can effectively reduce that. Most of our community is within a TMDL watershed and we expect we're going to be involved a lot in figuring this out. What I would like to see is some more clarifications, similar to the storm water management policy, where you have standardized BMP's. They give you, for instances, a certain percentage reduction in suspended solids. I'd like to see that there is some standardization for how we treat these nutrients that are in these TMDL watersheds.

The other comment I have is with respect to the monitoring requirements. There is a condition in there that we test the interconnections between the different MS4 operators. I'm not sure that I understand the value of doing that. For instances, if we've tested where those outfalls daylight, what is the need to go upstream and test

those interconnection points if you've already achieved acceptable values of where that system ultimately daylights? And the biggest concern I have there, especially when doing the wet weather monitoring, is these interconnection points aren't in locations that are easy to sample. They are typically off the road, maybe somewhere near the woods, and hard to get to, to do wet weather sampling. Where these MS4s interconnect it is typically near a major town road and a major town highway and you're looking at -- a common example would be a manhole in the middle of that intersection, so to go out and try to do that in wet weather there is an extreme safety hazard, there is a traffic concern as well as there is a substantial financial cost because you'd also have to have police details; you have to have manpower. What is shown as for monitoring for where those discharges are acceptable, I'm not sure there is a value in doing that? I would suggest that we look closely at maybe illuminating the interconnection sampling, unless you see that there is a problem where it daylights, and then maybe go back and look at those points.

Thank you.

MR. WEBSTER: Is there any other person that would like to make a comment on the record that has not had an opportunity to do that yet?

MR. GRANNEUS: Can I make a follow up comment?

MR. WEBSTER: I'll allow that, sure. Please identify yourself and your affiliation.

MR. GRANNEUS: Richard Granneus, Town of Southwick, DPW Engineer.

Two things came up during the discussions. One that I'm not sure anybody is aware of it in the EPA and that is Massachusetts has A&R's, approval not required. And I think Virginia is the other State. And we've been burned by that a few times where you can take a tract of land, subdivide it and in effect, because it is on a given road already, it meets the frontage requirements and they'll basically develop along a road in one acre lots or whatever, 200 ft. of minimum frontage is the requirement, and so you can collectively add up to two, three, four, five, ten, twenty, fifty acres, because it is already on a road. Approval is not required. It makes it very difficult the task of imposing on that aggregate development, because it is not an aggregate development. It's 10, 1 acre lots or 10, 2 acre lots or what have you. They are individual owners, they're sold off individually by the original owner, so that is something you may want to think about. How to manage that. It is a problem.

And the second one is we happen to have the -- we have a 460 acre lake in Southwick that's the Congamond Lakes. They boarder Connecticut and Massachusetts. Forty

percent of the bordering of the waterfront is Connecticut. All the water is Massachusetts. It's a great pond. Connecticut has, we understand, very different regs as far as handling storm water. We have spent the last more than a decade cleaning up the storm water that discharges into the lakes, and Connecticut has effectively done nothing. We've put in a sanitary sewer system in the last just five or six years around the entire Massachusetts part of the waterfront and other parts of town and nothing in Connecticut yet, and it is an impaired waterway. Again, how we manage when we've got a water body that is in Massachusetts water bordering other State lands, I'm sure there are others. I know of a few others in Mass that are right on the boarder of Connecticut and I'm sure there are ones that are on the boarder of New Hampshire and Vermont and so on.

If you'd please address those.

MR. WEBSTER: Thank you.

Anybody else wish to comment?

(No reply.)

Well, thank you very much for coming and for your interest in the permit. We've heard a lot of thoughtful comments and it has been particularly helpful as well as challenging to us to hear directly from the practitioners, whether you're the people that go up and down the streams seeing the outfalls or working on your catch basins, working

on your public education all the way across the map, and I do appreciate a lot of the comments focusing in on particular parts of the permit as well.

What I'm going to do is I'm going to temporarily close the hearing. We had written notice of the hearing going until 2:00 p.m. So, my plan is to reopen the hearing a little before 2:00 p.m., or if somebody else comes and wishes to speak to give them the opportunity to speak for the record.

At this time I'm going to close the hearing to be reconvened shortly between 1:30 and 2:00 p.m. Thank you very much.

(Hearing suspended)

MR. WEBSTER: This is David Webster. I'm reopening the public hearing on the Draft Small MS4 Permit for the Interstate, Merrimack and South Coastal Watersheds. It is now 1:59. Is there anybody else that has not made a comment that would like to make a comment?

I see no one and therefore this closes the public hearing. Thank you.

(Whereupon the public hearing was closed at 2:00 p.m.)

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings before: U.S. ENVIRONMENTAL PROTECTION AGENCY in the Matter of:

RE: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMITS FOR STORMWATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)
MASSACHUSETTS INTERSTATE, MERRIMACK AND
SOUTH COASTAL WATERSHEDS
NPDES PERMIT NOS. MAR041000, MAR0422000 AND MAR04000I

Place: Leominster, Massachusetts
Date: March 9, 2011

were held as herein appears, and that this is the true, accurate and complete transcript prepared from the notes and/or recordings taken of the above entitled proceeding.

G. Kimbrough	03/09/11
Reporter	Date
G. Kimbrough	04/05/10
Transcriber	Date