



CHARLES RIVER

conservancy

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Newton Tedder
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February 18, 2015

Dear Mr. Tedder:

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Thank you for this opportunity to comment on EPA's Draft General Permit for Small MS4s in Massachusetts.

The Charles River Conservancy is a 501(c)3 non-profit that works to make the parklands along the Charles River more active, attractive, and accessible for all, from the Watertown Dam to the Boston Harbor. The CRC was founded in 2000, and has over 30,000 supporters and volunteers in the Greater Boston area; every year some 2,000 landscape volunteers work with the Conservancy to help maintain and improve the parklands around the urban Charles. One of the Conservancy's most prominent projects is the construction of the Lynch Family Skatepark underneath the Zakim Bridge ramps, on a former brownfield site in East Cambridge.

Since its founding, the Conservancy has advocated for the return of swimming to the Charles River as a part of the Swimmable Charles Initiative. In collaboration with the Department of Conservation and Recreation, we have successfully hosted community swims every year since 2013, drawing over 300 swimmers to the Charles. The Conservancy's Swimmable Charles Initiative would not be possible without the dedication of state and community partners to clean the waters of the Charles River. The 2014 MS4 permit presents an opportunity for the state to uphold this dedication and to continue improving the water quality in the Charles and in other municipal waterways.

Polluted stormwater is the most serious water pollution problem in Massachusetts today. EPA Region 1 has found that stormwater causes or contributes to at least 55% of the violations of water quality standards in the state's rivers, streams, and lakes. Climate change presents an additional, important reason to improve stormwater management. Most scientists expect the recent cycles of flooding and drought to become more pronounced, and

Massachusetts communities need to maintain or upgrade their aging infrastructures; to safeguard both public safety and the environment into the future. **This permit is an important step in promoting these urgently-needed changes, and we strongly support its promulgation.**

The 2014 permit represents a significant improvement over the 2003 permit, and is likely to be much more effective in reducing pollution, flooding and erosion caused by stormwater in urbanized areas.

- The permit incorporates **water-quality requirements** that directly address the pollutants that are actually causing specific Water Quality Standard violations in each town.
- The permit provides **more specific requirements and deadlines** in many cases, which should result in better compliance than was achieved under 2003 permit.
- The permit gives towns **adequate time and substantial flexibility** in choosing approaches to compliance that are most appropriate for local conditions. In response to comments on the 2010 proposed permit, EPA eliminated some requirements that were believed to be overly prescriptive.
- **Permit requirements for greater public access and opportunities to comment** on towns' stormwater management programs will increase public support for these programs, which is essential if towns are to raise the resources necessary to deal with polluted stormwater. Greater public scrutiny will also encourage more effective plans and more consistent implementation.
- **The post-construction requirements for new development and redevelopment will prevent future projects from continuing the poor stormwater management practices of the past.** EPA has chosen a balanced and effective strategy, setting a high standard for infiltration of stormwater (the most cost-effective way of removing pollutants from stormwater), providing a safety valve where site conditions make meeting that standard infeasible.

In short, the permit requirements ask municipalities to do better monitoring and planning, to improve implementation, to raise public awareness of stormwater issues, and to design and maintain better stormwater management measures. If successful, the permit **will result in major improvements in the management of urban stormwater in Massachusetts, and we will see the results in cleaner, healthier, rivers, streams, lakes, ponds, and coastal waters.**

We also note that good planning **can help towns reduce compliance costs and fund the required investments in stormwater programs and infrastructure.** Towns can take advantage of help and support from EPA, MassDEP, watershed groups and regional planning agencies; work regionally (including through storm water consortiums) to achieve economies of scale, develop and fund stormwater utilities, and ensure that private entities assume their share of the responsibility for stormwater management.

Finally, while we strongly endorse the overall approach and requirements of this permit, we **have identified some areas where improvements are needed:**

- **The stormwater bylaw requirements should apply to projects as small as a quarter or half an acre.** Most urbanized towns, at least in the Boston area, have very few large development and redevelopment projects, and projects under an acre would not be required to employ *any* stormwater management measures unless they are located in wetland resource areas. This will make it exceedingly difficult for many towns to comply with the proposed prohibition against new and increased stormwater discharges from MS4s.
- In addition to conducting an annual evaluation of BMP compliance and effectiveness, **permittees should be required to take corrective action** where the evaluation shows that goals and objectives are not being met. An effective iterative approach to improving stormwater management requires that problems be addressed, and not simply identified.
- **MS4s discharging to waters impaired for bacteria or pathogens should be subject to additional requirements.** This includes requiring new development and redevelopment projects and retrofits on town-owned property to implement BMPs that are most effective at reducing bacteria where the waters they discharge to (via an MS4) do not meet bacteria Water Quality Standards. These requirements are consistent with the proposed requirements for other stormwater pollutants.
- **The new requirements proposed for projects discharging to water impaired for chloride should apply to all MS4s.** While relatively few water bodies have been assessed for chloride, evidence suggests that this is a significant problem in most, if not all, urbanized areas.

We appreciate the careful work EPA has done to improve on the 2003 permit and the 2010 proposals, based on experience with the 2003 permit and comments on the 2010 proposals. However, the process has taken a very long time. We **strongly support prompt issuance of the final permit**, to end a long period of drift and uncertainty associated with delay in issuing this permit. We urge EPA to work quickly to respond to comments and complete a final permit at the earliest possible date

Thank you for considering our comments on this very important permit.

Sincerely,



Renata von Tscherner
President

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