

## Sowa, Kevin

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**From:** Chris Bielik <CBielik@townofbeaconfalls.com>  
**Sent:** Friday, September 05, 2014 12:05 PM  
**To:** Stone, Chris  
**Subject:** RE: Comments Needed - New Stormwater Mandates

Chris,

I'm Chris Bielik, First Selectman in Beacon Falls. I queried my treatment plant supervisor to see if he any input, and I am passing along his thoughts:

1. Does the State D.O.T. system follow the same rules and regulations. With the amount of roads and bridges, and drainage systems in the State property systems.
2. Also the pounds or Tons per mile of State roads that add to the problems that exist. Does this fall on the fix of the taxpayers of the Municipal taxpayers system.
3. Should this be a funded mandate with help from the State and areas that are implemented and can a more reasonable time frame be allotted.

I hope that makes sense to you, but please feel free to contact me if you need any additional clarification.

Regards,  
Chris

Christopher J. Bielik  
First Selectman  
Town of Beacon Falls  
(203) 729-4340



# FIRST SELECTMAN'S OFFICE

Clifford J. Hurgin Municipal Center, 1 School Street, Bethel, CT 06801

Telephone: 203-794-8501 - Fax: 203-778-7520

Email Address: [firstselectman@bethel-ct.gov](mailto:firstselectman@bethel-ct.gov)

*Matthew S. Knickerbocker, First Selectman  
Richard C. Straiton, Selectman  
Paul R. Szatkowski, Selectman  
Martin J. Lawlor, Town Counsel*

*Wendy Smith, Office Administrator  
Joan Gereg-Bradley, Office Assistant  
Dionne [redacted], Office Assistant  
Phyllis [redacted], Office Administrator*

**RECEIVED**  
SEP - 3 2014

**BUREAU OF MATERIALS MANAGEMENT  
& COMPLIANCE ASSURANCE**

August 28, 2014

Mr. Christopher Stone, P.E.  
Department of Energy and Environmental Protection  
Water Permitting and Enforcement Division  
79 Elm Street  
Hartford, CT 06106

Dear Mr. Stone:

I am writing to you today to share my deep concerns over the proposed changes to regulations contained in the draft MS4 storm water permit.

To put it bluntly and come straight to the point, compliance with some of the proposed requirements within the time frame allowed is both logistically and financially impossible. At present, the Town of Bethel does not possess sufficient manpower or equipment that would be needed to comply with the new regulations. Implementation of the proposed regulations would require significant purchases or leases of new equipment and additional manpower, either added to existing staff or contracted on a temporary basis. Taken together, implementing these proposed regulations could conceivably add close to one million dollars annually in new operational costs, to be funded by the taxpayers of the Town of Bethel.

These costs represent an unsustainable, unfunded mandate. Taxpayers in small towns across Connecticut are already reeling from sharp increases in local property taxes due to unfunded educational mandates as well as runaway rise in health care, liability and workers compensation insurance costs.

While we all share a strong desire to protect and improve Connecticut's waterways, these measures are counterproductive and unattainable. I would like to suggest that the department create a committee that includes municipal leaders to help craft new regulations that can help us attain these important goals within the means available. It is unrealistic to expect local taxpayers to absorb these costs. Any regulatory solution must be crafted within the logistical and financial realities that exist in Connecticut's towns and cities.

Sincerely,



Matthew S. Knickerbocker

First Selectman, Town of Bethel

CC: Dave Hannon, HVCEO Interim Executive Director  
HVCEO Board of Directors  
Senator Toni Boucher  
Senator Mike MacLachlan  
Representative David Scribner  
Representative Dan Carter



# Town of Bolton

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222 BOLTON CENTER ROAD • BOLTON, CT 06043

BOARD OF SELECTMEN  
(860) 649-8066  
FAX (860) 643-0021

September 4, 2014

Mr. Christopher Stone, PE  
Water Permitting & Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy & Environmental Protection  
79 Elm Street  
Hartford, CT 06106

RE: Proposed General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

Dear Mr. Stone:

On behalf of the Town of Bolton, I respectfully submit the following comments relative to the CT Department of Energy & Environmental Protection's (DEEP) Proposed General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems. As a community, we recognize the importance of protecting water quality in our town and have continued our own efforts to protect water quality. Examples of our major undertakings include the installation of a sewer system around Lower Bolton Lake and treatment/analysis of issues at Lower Bolton Lake. Funding is a constant obstacle. For us to comply with the proposed General Permit, as drafted, will place a considerable burden on our municipal budget and will necessitate untenable increases in property taxes. During these challenging economic times, we already struggle to maintain core services, such as education, public works, public safety and health programs. The extensive requirements of the General Permit, as drafted, imposes a considerable unfunded mandate on Bolton and other communities.

Specific comments/concerns for the Town of Bolton are as follows:

- \* **Certification of Stormwater Management Plan**  
Bolton contracts for engineering services. Beyond the costs we will have to incur for our engineering firm to develop a new plan to comply with these mandates

and any future updates, we will need to pay for an independent PE to review and certify.

\* **Employee Training**

We should be able to determine the current ability of staff and any necessary training needs.

\* **Public Education and Outreach**

If the true objective is to provide public education and outreach to citizens on the same topics for all communities, the state should provide this information. This would provide a consistent message to all. It would be very costly for small towns such as Bolton to develop or contract for the development of educational materials, publicize and disseminate the information in our community. A statewide effort would be more effective and efficient.

\* **Illicit Discharge Detection and Elimination**

The proposed language shifts responsibility from DEEP to Bolton for the enforcement of EPA standards without providing any assistance or funding. We would be unable to do this with our already lean level of staffing as is the case in the majority of small towns.

\* **Construction Site and Post-Construction Stormwater Measures**

Bolton has already began the implementation of Low Impact Development measures. In doing so, we have reviewed what is appropriate for conditions in our town. The proposed items in these sections will impose additional procedures, regulations, legal reviews, documentation, engineering reviews and other measures that will overwhelm staff and further adversely impact our budget.

\* **Pet Waste Management and Water fowl Management**

Even with signs and bag dispensers, who is going to enforce? As with the education/outreach provisions, the state providing statewide items for this would make sense if it is to move forward.

\* **Snow Removal**

The need and value of the extensive data to be documented in our reports is highly questionable.

\* **Sweeping**

We contract with an outside vendor for our street sweeping since we cannot afford the expensive capital equipment to do it ourselves. Any mandate that requires additional sweeping will place another cost burden on our tax payers.

\* **Leaf Collection**

Bolton has a rural setting. The majority of residents either compost their leaves or dispose of the leaves in their woods. If these are not an option, we offer an alternative for residents to dispose of their leaves at our transfer station. As a result, leaf collection is not warranted. To have to add staff and purchase equipment would impose a problem rather than addressing one in Bolton.

\* **Monitoring Requirements**

The increasing of monitoring samples significantly increases our costs.

The hardships imposed on Bolton and our taxpayers by this proposed General Permit are extremely substantial. Our engineer has estimated that our budget will need to be increased by 200% to 300%. This is simply not possible. We ask that DEEP postpone any adoption and implementation of the permit language until: a full cost benefit analysis can be developed; documentation is provided as to the need for all aspects of the permit; and a concise report as to the expected end results is provided that demonstrates the aforementioned needs.

We appreciate DEEP's due consideration in this matter. My staff, local leaders and I remain committed to protecting water quality in Bolton and are very willing to work cooperatively with the DEEP to implement measures that are beneficial, practical, warranted and cost effective.

Respectfully,

A handwritten signature in black ink that reads "Joyce M. Stille". The signature is written in a cursive, flowing style.

Joyce M. Stille  
Administrative Officer

# Bridgewater - Connecticut

Date: August 26, 2014

To: Christopher Stone, P.E., CT Department of Energy and Environmental Protection

From: Curtis Read, First Selectman of Bridgewater, CT

RE: Comments on the Draft of the DEEP Storm Water Permit

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## **Background:**

As First Selectman of a Tier 2 Town and as an expert in water quality I have significant concerns about the proposed storm water regulations.

For more than 25 years I have been sampling and testing groundwater and regional surface waters in western Connecticut. This work was done at Hydro Technologies, Inc., a state certified laboratory based in New Milford. I have performed extensive studies of the Danbury WWTP effluent and its influence on the Still River and Lake Lillinonah. I also authored a "Source to Sound" study of water quality in the Housatonic River basin for HVA and analyzed point source and non-point source (storm water) water quality parameters.

I feel that my experience both on the board and as long serving chairman of the Northwest Conservation District and as a founding member of the Pomperaug River Watershed Coalition adds to my background to be able to constructively comment on the draft regulations and their effect on regional Towns.

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1. DEEP has been collecting storm water data from industry and municipalities for years. Where is the analysis of the results? Are results in an accessible database format? Do the results indicate non-point source pollution from all forms of nitrogen and phosphorus? This data should be the baseline justification for increased monitoring now being proposed.
2. We all want to see the surface and ground water quality protected. Is the increased monitoring and requirements for street sweeping, etc. the mandate of the Long Island Sound initiative? What percent improvement in water quality can be reasonably expected by applying the proposed regulations? The reality is almost none, especially when one considers the greater New York area WWTP's problems and combined sewage overflows that cause anoxic conditions and bacterial contamination in the Sound.

3. It is my experience that if overall Nitrogen & Phosphorus reductions are the goal of the proposed regulations, then improvements to sewage treatment plants (point sources) are the easiest and most effective steps to undertake. The problem is the financial burden for initial construction and ongoing costs for chemicals. Most treatment plants serve a broader region than the local municipality and would require bond issues and engineering expertise. The state or federal regulators should provide initial capital and design assistance once effluent water quality improvement is mandated based on achievable TMDL's and cost effective technology.
4. We all know that lawn care chemicals are a major contributor to non-point sources of N & P, probably more than farms in suburbanized areas. How about stricter limits and higher taxes on commercial fertilizers as a way to discourage their overuse?
5. The storm water program should be site specific. Only the worst locations should be monitored initially. I would urge the DEEP do the actual "first flush" storm water sampling by collecting and transporting the samples to insure sample integrity. The lab work should also be done by the state lab. If the site proves to be worthy of regulation, then add it to the municipal responsibility.
6. The very worst storm water sites (DEEP should already know these from historic data) could merit construction of first flush retention structures. This retained contaminated water could be pumped out and delivered to WWTP's for treatment prior to discharge into sensitive riverine systems.

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### **Conclusions:**

From the Tier 1 municipalities and Tier 2 Towns points of view, the DEEP is proposing an unfunded mandate that will be financially burdensome with very marginal overall benefit. Other towns in our HVCEO region will be commenting on the program costs. The "up front" capital expenses will be huge, and the labor costs must be included in any analysis. How about a true Cost/Benefit analysis?

The result will be higher property taxes. No town government or voter will agree to these costs and enforcement would be tricky to impossible.

Therefore, I urge the DEEP to "get real". Scale the program back and do only the work with the most potential for success.

WILLIAM N. TINSLEY  
FIRST SELECTMAN



100 POCONO ROAD  
BROOKFIELD, CT 06804

OFFICE OF THE FIRST SELECTMAN  
TOWN OF BROOKFIELD

**RECEIVED**  
SEP - 9 2014  
BUREAU OF MATERIALS MANAGEMENT  
& COMPLIANCE ASSURANCE

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106

**Re: Municipal Separate Storm System / DEEP proposed Draft Changes to MS4 Permit**

Dear Mr. Stone,

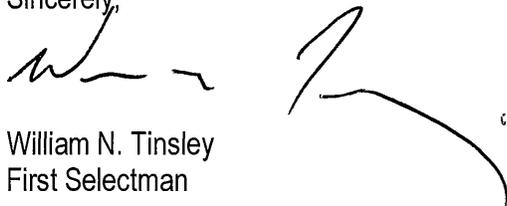
The Town of Brookfield is situated between Candlewood Lake and Lake Lillinonah. The Still River flows through the center of our town. We are keenly aware of the importance of protecting our precious water resources and enthusiastically work with many organizations to protect them.

We have reviewed the draft changes to the MS4 permit. We understand and applaud the intent. Based on our review, there are three recommended changes that are of particular concern to Brookfield: 1) increased street and parking lot sweeping, 2) additional catch basin cleaning/reporting, and, 3) leaf collection.

Brookfield is predominately suburban and rural with relatively low population density. In our judgment, the proposed regulation changes would have very little if any impact on water quality. Conversely, they would require exorbitant increases in annual operating costs, and very significant investments in equipment.

We respectfully ask that you take our comments into consideration and delay any additional changes to the MS4 permit. Please consider giving us the opportunity to discuss these changes with the DEEP. Working with you and other municipalities, we believe we can develop practices that might be more impactful, practical and focused to local needs.

Sincerely,



William N. Tinsley  
First Selectman

Sincerely,



Ralph Tedesco  
Director of Public Works



September 2, 2014

## **GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM SMALL MUNICIPAL SEPARATE SEWER SYSTEMS**

The Connecticut Conference of Municipalities appreciates the opportunity to submit comments on the draft General Permit for the Discharge of Stormwater from Small Municipal Separate Sewer Systems (MS4), as proposed by the Department of Energy and Environmental Protection (DEEP).

CCM strongly opposes the draft MS4 permit.

The draft MS4 permit would impose costly unfunded state mandates on municipalities and their residential and business property taxpayers. These mandates would impose significant expenses that Connecticut's municipalities would be hard pressed to meet and, if approved, would likely result in raising taxes, reducing other key services or result in employee layoffs.

Municipal officials have raised numerous concerns with the draft MS4 permit. They include but are not limited to:

- **The increased frequency of required road sweeping by towns and cities.** The proposed schedule would require that (1) main roads, arteries to the main roads, commercial/business district roads and municipal parking lots be swept monthly from April through October, (2) commercial and business district sidewalks must be swept quarterly, (3) residential streets and roads and all other streets must be swept annually and, (4) event gathering places must be swept within 48 hours of the event, or within 24 hours of the event if rain is forecast. *Compliance with this requirement would dramatically increase municipal costs to cover the required increase in labor and needed capital equipment.*
- **Additional sampling and testing of dry and wet weather stormfall monitoring.** This would require increased municipal resources or the hiring of an outside vendor, and result in increased laboratory costs required to analyze the samples.
- The proposed permit would result in **increased municipal costs to meet the Public Outreach and Education requirements**, as well as the costs associated with increasing Public Involvement and Participation. These costs would increase due to state-mandated Freedom of Information Act (FOIA) requirements regarding the noticing of meetings and publication of the Stormwater Management Plan and Annual Report.
- Municipal officials have concerns with the **costs associated with the expansion and implementation of Illicit Discharge Detection and Elimination (IDDE) ordinance**, the

requirement to track and locate the source of illicit discharges, and the implementation of program to prevent future IDDEs.

CCM is appreciative of DEEP's cooperation with CCM, municipal leaders and their representatives as we attempt to strike the proper balance of protecting the State's water bodies and protecting towns and cities, and their resident taxpayers. CCM and its member municipalities believe that there are opportunities to reduce the number, scope and costs of the additional requirements that DEEP has proposed.

CCM requests that any provisions contained within the proposed MS4 permit that go beyond the mandated Federal EPA requirements such as the creation of a Tier II permit for 49 towns not covered by the Tier I permit, be removed from the proposed permit in order to reduce the fiscal impact of the MS4 permit to towns and cities.

DEEP should conduct a comprehensive cost-benefit analysis of the requirements and costs within the proposed permit, to ensure that any increased costs result in measurable improvements to the environment and at reasonable costs to local taxpayers.

Furthermore, CCM requests that DEEP establish a collaborative process to fully vet the issues and costs associated with stormwater management- identifying and agreeing on the best scientific approach, viable options for compliance, timeframe for compliance, etc. A cooperative process between the State and municipalities would lead to an effective and cost efficient process for managing stormwater and ensuring the continued health of local and state water bodies.

Due to the increased requirements and unfunded mandates contained within the draft MS4 permit, CCM urges the Department of Energy and Environmental Protection to not approve the proposed draft General Permit for the Discharge of Stormwater from Small Municipal Separate Sewer Systems as currently drafted.

CCM looks forward to working with DEEP, on behalf of Connecticut's property taxpayers, toward a resolution that balances the needs of the environment and the demands -- both administrative and financial -- placed on municipalities and their residential and business property taxpayers.

## ## ##

If have any questions, contact Randy Collins, Senior Legislative Associate for CCM, at (860) 707-6446 or rcollins@ccm-ct.org.



September 4, 2014

Mr. Christopher Stone, PE  
Water Permitting & Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy & Environmental Protection  
79 Elm Street  
Hartford, CT 06106

**Re: Proposed General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems**

The Connecticut Council of Small Towns (COST), which represents approximately 110 small towns throughout Connecticut, opposes numerous provisions included in the state Department of Energy & Environmental Protection's (DEEP) **Proposed General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems**.

COST and its member towns recognize the importance of protecting water quality in our communities and have embraced efforts to protect the state's natural resources by preserving open space and watershed lands, addressing non-point source pollution, and adopting land use regulations to protect water resources. However, the proposed General Permit imposes numerous unfunded mandates on towns at a time when communities continue to struggle to fund core municipal services, such as education, public safety and public health.

Rather than mandate onerous requirements on municipalities that will only serve to siphon resources away from efforts to manage stormwater at the local level, DEEP should reissue the General Permit without significantly expanding or revising the requirements already imposed on municipalities and assist municipalities in compliance by developing model ordinances and Best Management Practices. DEEP should also refrain from exceeding EPA's requirements and imposing burdensome requirements on Connecticut's small towns, designated as Tier 2.

COST respectfully submits the following comments outlining concerns with the proposed General Permit:

**Proposed General Permit Exceeds the Requirements Set Forth by US EPA**

Currently, the United States Environmental Protection Act (EPA) requires municipalities that own and operate storm sewer system in Urbanized Areas to comply with MS4 General Permits in accordance with EPA standards. EPA does not require coverage of municipalities outside of



Urbanized Areas. However, DEEP's proposed General Permit imposes costly and burdensome requirements on small towns at a time when municipalities are struggling to maintain core services, such as education, public safety and public health programs, due to continued challenging state fiscal conditions. While we recognize that EPA authorizes the permitting authority in each state to designate additional regulated MS4s outside of Urbanized Areas, doing so at this time will impose an untenable burden on our communities and taxpayers.

### **Proposed General Permit Imposes a Considerable Unfunded Mandate on Municipalities**

Connecticut continues to face serious economic and fiscal challenges. As a result, state aid to municipalities has been largely flat funded for several years now, shifting more of the burden to municipalities to fund education, public safety and other critical programs. This puts enormous pressure on local property taxes which must absorb increases in the cost of delivering services. Given the ongoing budgetary challenges facing the state and municipalities, Connecticut must refrain from imposing new unfunded mandates on municipalities which drive up local costs beyond the control of property taxpayers.

Unfortunately, as drafted, the proposed General Permit imposes extensive mandates on municipalities without providing any funding to assist in compliance. These requirements include new fees, extensive reporting requirements, rigid street sweeping requirements; expanded monitoring requirements, mandated municipal leaf pick-ups, the adoption of new or updated complex local ordinances that will require legal review, the development and certification of comprehensive stormwater management plans that will require small towns to expend considerable resources and monies to prepare and update and the development of public education and outreach campaigns on stormwater management.

**The state cannot impose unfunded mandates of this magnitude on Connecticut's small towns and cities at a time when municipalities are struggling to maintain core education, public safety and public health services.**

In addition, COST respectfully submits the following comments on specific provisions of the proposed General Permit:

#### **Section 3(b)(9) - Stormwater Management Plan Certification**

The proposed General Permit requires municipalities to obtain – at their expense - an independent Professional Engineer (PE) to certify that the town's Stormwater Management Plan is in compliance. Many small towns will have to retain a licensed professional engineering firm to prepare and update the plan. Some will be able to use in-house PEs. Prohibiting the plan from being certified by the same PE that the town uses to develop the plan is unreasonable. Engineers are licensed professionals that must adhere to standards in performing their work. Requiring the



plan to be reviewed and certified by an independent PE is an enormous waste of scarce resources.

## **Section 6 - Development of Stormwater Management Plan**

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The proposed General Permit expands a municipality's obligations under the Minimum Control Measures outlined in this section, as follows:

### **Section 6(a)(6)(A) Pollution Prevention/Good Housekeeping – Employee Training**

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Many towns have indicated that provisions in the proposed General Permit requiring municipalities to conduct formal employee training are unnecessary. Employees that have experience in stormwater management issues should not be required to participate in additional training. Towns should be permitted to determine whether training for employees is necessary.

### **Section 6 (a) (1) Public Education and Outreach**

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The proposed General Permit expands the scope of the public education and outreach requirement for Tier 1 municipalities by specifying the types of outreach that must be conducted, such as outreach targeting pet waste, application of fertilizers, herbicides, pesticides and the impact of illicit discharges and improper disposal of waste into the MS4. For Tier 2 municipalities, the proposed General Permit also requires public education and outreach. Although we recognize the importance of educating the public regarding stormwater management, the proposed General Permit places the burden for public outreach on municipalities. Requiring each municipality to develop and implement a public outreach campaign is not an efficient or effective way to properly educate the public regarding the importance of stormwater management.

It could be very costly for a town to develop or obtain from other sources appropriate educational materials, and publicize and disseminate the information to the public. In addition to unnecessarily requiring towns to duplicate efforts, requiring each municipality to conduct public outreach may result in the public receiving inconsistent or confusing information. Rather than require each and every municipality in the state to conduct public education and outreach, the state and federal environmental protection agencies should be charged with developing a public information campaign. This will ensure that the public receives a clear, consistent message about stormwater management.

### **Section 6 (a) (3) Illicit Discharge Detection and Elimination**

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This section imposes several onerous requirements on municipalities, including requiring municipalities to develop an Illicit Discharge Detection and Elimination (IDDE) program and



adopt a local ordinance to prohibit the discharge of illicit substances. Under the proposed General Permit, towns must locate the source of the illicit discharge, eliminate the illicit discharge and implement a screening and tracking program to prevent future illicit discharges. In addition, the town must develop a means for citizen reporting of possible illicit discharges. A summary of the report and investigative correction actions to address the complaint must be summarized in the Annual Report. Many small towns do not have the staff or resources to comply with this section. The proposed General Permit shifts responsibility from DEEP to individual municipalities to enforce EPA standards without providing municipalities with any assistance or funding. At a minimum, DEEP should develop a model ordinance and other guidance documents to assist municipalities in complying with these requirements.

#### **Section 6 (a)(4) Construction Site Stormwater Runoff Control**

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The proposed General Permit requires municipalities to adopt an ordinance or other legal authority regarding construction site runoff control. In addition, the town is required to implement a procedure for receipt and consideration of information submitted by the public concerning proposed and ongoing land disturbances and implement a procedure for notifying developers of the obligation to obtain authorization under DEEP's General Permit for the Discharge of Stormwater and Dewatering wastewaters Associated with Construction Activities. At a minimum, DEEP should develop a model ordinance and other guidance documents to assist municipalities in complying with these requirements.

#### **Section 6(a)(5) Post-Construction Stormwater Management Requirements**

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As proposed, MS4s will be required to update their land use regulations to include Low Impact Development measures, post-construction stormwater retention and other requirements in considering applications for new development and redevelopment. Municipalities are struggling to retain and grow their revenue base by attracting businesses to their communities. Imposing additional requirements on new development and redevelopment at this time will make it more difficult to pursue economic development strategies.

Moreover, many municipalities have already adopted land use regulations that are protective of water quality and consistent with the state and local Plans of Conservation and Development. Mandating the adoption of revised land use regulations may run counter to these efforts. In addition, revising and adopting land use regulations is a costly process, involving legal expenses, public notice, town meetings, etc. Requiring towns to update land use regulations undermines the ability of towns to manage costs.

In addition, the proposed General Permit requires municipal officials to perform many time-consuming and onerous tasks, including: 1) Determining the Directly Connected Impervious Area (DCIA) that contributes stormwater to each MS4 outfall; 2) Maintaining a database and



revise the DCIA as needed due to development, redevelopment or retrofits; 3) Documenting on-site water retention control measures; 4) Implementing maintenance and inspection plans; and 5) Developing, funding, and implementing a retrofit program to address erosion and sediment problems. All of these requirements will impose exorbitant costs on small towns. The vast majority of small towns do not have engineers on staff. As such, this will require towns to retain consultants at considerable cost to property taxpayers. COST recommends that DEEP develop Best Management Practices relative to Post-Construction Stormwater Management and encourage and assist municipalities in complying rather than mandating compliance.

### **Section 6(a)(6)(C) MS4 Property and Operations Management**

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#### **(ii) Pet Waste Management**

#### **(iii) Waterfowl Management**

The proposed General Permit includes various provisions aimed at reducing pet and waterfowl waste, such as requiring towns to install signs and baggie dispensers for the removal of dog waste; install signs instructing visitors not to feed waterfowl; discouraging waterfowl from undesirable congregation or diverting storm drains away from these areas. The state should provide towns with appropriate signs, baggie dispensers, etc. to assist towns in complying with these requirements.

#### **(vii) a. Deicing Material Management**

Under the proposed General Permit, municipalities must explore means to minimize the application of chloride based or other salts or deicing products. Exterior containers of liquid deicing materials shall provide for 100 percent secondary containment. The town shall establish goals for automated deicing application and shall maintain written records of the application of anti-icing and/or deicing chemicals to document the reduction of chemicals. It is our understanding that the state Department of Transportation is currently reviewing issues relating to the use of salt and deicing products on roadways. It is premature to mandate that municipalities explore means to minimize the application of these products until DOT completes its review and identifies alternatives for ensuring safe, passable roadways during winter months. Moreover, the reporting requirements mandated by this section are cumbersome, adding to the costs faced by towns in complying with the draft General Permit.

#### **(vii) b. Snow Removal**

The proposed General Permit requires municipalities to maintain consistency with DEEP's Best Management Practices for the Disposal of Snow Accumulations from Roadways and Parking Lots. It also details extensive data that must be documented in the annual report, including type of staff training, lane miles treated, total amount of each deicing materials used...The reporting



requirements included in this section are overly burdensome and detailed. Given that DEEP continues to indicate that it is woefully understaffed, it is difficult to determine who will be in the position to review these reports and what, if any, benefit will be derived from this data.

### **(viii) Sweeping**

Under the proposed General Permit, Tier 1 municipalities are required to sweep on a monthly basis from April through October main roads, arteries to the main roads, commercial/business district roads and municipal parking lots. Commercial and business district sidewalks must be swept quarterly. Residential streets and all other streets must be swept annually. Event gathering places must be swept within 48 hours of the event or within 24 hours of the event if rain is forecast.

Street sweeping requires expensive machinery as well as manpower. Municipalities make decisions about street sweeping based on a variety of factors; including how often sand was applied during the winter season; whether streets are curbed; or whether sand or other debris has accumulated along the road edges. In fact, many towns have abandoned the use of sand for winter road maintenance and prefer to rely on deicing chemicals. As a result, street sweeping may not be necessary and towns should be permitted to perform sweeping on an as-needed basis. However, the proposed General Permit imposes an inflexible one-size-fits-all mandate on municipalities to sweep according to rigid schedule, regardless of whether the sweeping is necessary, practical, or fiscally prudent.

The proposed General Permit requires municipalities to report to DEEP annually regarding the number of curb miles swept, dates that street sweeping was conducted, the amount of debris removed, the number of parking lots cleaned, the size of the lots, etc. The state has recently taken steps to eliminate unnecessary reporting requirements, recognizing the cost burden associated with filing reports that agency staff does not have the time or resources to review. COST urges rejection of any new paperwork mandates that unnecessarily drain resources from cash-strapped municipalities.

Tier 2 MS4s will be required to sweep once per year, under the proposed General Permit. If a municipality does not utilize road sand, sweeping may be unnecessary. COST believes that sweeping should not be mandated and that towns should be permitted to conduct sweeping on an as-needed basis.

### **(ix) Leaf Collection**

As proposed, the General Permit requires municipalities to conduct an annual town-wide leaf pick up program before December 15 and properly dispose or reuse leaves. In a rural setting, requiring towns to conduct leaf pick-ups simply does not make sense. Leaves are often swept from yards into nearby woods or used as compost. Requiring rural towns to utilize equipment



and public works departments to pick up leaves is a waste of scarce resources and a very expensive “solution” to a problem that doesn’t exist in our rural communities. Moreover, if a storm results in a lot of downed trees and branches, requiring towns to perform leaf pick-ups before December 15 may leave towns without the resources to perform needed storm clean-ups.

### **(x) Catch Basin Cleaning**

The proposed General Permit mandates that municipalities clean and inspect catch basins and other structures at least once per year. Municipal public works departments and other staff are clean and inspect catch basins and other structures on an as-needed basis. It is inappropriate to mandate this as part of the proposed General Permit.

### **Section 6 (b) Tier 2 Minimum Control Measures**

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The proposed General Permit includes provisions setting forth the Minimum Control Measures for Tier 2 communities. DEEP proposes imposing these requirements on the state’s small towns which exceed EPA’s requirements. COST is very concerned that the state would seek to impose extensive requirements on the state’s small towns at this juncture.

The Tier 2 Minimum Control Measures require each town to define appropriate Best Management Practices (BMPs) and designate a person responsible for each BMP. For example, within one year of the effective date of the permit, municipalities must implement a public education program to distribute educational materials to the community. Again, COST believes that it would be more efficient and effective for the state and federal government to develop and implement a public outreach campaign on stormwater management rather than require each and every town in the state to develop or obtain its own materials. Small towns do not have available staff to develop a public relations campaign of this magnitude.

### **Section 6(j) Monitoring Requirements**

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Under the proposed General Permit, Tier 1 municipalities with a population of less than 15,000 are required to do four in-stream dry weather monitoring samples for the first two years of the permit and four in-stream wet weather monitoring samples for the remaining three years of the permit. The costs associated with these monitoring samples are between \$800 and \$1000. If a town does not have the staff needed to perform the sampling, towns can expect to spend from \$500 to \$1,000 per sampling round. In addition, the proposed General Permit requires Tier 1 municipalities with a population of less than 15,000 to do four wet weather stormwater outfall monitoring samples at a cost of more than \$1200 for laboratory costs or, if they retain a consultant, from \$500 to \$1,000 per sampling round. This is a significant increase in costs to municipalities.



## **Conclusion**

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DEEP has admitted that the data from the MS4 program operation is insufficient to reliably document the impact of the program on stormwater quality. Moreover, little consideration, if any, has been given to the costs associated with implementing these requirements. It is therefore premature to extend this mandate to Tier 2 communities and increase the requirements imposed on Tier 1 communities with sufficient data and without conducting a comprehensive cost-benefit analysis.

COST therefore recommends that DEEP reissue the permit without significantly expanding or revising the requirements already imposed on municipalities, and instead, focus on developing Best Management Practices to assist municipalities in enhancing current stormwater management programs that make sense for their communities. We further recommend that small towns that are categorized as Tier 1 communities be permitted to seek a waiver from DEEP inasmuch as compliance will impose an undue hardship on these towns and their taxpayers.

COST believes that these recommendations will lead to cost-effective stormwater management solutions that have strong local support and are positioned to achieve real improvement in water quality without overburdening taxpayers.

Very truly yours,

Elizabeth Gara  
Executive Director.

**Connecticut Council of Small Towns**  
1245 Farmington Ave., 101  
West Harford, CT 06107  
Tel. 860-676-0770; Fax 860-676-2662



**COUNCIL of GOVERNMENTS  
CENTRAL NAUGATUCK VALLEY**

49 Leavenworth Street, Suite 303, Waterbury, CT 06702 • 203-757-0535 • cogcnv.org

September 3, 2014

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Material Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street,  
Hartford, CT 06106-5127

RE: Proposed Modifications to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

Dear Mr. Stone,

Council of Governments of the Central Naugatuck Valley (COGCNV) staff and Regional Planning Commission have reviewed the proposed modifications to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) dated July 7, 2014. The COGCNV and the region's municipalities remain committed to improving surface water quality, however, concerns have been raised regarding the financial impact that many of the changes proposed would have at the local level. More frequent street and sidewalk sweeping, mandatory leaf pick up, and comprehensive Illicit Discharge Detection and Elimination requirements, among other changes detailed in the draft permit, have been cited by municipal officials in our region to potentially be prohibitively expensive to implement. Without funding to enact the proposed changes, the draft permit as written would place undue burden on municipalities, and would present serious impediments to local compliance. Since the success of stormwater reduction and surface water quality programs is dependent on this compliance, the draft permit has the potential to limit the future success of these programs.

We encourage DEEP to revise the permit with input from municipal officials, bearing in mind the economic impacts of permit compliance on municipalities. An updated MS4 General Permit, with requirements and goals that are achievable at a local level without undue financial burden for municipalities, has the potential to improve surface water quality in Connecticut, and should be the ultimate goal.

We look forward to assisting DEEP and municipalities with the new MS4 Permit process.

Sincerely,

Samuel S. Gold, AICP  
Executive Director

T:\General\LETTERS\FY2015\MS4-Proposed Modifications Public Comment.docx

## Sowa, Kevin

---

**From:** John Elsesser <jelsesser@coventryct.org>  
**Sent:** Thursday, September 04, 2014 4:09 PM  
**To:** Stone, Chris  
**Cc:** Betsy Gara; Ron Thomas (RThomas@CCM-CT.org)  
**Subject:** Opposition to proposed ms4 regulations

The Town of Coventry is opposed to the expansion of the MW4 regulations and the significant financial and management impact on smaller communities. As a member of Both COST and CCM we have asked that the process and cost impact versus benefit be studied before proceeding. We believe that CT DEEP has far exceeded the requirements of the Federal Mandate and will be increasing property taxes for little environmental benefit. I am putting a cost estimate to the town of Coventry on each of the main changes proposed.

- 
- Create a Stormwater Management Plan and retain an independent engineer to review and certify the plan; \$ 40,000 for engineering fees in year one and \$5,000 annually
- Conduct town-wide leaf pickup before December 15 and properly dispose or reuse leaves; We do not have leaf collection. Would need to hire 8 employees for 3 months \$57,600 and outfit at least 6 trucks @ \$25,000... add \$10,000 in diesel fuel (air pollution anyone?)
- Significantly increases the street sweeping requirements for Tier 1 municipalities and imposes new street sweeping requirements on Tier 2 municipalities: \$25,000. We don't use sand anymore why sweep?
- Minimize/optimize use of road salt (while maintaining public safety), evaluate use of alternative deicing materials; Would require additional salt/sand shed (\$300,000) and more equipment to switch products, and more overtime.
- Conduct public outreach/education, public involvement regarding requirements; \$10,000
- Create and adopt local ordinances to prohibit discharge of illicit substances and upgrade land use regulations; Why not a state law.....town Ordinance process \$2,000
- Inspect catch basins/vortex separators annually for the first 2 years of permit and clean if more than 50% of structure is filled; current practice
- Develop, fund, implement, and prioritize a retrofit program to address erosion and sediment problems; Cost unknown
- Compile extensive data regarding street sweeping, snow removal and other activities and file annual reports with DEEP; and Develop formal training for key employees involved with MS4 Cost unknown....how about the state providing free training

The real question is need. In rural areas we do not need town wide leaf collection. It is very unsafe to rake leaves into narrow rural roads and is a proven traffic hazard. I don't think you DEEP understands we have 240 lane miles of road with only 6 truck drivers. It is impossible to collect leaves for 25 % of the year with a small work force. This will divert all road and drainage work. Grass collection is even more ludicrous. We have a permitted leaf pile which residents can deposit leaves if they so choose.

We urge no change to the status quo

John Elsesser, Town Manager

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communication by others is strictly prohibited. If you are not the intended recipient, please notify me immediately by returning this message to the sender and delete all copies. Thank you for your cooperation.

TOWN OF DARIEN  
DEPARTMENT OF PUBLIC WORKS  
2 RENSRAW ROAD - TOWN HALL  
DARIEN, CT 06820-5397  
TELEPHONE (203) 656-7346



EDWARD L. GENTILE JR., P.E.  
DIRECTOR OF PUBLIC WORKS

DARREN OUSTAFINE, P.E.  
ASSISTANT DIRECTOR OF PUBLIC WORKS

September 3, 2014

Water Permitting and Enforcement Division,  
Bureau of materials Management and Compliance Assurance  
DEEP  
C/O Christopher Stone P.E.  
79 Elm Street  
Hartford, CT 06106

Dear Mr. Stone,

As the Director of Public Works for the Town of Darien, I am writing to you to express my concerns regarding the draft changes to the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" (MS4), which most certainly will have a significant impact on our town.

In my review of the major changes, it appears that the significant time and energy has been spent on the expansion of one specific control measure, the detection and elimination of illicit discharges. As we here in Darien feel that this is an important item as part of the MS4 General Permit the additional tasks and encumbrances for just this one item are considered to be unmanageable and in some cases impractical to implement. The additional "in-stream" sampling requirement appears to be just another expansion on an already arduous task. We believe that trying to collect some of the samples will undoubtedly cause one to trespass on private property, which we see as an additional stumbling block in this process. It was also noticed that the list of pollutants that will be required to be tested for has grown significantly and appears to be unrestrained.

Furthermore, there is the expansion of the Pollution Prevention/Good Housekeeping control measure that would require additional manpower and equipment that our town currently does not have access to nor funding for. The additional budgetary burdens that these as well as all the other proposed requirements would put on the Town of Darien appear to be overwhelming.

We feel that the Town of Darien has done its very best to accommodate the intent of the MS4 General Permit without compromising the integrity of the process. It appears to us that there are many cities and towns like ourselves that are struggling to completely comply with the previous mandate yet the DEEP is considering expanding the program even further. There are towns that have yet to comply with the original mandate and these proposed changes will undoubtedly go unaddressed. With that all said, implementation of these proposed changes should be delayed and further dialog and examination should be completed prior to moving forward to revise the program.

Thank you for allowing me to comment on the proposed changes and also for providing me the opportunity to present a possible alternative to the current course of action. Your consideration to the many concerns of the Town of Darien is appreciated.

A handwritten signature in cursive script, reading "Edward L. Gentile Jr.", written in black ink.

Edward L. Gentile Jr., P.E.  
Director of Public Works, Town of Darien

A handwritten signature in cursive script, reading "Jayme Stevenson", written in black ink.

Jayme Stevenson  
First Selectman Town of Darien



**STATE OF CONNECTICUT  
DEPARTMENT OF CORRECTION  
FACILITIES MANAGEMENT & ENGINEERING  
24 WOLCOTT HILL ROAD  
WETHERSFIELD, CONNECTICUT 06109**

**Rich Pease  
(860) 692-7562  
FAX: (860) 692-7556**

August 28, 2014

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy & Protection  
79 Elm Street  
Hartford, CT 06109-5127

**Subject: Draft General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems**

Dear Mr. Stone:

Thank you for the opportunity to comment on the Proposed General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (Proposed GP). It's my understanding that the Proposed GP will include for the first time, state prisons as regulated municipal separate storm sewer systems (MS4).

As you know, the Proposed GP provides significantly more detail on the requirements and implementation of the six Minimum Control Measures than the Existing GP as well as expanding certain requirements. I have tried to offer suggestions that will level the playing field and bring consistency to the various requirements currently specified under the existing stormwater General Permits for MS4s and Industrial Discharges. My comments are designed to help increase the current rate of compliance while still reducing the discharge of pollutants with the goal of protecting water quality:

**Section 3. Authorization Under This General Permit**

- The Proposed GP requirement to have the registration certified by a Professional Engineer (PE) will force permittees to hire a PE to develop the Stormwater Management Plan. PEs will not certify Plans that they have not developed. Forcing permittees to hire a PE to develop the Plan is overly burdensome and not necessary. This requirement is not included in the Existing GP. The intent of the DEEPs stormwater program is to give permittees the opportunity to complete the Plan using in-house, non PE staff. Proposed GP Section 3,(b),(9) does not give permittees the option of completing the Plan in-house.

- The Proposed GP requirement to have the registration certified by a PE is overly burdensome and not necessary. This requirement is not included in the Existing GP. The requirement to have the registration signed and certified by the registrant and other individuals responsible for preparing the registration is sufficient to meet the GP goals of meeting water quality requirements and preventing or reducing pollutant runoff from facility operations.
- Include in the Proposed GP a No Exposure Certification as is currently allowed under the Industrial GP. A No Exposure Certification could apply to municipal buildings and institutions that consist entirely of office space and municipal buildings and institutions that have no materials exposed to stormwater.

#### **Section 4. Registration Requirements**

- The Department of Correction operates seventeen facilities. It's my understanding that a single registration form and fee to cover all seventeen facilities will be required to be submitted. Please confirm that one registration form and fee will cover all seventeen facilities.
- The Section 4,(c),(2),(E) registration requirement to identify the name of the receiving stream(s), watershed(s) or waterbody(s) to which the MS4 discharges should be deleted. This requirement is redundant with the requirement to include this information in the Stormwater Management Plan.
- The Section 4,(c),(2),(H) registration requirement to include Best Management Practices should be deleted. This requirement is redundant with the requirement to include this information in the Stormwater Management Plan.

#### **Section 6. Development of Stormwater Management Plan**

Compared with the Existing GP (Table 1), the Proposed GP adds sixteen new programs to the Stormwater Management Plan requirements:

1. Maintenance plan for pollutant removal efficiency
2. Interdepartmental Coordination
3. Post-construction
4. Maintenance plan for treatment structures
5. Training
6. Outfall repair/retrofit/upgrade
7. Pesticides/herbicides
8. Dumpsters/waste management equipment
9. Vehicle storage
10. Parking lot sweeping
11. Deicing product use/handling/storage/disposal
12. Snow/ice control
13. Sources contributing to pollution
14. Turf management
15. Bacteria retrofit
16. Geese/waterfowl management

- With regard to the seventeen Department of Correction facilities, it's my understanding that a single Stormwater Management Plan can be developed to cover all seventeen facilities. Please confirm that one Stormwater Management Plan can be developed to cover all seventeen facilities.
- DEEP should consider developing an electronic, fill in the blank Stormwater Management Plan template that contains all of the required information for each Plan element. The template could be pre-approved by a PE. The template could then be modified by each individual permittee so that it is representative of specific site conditions and the potential sources of pollutants that may reasonable be expected to affect stormwater quality. A pre-approved template would allow for self-implementation and relieve the burden of having to hire a PE to complete and certify the Plan. The intent of the Proposed GP would then be consistent with other DEEP GP requirements that are self-implementing. It would also ensure that the Proposed GP is consistent with DEEPs GP program policy regarding self-implementation.
- DEEP should consider making available a generic, model Plan that has been approved by a PE. The model Plan could then be modified by each individual permittee to identify all activities and materials that may be a source of stormwater pollution at each specific site. A pre-approved model Plan would allow for self-implementation and relieve the burden of having to hire a PE to complete and certify the Plan. The intent of the Proposed GP would then be consistent with other DEEP GP requirements that are self-implementing. It would also ensure that the Proposed GP is consistent with DEEPs GP program policy regarding self-implementation.
- DEEP should consider recommending and making available any computer software that would assist the permittee in preparing the Plan. The software could be pre-approved by a PE. Pre-approved software would allow for self-implementation and relieve the burden of having to hire a PE to complete and certify the Plan. The intent of the Proposed GP would then be consistent with other DEEP GP requirements that are self-implementing. It would also ensure that the Proposed GP is consistent with DEEPs GP program policy regarding self-implementation.
- The requirement to develop a Stormwater Management Plan should be phased-in over the entire permit term. Phasing in the requirement to develop a Stormwater Management Plan over the entire permit term will result in a more comprehensive and accurate Plan and a Plan that is better tailored to appropriate priorities and control measures that will address identified potential sources of pollutants at each individual site.
- The requirement to develop a Stormwater Management Plan should be delayed until one or two rounds of stormwater monitoring are completed. Delaying the requirement to develop a Stormwater Management Plan until after one or two rounds of monitoring will result in a more comprehensive and accurate Plan and a Plan that is better tailored to appropriate priorities and control measures that will address identified potential sources of pollutants at each individual site.
- With regard to the 6,(a),(1)(A) requirement to implement a public education program, DEEP should act as a clearinghouse to gather and make available to permittees educational information that is developed and acquired from other MS4s, governmental agencies, academia, and/or environmental advocacy organizations.
- With regard to the 6,(a),(3)(C) requirement to develop a list and map showing all stormwater discharges from a pipe or conduit located within and owned or operated by

the municipality or institution, DEEP should give the option of developing a list or a map.

## **Annual Report**

Compared with the Existing GP (Table 2), the Proposed GP adds twenty six new program elements to the annual report requirements:

1. Public education/outreach summary
2. Phosphorus/Nitrogen/Bacteria summary
3. Low impact development barriers
4. Directly Connected Impervious Area program
5. Directly Connected Impervious Area program progress
6. Nitrogen/Phosphorus/Bacteria problem area retrofits
7. Pet waste management program enforcement
8. Parking lot number of miles cleaned and volume of material removed
9. Snow removal program results
10. Street sweeping program results
11. Catch basin frequency
12. Catch basin actions/plans to abate persistent sedimentation areas
13. Turf management program actions and estimate of fertilizer and turf area reduction
14. Bacteria problem area retrofits
15. Geese/waterfowl management program actions
16. Listing/description of BMPs within each Minimum Control Measure
17. BMP implementation schedule
18. BMP implementation status
19. Discussion of BMPs not completed
20. Status and effectiveness of Minimum Control Measures
21. Personnel changes
22. Description of new BMPs
23. Illicit discharge program progress/status
24. Impaired waters discharge control measures
25. Monitoring program status
26. Planned BMPs

With regard to the 6,(k)(2) requirement to submit an Annual Report, I offer the following suggestions for consideration:

- DEEP should develop an electronic, fill in the blank template that contains all of the required Annual Report information. The template could then be modified by each individual permittee so that it is representative of specific site conditions and the potential sources of pollutants that may reasonable be expected to affect stormwater quality.
- DEEP should consider replacing certain required elements of the Annual Report with a certification statement that can be signed by the permittee certifying that all requirements for authorization under the General Permit are met and that a system is in place to ensure

that all terms and conditions of the General Permit will continue to be met for all discharges authorized by the General Permit.

I appreciate the opportunity to comment on the draft General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems and I look forward to continuing to work with the stakeholder group to reach the ultimate goal of preventing and reducing pollutant runoff. If you have any questions, please contact me at (860) 692-7562.

Sincerely Yours,

A handwritten signature in cursive script that reads "Richard Pease".

Richard Pease  
Environmental Analyst 3

c: Oswald Inglese  
file

Table 1 MS4 GP Stormwater Management Plan Requirements Existing vs. Proposed

Existing GP Stormwater Management Plan Required Programs	Proposed GP Stormwater Management Plan Required Programs
<ul style="list-style-type: none"> <li>1. <b>Public education</b></li> <li>2. <b>Public involvement</b></li> <li>3. <b>Illicit discharge</b></li> <li>4. Non-stormwater discharge plan</li> <li>5. <b>Construction</b></li> <li>6. <b>New development/redevelopment</b></li> <li>7. O&amp;M</li> <li>8. <b>Street sweeping</b></li> <li>9. Catch basin cleaning</li> <li>10. Conveyance/structure/outfall evaluation</li> </ul>	<ul style="list-style-type: none"> <li>1. <b>Public education</b></li> <li>2. <b>Illicit discharge</b></li> <li>3. <b>Development/redevelopment</b></li> <li>4. Maintenance plan for pollutant removal efficiency</li> <li>5. Interdepartmental Coordination</li> <li>6. <b>Public involvement</b></li> <li>7. <b>Construction</b></li> <li>8. Post-construction</li> <li>9. Maintenance plan for treatment structures</li> <li>10. Training</li> <li>11. Outfall repair/retrofit/upgrade</li> <li>12. Pesticides/herbicides</li> <li>13. Dumpsters/waste management equipment</li> <li>14. Vehicle storage</li> <li>15. Parking lot sweeping</li> <li>16. Deicing product use/handling/storage/disposal</li> <li>17. Snow/ice control</li> <li>18. <b>Street sweeping</b></li> <li>19. Sources contributing to pollution</li> <li>20. Turf management</li> <li>21. Bacteria retrofit</li> <li>22. Geese/waterfowl management</li> </ul>
<b>Stormwater Management Plan Due Date</b>	<b>Stormwater Management Plan Due Date</b>
1/8/09	90 days prior to effective date
<b>Stormwater Management Plan Certification</b>	<b>Stormwater Management Plan Certification</b>
None	PE

Table 2 MS4 GP Annual Report Requirements Existing vs. Proposed

Existing GP Annual Report Elements	Proposed GP Annual Report Elements
<p>1. Status of compliance</p> <p>2. <b>Monitoring data</b></p> <p>3. <b>Illicit discharge information</b></p> <p>4. Summary of planned next cycle activities</p> <p>5. Change in program goals/dates</p>	<p>1. Public education/outreach summary</p> <p>2. <b>Illicit discharge information</b></p> <p>3. Phosphorus/Nitrogen/Bacteria summary</p> <p>5. Low impact development barriers</p> <p>6. Directly Connected Impervious Area program</p> <p>7. Directly Connected Impervious Area program progress</p> <p>8. Nitrogen/Phosphorus/Bacteria problem area retrofits</p> <p>9. Pet waste management program enforcement</p> <p>10. Parking lot number of miles cleaned and volume of material removed</p> <p>11. Snow removal program results</p> <p>12. Street sweeping program results</p> <p>13. Catch basin frequency</p> <p>14. Catch basin actions/plans to abate persistent sedimentation areas</p> <p>15. Turf management program actions and estimate of fertilizer and turf area reduction</p> <p>16. Bacteria problem area retrofits</p> <p>17. Geese/waterfowl management program actions</p> <p>18. Listing/description of BMPs within each Minimum Control Measure</p> <p>19. BMP implementation schedule</p> <p>20. BMP implementation status</p> <p>21. Discussion of BMPs not completed</p> <p>22. Status and effectiveness of Minimum Control Measures</p> <p>22. Personnel changes</p> <p>23. Description of new BMPs</p> <p>24. Illicit discharge program progress/status</p> <p>25. Impaired waters discharge control measures</p> <p>26. Monitoring program status</p> <p>27. Planned BMPs</p> <p>28. <b>Monitoring data</b></p>

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

Jewel Mullen, M.D., M.P.H., M.P.A.  
Commissioner



Dannel P. Malloy  
Governor  
Nancy Wyman  
Lt. Governor

September 5, 2014

Chris Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Stone:

The Department of Public Health Drinking Water Section (DWS) Source Assessment and Protection Unit (SA&P) has reviewed the Department of Energy and Environmental Protection's (DEEP) Draft General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems (MS4). Approximately 18 percent of the land area in the State drains to public water supply surface water sources in addition to the land areas that are covered by the Aquifer Protection Area statutes and regulations. Much of the public water supply watershed areas are within the Tier I and II Towns proposed to be covered by the General Permit. Therefore, the DWS sees the MS4 General Permit as an opportunity to enhance the protection of public drinking water sources of supply. Please note that the comments contained within this letter are specific only to MS4s that are within public drinking water supply watershed and Aquifer Protection Areas.

The locations of MS4 outlets and the monitoring data required to be submitted under the draft General Permit are of particular interest to the DWS for analysis purposes. The DWS requests to be copied on locational data and the monitoring data if they are available in an electronic format. The DWS would also be interested in acquiring mapping of storm sewer systems in a method that can be added to our existing Geographic Information System, should that information become available. Electronic data may be submitted to the DWS at [DPH.SourceProtection@ct.gov](mailto:DPH.SourceProtection@ct.gov). The location and mapping data would also be extremely valuable to public water systems for emergency spill response purposes. It is requested that MS4s share this information with public water systems in a format that is agreeable to both parties.

The Regulations of Connecticut State Agencies (RCSA) section 19-13-B102(c) establishes standards for physical parameters, inorganic chemicals and pesticides in surface water supplies of public drinking water prior to treatment. The DWS requests that MS4s within public drinking water supply watersheds collaborate with the public water systems if the public water system's data indicate potential issues with achieving these standards.

RCSA Section 19-13-B102(e) establishes a notification level of 28 milligrams per liter (mg/l) in public drinking water ready for consumption and RCSA Section 19-13-B32(h) restricts the use of sodium chloride for road and driveway maintenance when sodium concentration in water tributary to public drinking water sources exceeds 15 mg/l. The DWS requests that sodium be added to the required



Phone: (860) 509-7333 • Fax: (860) 509-7359 • VP: (860) 899-1611  
410 Capitol Avenue, MS#51WAT, P.O. Box 340308  
Hartford, Connecticut 06134-0308  
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Mr. Stone  
September 5, 2014  
Page 2

monitoring parameters for this permit with notification to the public water system and the DWS if the concentration of sodium exceeds 15 mg/l.

RCSA Section 19-13-B32(i) regulates storm water drainage facilities within public drinking water supply source water areas and provides a permitting process for those that will discharge less than 100 feet from tributaries to public drinking water supplies. The MS4s should be aware of this permitting requirement and referred to the DWS if they have plans for reconstructing discharges for existing drainage facilities or adding new discharges.

The DWS agrees that education and outreach are the most powerful tools available to MS4s to achieve permit compliance. Public water systems with surface water supplies are required to inspect their watersheds on an annual basis and during these inspections many provide educational materials to the land owners in their watersheds. It is suggested that MS4s collaborate with public water systems in providing education and outreach.

Thank you for the opportunity to comment on the Draft MS4 General Permit. If you have any questions, you may contact Patricia Bisacky of my staff.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric McPhee', with a long horizontal flourish extending to the right.

Eric McPhee  
Supervising Environmental Analyst  
Drinking Water Section

Cc: Ronald Walters, Chairman., CT Section American Water Works Association Source Protection  
Committee  
Elizabeth Gara, Connecticut Water Works Association



DEPARTMENT OF THE NAVY  
COMMANDER  
NAVY REGION MID-ATLANTIC  
1510 GILBERT ST.  
NORFOLK, VA 23511-2737

IN REPLY REFER TO:  
5090  
EVN40/09/RE342

SEP 4 2014

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
CT Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Stone:

SUBJECT: NOTICE OF TENTATIVE DETERMINATION TO RENEW WITH MODIFICATIONS  
THE GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

As the Department of Defense (DoD) Regional Environmental Coordinator (REC) for U.S. Environmental Protection Agency Region I, we are responsible for coordinating DoD responses to environmental policies and regulatory matters of interest. We appreciate the opportunity to provide the attached comments on the subject public notice.

If you have any questions, our point of contact for this matter is Mr. William Bullard at (757) 341-0429 or E-Mail [william.bullard1@navy.mil](mailto:william.bullard1@navy.mil).

Sincerely,

A handwritten signature in black ink that reads "Sean S. Heaney".

SEAN S. HEANEY  
Director  
Environmental Compliance  
By direction of the Commander

Enclosure

Copy to: Naval Facilities Engineering Command, Mid-Atlantic  
(Mr. Michael Brown)  
U.S. Army REC, Region I (Mr. James Hartman)  
U.S. Air Force REC, Regions I, III (Mr. Ron Joyner)

NOTICE OF TENTATIVE DETERMINATION TO RENEW WITH MODIFICATIONS  
THE GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM SMALL  
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Definition: "means a tidal wetland located outside of coastal waters".

Comment: There is no word associated with this definition.

Recommendation: Include the word associated with the definition.

Section 3(a)(2) states that the permit authorizes the discharge of "residual street wash water" provided it does not contribute to a violation of water quality standards, is documented in the Stormwater Management Plan, and is not a significant contributor of pollutants to any identified MS4.

Comment: The phrase "residual street wash water" or "street wash water" is not found anywhere else in the draft permit or Appendices.

Recommendation: Include a definition of both phrases.

Section 3(b)(7) lists requirements for permit coverage under various circumstances.

Comment: There are no requirements listed for (7) "New or Increased Discharges to Impaired Waters".

Recommendation: Either add a requirement or delete (7).

Section 3 (b)(9) stipulates certification requirements for the Stormwater Management Plan (SMP).

Comment: The requirement in item (A) that the certifying qualified professional engineer (PE) not engage in preparing the Plan could place a financial burden on the applicant by requiring a separate contract specifically for this third party review.

Recommendation: The credentials necessary to become a qualified PE for the purpose of the permit should be sufficient assurance that the plan he prepares would meet the requirements of the permit.

Section 4(c)(1)(B) states that the permit fees for municipalities shall be half those of state and federal agencies pursuant to section 22a-6(b) of the Connecticut General Statutes.

Comment: "Sec. 22a-6b. Imposition of civil penalties by the commissioner." does not provide authorization for the difference in permit fees. As a general matter, federal agencies comply with the Clean Water Act Section 313(a) "in the same manner and to the same extent as any nongovernmental entity including the payment of reasonable service charges."

Recommendation: Provide appropriate legal authorization for the difference in fees or equalize the associated fee across all governmental entities - federal, state and local.

Section 4(c)(2)(I) requires the applicant to provide an internet address where the Stormwater Management Plan (SMP) and Annual Reports required by the permit are accessible for public review.

Comment: Public, with respect to the MS4, is not defined. It is appropriate that availability of permit required documents be available to the public served by the MS4. In the case of a DOD facility, the public are only the personnel living or stationed there.

Recommendation: Provide a definition of public or otherwise clarify that in the case of a DOD facility the public are only the personnel living or stationed there.

Section 4(d) needs clarification regarding the availability of the SMP for public review and the associated comment period for an MS4 newly requiring coverage under the reissued permit. Item (1) requires DEEP to post a permit registration on its website within 30 days of receipt, identify the location of the SMP and give the public 30 days to comment (from registration posting date). However, item (2) states that the public has 30 days to comment on the SMP after the MS4 makes it available and item (2)(B) states that the SWMP for a regulated small MS4 not previously permitted shall be made available to the public at least 90 days prior to the permit effective date.

Comment: Section 3(c) requires registration 180 days prior to the effective date of the reissued permit. The requirement for SWMP availability in item (1) could result in SMP availability

90 days from registration for the permit and a 60 day period where the location of the SWMP has been identified, but the SMP is not available for review.

Recommendation: Delete the second paragraph in item (1) which speaks to the public comment period.

Section 4(d)(3) requires the MS4 to make the Annual Report available to the public for review and comment.

Comment and Recommendation: See for Section 4(c)(2)(I) above.

Section 6 requires that the SMP address Minimum Control Measures (MCMs) and that the MCMs be implemented throughout the boundaries of the municipality or institution.

Comment: Federal law regulates the MS4 system (pipes, ditches, catch basins, etc.), not the locality.

Recommendation: Clarify that the MCMs be implemented throughout the areas served by the MS4.

Section 6(a)(1) requires the MS4 to implement a public education program to distribute educational materials to the community (i.e. residents, business and commerce, students, staff, contractors, etc.) and Section 6(a)(2)(A) requires the MS4 to public notice the availability of the SMP and Annual Report, and hold an annual public meeting to inform the public.

Comment and Recommendation: See for Section 4(c)(2)(I) above.

Section 6(a)(3)(B) requires the MS4 to establish a legal authority and assess fines or penalties and/or recoup costs it incurred from anyone creating an illicit discharge, spilling, or dumping into the MS4.

Comment: DoD installations are federal entities that do not assess fines or penalties against other persons or federal entities. Hence, DoD will be unable to comply with the requirement to establish the legal authority to assess fines or penalties on anyone creating an illicit discharge into the MS4. However, DoD and its associated environmental policies will continue to apply, which share the underlying goal of

eliminating illicit discharges through myriad internal controls and reporting requirements.

Recommendation: Exempt DoD installations from the requirement to establish the legal authority to assess fines, penalties, and/or recoup costs.

Section 6(a)(5) discusses water retention requirements for development and redevelopment on "sites that are currently developed" and on "sites".

Comment: There no definition of "site" (e.g. project boundary, operational area of which project is a part, or larger area) or explanation of what constitutes development on a site that is "currently developed" (e.g. new development resulting in additional impervious area within the operational area of which the project is a part.).

Recommendation: Provide definitions or otherwise clarify.

Table 1 - Sweeping Schedule, pg 30 uses terms like "main line roads", "arteries to main line roads", "commercial/business district" and "public/institutional parking".

Comment: These terms don't neatly fit road, facility area and parking lot categories on a DOD facility.

Recommendation: Provide clarification for non-locality MS4 and allow some permittee flexibility with respect to the sweeping schedule based on permittee knowledge/experience and the overall intent of this permit condition.

Section 6(j)(1), pages 45-46 discuss in-stream monitoring requirements. Item (C) states that if an appropriate watercourse is not located within the corporate boundaries of a (state/federal) institution that the in-stream monitoring is not required.

Comment: Our understanding is that in-stream monitoring only applies if a stream lies within vice borders an institutional property. In addition, the recommendation to "avoid sampling in close proximity to a stormwater outfall or any other location that could alter the representative nature of the in-stream sample" could preclude sampling in tidal waters.

Recommendation: Further discuss/clarify in-stream monitoring.

Section 6(j)(2), page 46 discusses wet weathering monitoring requirements.

Comment: Some institutional MS4 already are already regulated by industrial stormwater permits. In addition, some of the outfalls may contain both industrial and MS4 type discharges. Recommendation: Clarify MS4 wet weather monitoring and other requirements where there may be overlap for institutions also regulated by industrial stormwater permits. Avoid duplicative sampling requirements.

Appendix B specifies the protocol for the Illicit Discharge Detection and Elimination Program.

Comment: The protocol is very prescriptive requiring specific actions that might not be necessary, very difficult, or where another approach may also be effective. For example:

- \* If evidence of an illicit discharge is observed (A)(4)(f) requires a list of nine field parameters for testing regardless of operator knowledge.
- \* Where currently available (B)(3)(c)(v) requires roadway rehabilitation or replacement projects shown on storm sewer mapping required by the permit regardless of their association with potential illicit discharges.
- \* If no dry weather flow is observed but there are other indications that one occurred (B)(4)(d)(i) requires the operator to partially dam the outfall regardless of the difficulty.
- \* If dry weather flow is determined to be groundwater at an outfall (B)(4)(d)(ii)a. requires that after verifying again the flow is groundwater at the uppermost manhole where flow is observed, the operator must also check the next upstream manholes regardless of the usefulness of this last step.

Recommendation: The permit should allow deviations from the protocol that meet the goal of identifying and eliminating IDDE within an acceptable time frame.

Appendix B utilizes references to other sections that either do not exist or are not correct.

Comment: There are more, but some examples include:

- \* Section (A)(3). pg. 1, references subsection 4(d)(vii). This subsection cannot be found.

\* Section (A)(4)(e), pg. 2, references subparagraph (vi). This subparagraph cannot be found.

\* Section (B)(1), pg3, references subparagraphs (b) and (d). The correct references may be paragraphs or subparagraphs (2) and (4).

\* Section (B)(1), pg3, references Section 6(D)(1)(a). The correct reference may be Section 6(a)(3)(A).

Recommendation: Correct the references.

## Sowa, Kevin

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**From:** Victor Benni <VBenni@eltownhall.com>  
**Sent:** Friday, September 05, 2014 3:54 PM  
**To:** Stone, Chris  
**Cc:** Paul Formica; Bill Scheer; Joe Bragaw  
**Subject:** East Lyme - Draft Permit MS4

Chris,

I am emailing you in regards to comments that we for the Draft General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems. As you know, the Town of East Lyme has been involved with the MS4 program since the permit was issued in 2004. We believe that we have made great strides in implementing the six Minimum Control Measures; i.e. public outreach and education, public participation, illicit discharge detection & elimination, construction stormwater management, and pollution prevention and good housekeeping.

We have enjoyed great success in recent years with public outreach & education and public participation with our now annual event of the Outdoor Stormwater/Environmental Classroom at the Hole-in-the-Wall Beach Parking Lot. The event catered to 10 classes at the 3<sup>rd</sup> grade level; approximately 189 students and showcased many of the latest technologies and techniques utilized to treat and reduce stormwater and improve water quality. We had a wide variety of volunteers that committed their time and resources to this event.

We believe that the information that we have included in our Annual Report submittals demonstrates that we have made all the necessary efforts to develop and implement our Stormwater Management Plan over the ten year permit period.

You may remember that our most recent submittal of stormwater monitoring results showed a great reduction in E.coli levels at the outfall location on Colony Road. We are confident that the Tree Filter Boxes that were installed in coordination with the Eastern Connecticut Conservation District played an important role in the reduced E.coli levels.

In reviewing the proposed general permit I have noticed that there will be an increase in the number of stormwater outfall Monitoring locations and an addition of in-stream monitoring locations. We currently monitor 6 stormwater outfalls once a year during a rain storm. Based on the town's population, the new permit will require that we monitor 8 wet weather outfall locations once a year 8 in-stream locations once a year during dry and wet weather. This would increase our annual lab fees for stormwater testing from around \$2,300 to about \$6000. In addition it would create a greater burden for myself and other town employees to gather the samples during regular work hours. We already have great difficulty in successfully keeping this line item in our annual budget; I do not believe that we would have any luck in increasing our stormwater testing budget.

The state mandated increases referenced in the Draft Permit that require increased frequency of municipal street sweeping, leaf collection programs, catch basin cleanings, and new requirements for disposal of snow would also tax our existing resources in the Public Works and Highway Departments.

**In conclusion: We are amenable to modifications in the program that improve the stormwater quality in our and other towns, but are completely opposed to any of the items that require additional expense to implement.**

Please consider the comments and information provided in this email while refining the General Permit

Feel free to call me directly if you have any questions or would like to discuss anything in further detail 860-691-4112.

Best regards,

**Victor Benni, P.E.**  
Town Engineer

Town of East Lyme, CT  
PO Box 519  
108 Pennsylvania Avenue  
Niantic, CT 06357  
Ph. (860) 691-4112  
Fax (860) 739-6930

[vbenni@eltownhall.com](mailto:vbenni@eltownhall.com)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE SUITE 100

BOSTON, MASSACHUSETTS 02109-3912

September 4, 2014

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Stone:

Thank you for the opportunity to review the draft small municipal separate storm sewer system (MS4) general permit. EPA appreciates DEEP's efforts addressing the action items identified in the Permit Quality Review (PQR) completed in 2013. Items addressed include connecting water quality requirements with the permit conditions, including anti-degradation provisions, enhanced illicit discharge detection and elimination requirements, and inclusion of site inspections for construction projects.

Below are the Agency's comments on the draft general permit, by section, and the Fact Sheet.

Overall General Comments

Two significant improvements from the 2004 general permit include specific requirements for the implementation of the six minimum control measures and provisions to address water quality including addressing discharges to impaired waters. At times, the draft permit lacks clearly defined endpoints/targets for conditions that require the development or implementation of a plan or procedure. In order to help ensure the enforceability of the permit, it should contain clearly defined endpoints. Specific circumstances where additional clarity is needed are identified in the sections below.

Section 2 - Definitions

1. Appears to be a word missing for the following definition – " " means a tidal wetland location outside of coastal waters". (page 2 of 55)
2. Illicit discharge – consider using the definition in 40 CFR 122.26 (b)(2). Illicit discharges are typically associated with discharges into a storm sewer system. As currently written this refers to discharges into a water of the state.
3. Effective impervious cover – Typically, effective impervious cover (area) is the portion of the total impervious area of a site that is directly connected to the drainage system. What is the basis for the 0.7 or greater runoff coefficient included in the definition contained in the draft

permit? How is the drainage area for each site defined for calculation? Within the context of the MS4, how does the permit define a "site"? If a residential area has a runoff coefficient of 0.6, what does that mean as far as determining the effective impervious cover? The fact sheet and administrative record should explain DEEP's modification to the traditional definition of effective impervious cover and its implications within the context of the permit.

4. Maximum Extent Practicable – There is no regulatory definition of MEP in 40 CFR 122.2 and this reference should be deleted. MEP is mentioned in 40 CFR 122.34(a) and discussed in the preamble to the Phase II rule. Consider use of one of these sources as a reference.
5. Small MS4 – consider using the definition found in 40 CFR 122.26(b)(16).
6. Total Maximum Daily Load – consider using the definition found in 40 CFR 130.2(i).
7. Water Quality Volume – Unclear if the volume is associated with the entire site or only the impervious areas of the site. Is the term "site" defined in the manual? Consider inclusion of the definition into the permit.

### Section 3 – Authorization Under This General Permit

1. Some of these conditions are "limitations on coverage" verses "requirements for authorization." Consider adding a section that details what discharges are not covered by the permit. It is unclear what actions need to be taken by a permittee for compliance with paragraphs (b)(4) and (b)(5). Discharges to a POTW and discharges to ground water would not typically be addressed in an MS4 permit and it is not clear what is expected by the permittee. It is also unclear what is expected if a permittee has a new or increased discharge to impaired waters. The draft permit contains no requirements in this section.
2. Paragraph (9) – For clarification, the professional engineer who certifies the plan is NOT the same one who prepared it, is that correct?
3. It appears that the effective date will be some time after the date of issuance. What is the anticipated timeframe between the issuance date and the effective date?
4. The draft permit is unclear about the date of authorization. The draft permit includes four alternatives, does DEEP make that determination? This should be more clearly stated in the draft permit.
5. This draft permit indicates that it will be effective in the entire state. It is not clear what process was used by DEEP to designate municipalities located outside of an urbanized area. This should be explained in the administrative record and fact sheet.
6. The draft talks about "re-designation", but it is unclear exactly what this means. The criteria for re-designation is similar to criteria used in the federal program to allow a regulated MS4 to obtain a waiver from the permit requirements. As currently written, it appears that there are no waivers from the program as described in 40 CFR 122.32(c). "Re-designation" allows a Tier 1 MS4 to become a Tier 2 MS4, but Tier 2 MS4s are still subject to the requirements of the permit. The paragraph in the draft permit does contain the term "waiver", consider use of a different terms since it does not appear that waivers are allowed.

### Section 4 – Registration Requirements

1. Does the state view non-traditional municipalities different than traditional municipalities which is why there is a different fee structure?

2. Clarification - The map required only is a map of the municipality and the boundary of its storm sewer system and is not required to include location of outfalls or other structures, is that correct?
3. What is the municipality supposed to do with the comments submitted on its Annual Report? As written it appears that nothing has to be done to address the comments. Consider requiring that the MS4 report on the comments received and their responses to those comments. If there is no acknowledgement of the comments, what is the purpose of soliciting comments?

#### Section 5 – Requirements of this General Permit

1. What are the “certain” discharges that part (a) applies to?
2. The requirements in paragraph (a)(3), (a)(4) and (a)(5) seem appropriate for all discharges, why are they only applicable to “certain discharges”?
3. Anti-degradation requirements are associated with the state Water Quality Standards. As currently written, the permit implies that MEP practices are sufficient to meet the state anti-degradation policy which means they are sufficient to meet water quality. Is that DEEP’s intention. Does DEEP have a basis for this determination? Any basis should be supported in the fact sheet and administrative record. EPA recommends that the reference to “Maximum Extent Practicable” be deleted from paragraph 5(a)(6) and the paragraph be rewritten to include reference to WQS Section 22a-426-8 paragraph (g)(2) in situations where a new or increased discharge is proposed that will not prevent discharge of the Water Quality Volume.
4. The term “stormwater pollutant of concern” appears throughout the draft permit and should be defined.
5. The Stormwater Management Plan should be designed to also satisfy the appropriate requirements of the state clean water act as well as the federal Clean Water Act. Language indicating this expectation should be included.

#### Section 6 – Development of Stormwater Management Plan (the Plan)

An overall comment for this entire section is that it needs to contain clear and enforceable conditions and expected outcomes. Frequencies of actions should be specified and expected completion dates should be stated. The draft permit focuses on nitrogen, phosphorus, bacteria and mercury as pollutants of concern. While stormwater discharges are known to contain those pollutants, they are known to also contain sediment, heavy metals (copper, lead and zinc) and hydrocarbons. DEEP is encouraged to consider the inclusion of additional measures to address these pollutants.

##### *Tier 1 Minimum Control Measures*

##### *Public Education and outreach*

1. Paragraph (a)(1)(A) – Consider the inclusion of language such as “including but not limited to” when describing the method for distribution of educational materials.
2. Include a specific target such as a specific number of messages or a frequency of message distribution.
3. Mercury is only one of several metals that may be a concern for municipal stormwater discharges. Consider the inclusion of other metals associated with urban runoff such as copper, lead and zinc.

### *Illicit discharge detection and elimination*

1. The definition of illicit discharge is different than the one in Section 2. They should be consistent.
2. (a)(3)(A)(iii) – Should also include the date and results of resampling of the outfall (after removal) to confirm all contamination has been removed.
3. Consider expansion of the mapping requirement to include the entire system. This appears to be required in Appendix B. There should be a clearer connection between the requirements in this part and those in Appendix B.
4. The permit has been in place since 2004 which is more than enough time for municipalities to have completed a number of investigations of their system for illicit discharges. The time frames provided for implementation of the program elements is extremely generous especially for the larger municipalities. EPA encourages DEEP to require a more expeditious schedule. Consider inclusion of a statement that the timelines presented in the table are the required percentages of the system that has been investigated versus the implementation of the program elements.
5. (a)(3)(C) – The regulations do not limit the mapping of outfalls to those that are 12 inches or greater in diameter. 40 CFR 122.26(B)(3) requires mapping of all outfalls with no differentiation regarding size. This must be changed to be consistent with regulations.
6. (a)(3)(D) – It is unclear why there is a focus on addressing septic system failures. Septic system failures are a small part of illicit discharges and there are several other sources of phosphorus, nitrogen and bacteria besides septic systems that should be identified. Consider changing the paragraph to state that catchments discharging to waters impaired by phosphorus, nitrogen or bacteria shall be a priority.

### *Construction Site Stormwater Runoff Control*

1. (a)(4) – Great that the program addresses development and redevelopment from properties one half acre or more.
2. (a)(4)(A)(e) – This paragraph seems out of place in the section dealing with construction, perhaps it should be in the IDDE section and address the interconnections of municipalities.

### *Post Construction Stormwater Management*

1. Effective impervious cover- How does the description of effective impervious cover tie into the definition in Section 2?
2. (a)(5)(B) – Is a municipal operator held to the same standards as a private developer? If this is the case the introductory paragraph should state that the requirements apply to “any responsible party”.
3. (a)(5)(B)(i) – Consider breaking up the paragraph into separate paragraphs for clarity.
4. (a)(5)(B)(iii) – Unclear what is expected from the municipality. Consider inclusion of a definition of “turf area.”
5. (a)(5)(B)(iv) – “Adequately protective” of what? Water quality? This should be clearly stated.
6. (a)(5)(C) – Is the expectation that permittees are tracking DCIA at the same time they are developing estimates of DCIA? This section requires DCIA estimates to all outfalls versus those that are mapped under the IDDE program. Is that the intention?
7. (a)(5)(E) – There are not timeframes for development of the retrofit plan. Timeframes should be included. Why is the focus only on sediment and erosion control problems for retrofits?

### *Pollution Prevention/Good Housekeeping*

1. (a)(6)(A) – The frequency of required employee training shall be included.
2. (a)(6)(B)(i) – when does the program mentioned in this section need to be updated? The completion date should be specified. Is the update a one- time only, or continuous as information changes?
3. (a)(6)(B)(ii) – Language in this section requires the permittee to develop a program, there should also be requirements to implement the program that is developed along with a time frame for completion of the program.
4. (a)(6)(C)(i) – Consider deletion of “are inadequate” in the second sentence. It is unclear if the following practices related to pesticides and herbicides, lawn maintenance, and trash management are to be considered by permittees or are required to be implemented. Timeframe for establishment of grass clipping and leave disposal program should be stated.
5. Typo in the last sentence of this section, “be” should be deleted.
6. (a)(6)(C)(ii),(iii),(iv),(v), (vii)(a) and (b) – Timeframes for completion of tasks should be included.
7. The Sweeping schedule in Table 1 for parking lots is different than the schedule in Paragraph (a)(6)(C)(vi). Consider placing the requirements for sweeping into one place. The fact sheet should include some discussion about why the frequencies outlined in Table 1 constitute Maximum Extent Practicable. EPA’s original 2008/2010 draft MS4s contained requirements for sweeping sidewalks. The Agency received significant negative comments on this, DEEP should ensure that sufficient information exists within the administrative record of the draft permit to support the proposed sidewalk sweeping and other sweeping frequencies.
8. (a)(6)(C)(x) – The term “catchment area” is used in the paragraph for the first time. It should be defined. Are catch basin inspections required for those serving any water that is impaired for any pollutant?
9. (a)(6)(C)(xi) – This paragraph seems out of place in this section. Consider moving it to be a part of the illicit discharge section and require mapping of the locations where one municipality is interconnected to another.
10. (a)(6)(C)(xii) – This requirement is vague and it is unclear what is expected of municipalities. It appears that the municipality is expected to address any and all sources of stormwater into its system regardless of the source, volume or potential to contribute pollutants. Consider a more narrow scope such as a focus on pollutants that are significant contributors or specific sources within the board categories.
11. (a)(6)(D)(i)(a) – A deadline for implementation of the turf management practices and procedures policy should be specified. It is unclear how this requirement differs from the requirements in paragraph (a)(6)(C)(i). Does this requirement apply with or without an approved TMDL?
12. (a)(6)(D)(ii)(a) – Is the expectation of the retrofits required by this section that the stormwater discharges will be treated to a level to achieve bacteria water quality standards? There should be a deadline specified for completion of the program described.

### *Tier 2 Minimum Control Measures*

As in the previous section (Tier 1 Minimum Control Measures), the permit should include specific deadlines for implementation and completion of programs. The Tier 1 comments on public education are also applicable to the Tier 2 municipalities.

1. Clarification – For the illicit discharge program, Tier 2 municipalities are not required to develop a map, and do not have to develop an actual program to find and remove illicit connections only the authority to do it. Is this accurate?
2. If a Tier 2 municipality finds an illicit discharge, what are its obligations and what are the timeframes for them to address it?
3. It is unclear the purpose of a program to address reports of “illicit discharges with a high potential to discharge bacteria, phosphorous, and nitrogen”. Since all illicit discharges are illegal, why is the report limited only to those? How will this information be known without investigation?

#### *Sharing responsibility*

1. (c) (1) – A qualifying local program is described in 40 CFR 122.34(c). The language in the contained in this paragraph is consistent with 40 CFR 122.35. Consider a different heading or define the term “qualifying local program” according to a state specific regulation or policy.
2. (c)(2) – The language “...the permittee it not responsible for its implementation if the third party fails to perform...” is contrary to language in the regulations. Language in 40 CFR 122.35(a)(3) states “...You remain responsible for compliance with your permit obligations if the other entity fails to implement the control measure (or component thereof)...” This language should be changed to be consistent with regulations.

#### *Monitoring requirements*

Due to the significant number of parameters consider allowing the use of field test kits for appropriate parameters. What is “uncontaminated rainfall”? How will a permittee ensure that they have collected an appropriate sample of the rainfall?

1. Clarification – For wet weather outfall monitoring, the total number of outfalls monitored is 16, 32, and 48 for municipalities less than 15,000, municipalities 15,000 – 50,000 and municipalities greater than 50,000, respectively. Is this correct?
2. (j)(6)(A) – Consider inclusion of a listing of parameters that must be monitored. See Appendix of the draft NH small MS4 as an example.
3. (j)(6)(C) – Other than making note of a non-detect, is any additional monitoring required?

#### *Discharges to Impaired Waters or Water bodies subject to a Pollutant Load Reduction within a TMDL*

1. (l)(1)(A) – The conditions in this section imply that a permittee only needs to implement the MEP requirements in section 6(a) and 6(b) and these are sufficient to address impairments associated with phosphorus, nitrogen, bacteria and mercury. What is the basis associated with the determination that no additional measures are needed to address impairments? The basis for this determination should be included in the fact sheet and administrative record.
2. (l)(1)(B) – How will a permittee know what to do for each impairment? Will DEEP be providing guidance or direction to the regulated community regarding appropriate practices to reduce pollutants other than the four identified in the previous paragraph? An example of this can be found in the NH draft small MS4 permit (available at [http://www.epa.gov/region1/npdes/stormwater/MS4\\_2013\\_NH.html](http://www.epa.gov/region1/npdes/stormwater/MS4_2013_NH.html)).

3. (l)(2)(B) – Will DEEP provide guidance to permittees about control measures that are consistent with the WLA of an approved TMDL? How will DEEP determine compliance with this provision?
4. (l)(2)(C) – In an effort to aid permittees in understanding their obligations regarding consistency with WLAs of approved TMDLs, the permit should specify which permittees are subject to which TMDLs and what measures are necessary for demonstrated compliance. The permit should also specify a target timeframe for achievement of the WLA. Appendix F of the NH draft small MS4 is an example.
5. (l)(3) - How will the term “site” be determined in dealing with a municipal system?
6. (l)(4) - Clarify what is meant by “follow the discharge consistent with applicable Wasteload Allocation”.
7. The Long Island Sound (LIS) has established necessary reduction of nitrogen from sources both inside and outside the basin. The permit should more clearly express the requirements to ensure reductions from the within basin sources and include more specific provisions for the communities to submit a nitrogen reduction plan by a specific date. The permit should include a requirement to track reductions achieved through the implementation of BMPs and/or retrofits. The permit requirement should complement the current LIS TMDL efforts that are underway. We would be happy to discuss the further.
8. Approved TMDLs that address pollutants other than nutrients and bacteria should be included in the permit. One example is the Eagleville Brook impervious cover TMDL.

#### *Appendix A2 – Tier 2 Municipalities*

The definition of Tier 2 municipalities states that these are not Tier 1 municipalities. Tier 1 municipalities are those located within an Urbanized Area. The title “Connecticut Municipalities with <1000 People in the Urbanized Area” implies that these municipalities are in fact Tier 1 because they are located in an urbanized area. The title should be changed to remove references to an urbanized area or if these are actually in an urbanized area, then the definition of Tier 2 should be changed.

#### *Appendix B*

1. A.1-Not very clear if this means ALL outfalls must be screened. If it is all outfalls, how does this blend with the requirement that only 12” or greater outfalls need to be identified and mapped? The expectation should be clearly expressed.
2. A.4 - The requirement for a dry period is unenforceable if the municipality can modify it without any justification or recording.
3. A.4. – Consider allowing collection of samples to occur on a different day than the screening, because it is easier logistically. Screening is logistically easy because it allows many outfalls to be easily screened on a single day, or several screenings fit in any time an employee has a free hour or two. But collecting bacteria samples requires advance preparation (arranging with lab to take samples, getting an ice chest and ice for preservation) and then requires bringing samples to the lab within the holding time and so forth. Because most outfalls do not have dry weather flow, it is more efficient to take many days screening outfalls, then a single day dedicated to sampling those that have dry weather flow.
4. A.4.e.ii – Consider the inclusion of enterococcus as an indicator for discharges to marine waters, is probably a better indicator than *E. coli*.
5. A.4.f – Are field test kits allowed for these samples? This should be stated clearly if allowed.

6. B.1- It appears that the references to various sections may be incorrect.
7. B.1 – It is unclear what an 'outfall drainage area' is. The draft permit using several terms which appear to be describing the same thing. Consider using one term consistently or if the need for several terms is necessary, each should be defined to eliminate any confusion.
8. B.3.a – This section should be more closely connected to the mapping requirements found in Section 6. The language in Section 6 focuses only on outfalls, but the language in Appendix B requires system mapping. The language in Section 6 should specifically reference the mapping requirements of Appendix B.
9. B.3. a.i--- The mapping elements should be more explicit than "Municipal separate storm sewer system". The permit should list the specific elements of the system to include such as all outfalls, all pipes, all catch basins, and any other structural storm controls.
10. B.4.c – same comment regarding dry period as for A.4
11. B.4. d – The requirements of this section are similar to the Outfall observations requirements in part A. It is DEEP's intent that another screening is required? If this is not the intent, the draft permit needs to make a clearer connection between these two requirements.
12. B.4.d.i – Region I's experience has been that wet-weather sampling often reveals illicit discharges that were not revealed during dry weather (often, dry weather flow patterns result in illicit discharges not leaving the system). EPA recommends including wet-weather sampling as part of an illicit discharge investigation.
13. B.4.d.ii– The section might be written to acknowledge that there are culverts where flow entering system is not groundwater (even if simple straight-through pipe culverts under a single road aren't considered part of the MS4, there are many situations where streams flow into a large, connected, part of the system).
14. B.4.d.ii – The sampling/testing requirements are a bit redundant with A.4. Does the permit envision sampling and testing twice (once during screening under A and once during investigation under B)?
15. B.4. d. iii.e. – EPA experience has found limited value in the use of smoke testing to locate an illicit connection. For example, it won't reveal a failed sewer line leaking into the storm sewer or a failed joint manhole. Consider smoke testing as a tool and not a mandatory requirement.
16. B.4.d.iii.g. – Consider the use of dye testing as an option verses a requirement. While dye testing is a reasonable test, different situations might make other next steps more appropriate such as CCTV of the storm drain.
17. Consider incorporation of material from EPA Region I's IDDE protocol. This was developed based on many years of experience and started with the Pitt protocol. (Attachment 3 of the NH MS4 fact sheet available at: <http://www.epa.gov/region1/npdes/stormwater/nh/2013/NHMS4-FactSheet-2013-WithAttachments.pdf>)
18. B.4.f- This condition offers a variety of testing possibilities, which conflict with B.4.d.iii.e and g which require smoke testing then dye testing. Consider allowing each individual municipality to determine the appropriate tools to use to isolate an illicit connection/discharge.
19. B.4.h – EPA is pleased that the draft permit includes a requirement to verify that the illicit connection has actually been removed.
20. B.4.i – EPA recommends inclusion of a requirement to revisit outfalls on a periodic basis after removal verification (every 3 to 5 years). While a single same could lead to a tentative conclusion that the alignment is clean, it is not necessarily conclusive.

21. B.4.j.- Ensure that the schedule in this section is consistent with the schedule in Section 6. Also ensure that references are correct, section 4.a mentioned in this paragraph is one about notifications.

#### *Appendix D – Impaired Waters Guidance*

1. Is the material in Appendix D the only information provided to municipalities on (1) what impaired waters they may have to consider; (2) what pollutants are causing impairment in those waters; and (3) what TMDLs are in place for phosphorus, nitrogen, and bacteria? When specific WLAs are provided in a TMDL, these should be included in the permit to inform the regulated municipality.
2. Are there other CT TMDLs in watershed with stormwater related metals targets or impervious cover targets? These should be included in the permit.
3. Why doesn't Appendix D list the WQS criteria for nitrogen, phosphorus and mercury as it does for bacteria?

#### *Fact Sheet*

1. The fact sheet does not contain all the elements required by 40 CFR 124.8(b). Elements missing from the fact sheet include:
  - (b)(4) – Brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record.
  - (b)(6) – A description of the procedures for reaching a final decision on the draft permit including: (i) The beginning and ending dates of the comment period under §124.10 and the address where comments will be received; (ii) Procedures for requesting a hearing and the nature of that hearing; and (iii) Any other procedures by which the public may participate in the final decision.
  - (b)(7) – Name and telephone number of a person to contact for additional information.
2. Sources for the two quotes contained in the third paragraph of page 1 should be included.
3. Under the section entitled "Changes in Coverage", there is a statement about "significant Urbanized Areas". What does this term mean? The stormwater program regulates municipalities located in urbanized areas without any modifier. If the DEEP has created a subset of urbanized areas, then this terminology should be included in the definition section of the draft permit.
4. The fact sheet must contain a clear basis for the designation of municipalities not designated in 40 CFR 122.32(a)(1). Regulations allow for designations under 40 CFR 123.35(b)(3); (b)(4); 122.26(f) or 122.26(a)(9)(i)(C) or (D). Whichever authority DEEP used to include municipalities not located in the Census defined urbanized area should be clearly articulated in the fact sheet.

Again, thank you for the opportunity to comment. If you would like to discuss any of the comments in more detail, feel free to contact me at 617-918-1615.

Sincerely,

A handwritten signature in blue ink that reads "Thelma Murphy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Thelma Murphy, Chief  
Stormwater and Construction Permits Section



**ESF-3 Public Works Committee of Region 5**  
**Division of Emergency Management and Homeland Security**

**Antonio Iadarola, P.E. Chairman**  
**Director of Public Works**  
**City of Danbury**  
**155 Deer Hill Avenue**  
**Danbury, CT 06810**

August 26, 2014

Mr. Chris Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Dear Mr. Stone:

As the chairman for the Association of Public Works Professionals for the Housatonic Valley which encompasses all of the HVCEO towns and in addition to being the chairman of the entire Region 5 corridor of Public Works officials, please allow this letter to express our concerns and oppositions to the Draft Revisions of the DEEP Stormwater Permit, Municipal Separated Stormwater Sewer Systems (MS4). Region 5 is comprised of a variety of urban and rural municipalities. Some of these municipalities are so dynamically different that even a two tier approach does not recognize or pay in respect these differences.

As public works officials, we are fully committed to protecting the water quality not only of our region water, but all of Connecticut. We would like to thank you for hosting the information hearing on the Draft MS4 Permit. Most of my colleagues or their staff attended the hearing. Letters expressing their reservations and opposition to the draft revisions have already been sent by some of my colleagues.

Although the revisions require extensive programs and ordinances to be created and adopted, the focus of my letter is directly highlighting the impact of these revisions on the various public works departments and other associated municipal departments that are or would be involved in our overall permit compliance efforts as required with the revised MS4. Since so many varying issues impact each municipality differently in addition to being classified as Tier 1 and Tier 2, I will focus on some general concerns and opposition knowing that several of our CEO's and my colleagues will be more specifically addressing issues at the full public hearing this fall.

## The Draft Permit Requirements Are Practically Unachievable

It is clear to all of us that the Draft regulations are comprised of requirements that can only be classified as taking an approach which involves throwing everything but the kitchen sink at the water quality issue and seeing what sticks or does not work. DEEP recognizes that it does not know if any measurable benefit will come out of these revisions and further major changes may be required. Taking this approach with taxpayers' money should be considered forbidden, especially in these tough economic times, even if the State was to fund these new mandates. This is the wrong approach and for several different reasons. The Draft requirement would force municipalities to build new non-existing maintenance programs or in some cases quadruple maintenance programs such as street sweeping, leaf pick-up, catchbasin cleaning. Municipalities need to introduce additional engineering staff for the balance of the reporting. The capital equipment investment along with the maintenance costs is astounding. All of the equipment used in these programs have a very short usable life and requires extensive repairs and maintenance with an average of 25% to 30% of the fleet being out of service all of the time due to equipment failure or routine maintenance. This means that the equipment requirements, to perform the programs, would have to be increased by 25% to 30%. Once these programs are implemented and millions of dollars spent on equipment and manpower, revising or eliminating parts of the program that are not effective at controlling pollutants will add to the waste of taxpayer dollars. Using this shotgun approach to meeting water quality requirements is just wrong. A more precise and well thought out phasing approach must be developed as documented benefits are achieved. This approach is the core existence of how we write and justify new programs in not only municipalities, but private business.

Under EPA's Phase II rules, they define the use of Best Management Practices (BMP) to reduce and eliminate the discharge of pollutants through the storm sewer system to the Maximum Extent Practical (MEP). EPA's definition of (MEP) is to reduce and/or eliminate pollutants to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

We collectively feel that the revised MSW Permit regulations go against EPA's own definition of the MEP since they are not practical, economically unsustainable and simply not achievable.

## Economically Not Practical or Achievable

The street sweeping program in Danbury is done once a year and takes 4 months to complete with the utilization of overtime. If we did not use overtime, it would take almost 6 months to sweep all of the 240 miles of roads within the city. Current cost is \$450K for regular time and an additional \$186K for overtime costs for a total of \$636K. The cost to implement the draft regulation requirements would be a staggering \$2,862,000 with additional capital cost of \$1,500,000.

Furthermore, for a 5 month period, sweeping must be suspended due to cold weather and equipment freeze up and damage. It is impossible to meet these requirements based on best industry practice. In addition and more importantly, after initial sweeping, very little volume of material would be collected based on our observations. The effectiveness of this costly procedure is diminished after the first sweeping. If the intended goal of the additional sweeping is to collect litter or floatables, this program is the wrong approach.

As far as the catchbasin cleaning revised requirements, the City has 6,800 documented catchbasins. In the past, approximately 1,600 were cleaned per year. Currently due to equipment issues, we are getting to 1,000 per year. Again, this is a program that cannot be done in months that below freezing temperatures are expected due to equipment damage and field restrictions to perform the work. The equipment cost to implement this program, as the drafted regulations require, is \$1,500,000. An additional operating cost is estimated at \$743,000 based on the limited time available to do this work. Again, this program would be almost impossible to get done based on the limited time available to perform the work.

The Town of Newtown Public Works Director estimated very similar expenses, if not more, to implement their revised regulations. In summary he states that for "Street Sweeping/Basin Cleaning: The practical cost of implementing the proposed program just for street sweeping and basin cleaning is a staggering \$4.1Million for Newtown. The capital costs would exceed \$2.6Million. The added annual operation costs including personnel would be \$1.5Million." Similar shocking estimates have come to light from some of the other Tier 1 municipalities.

The City of Danbury has a leaf bag pick-up program already which takes us 12 weeks to complete with heavy manpower usage. Our leaves are composted at no cost from one of our tenants as part of a lease requirement. The cost for this program is \$356,000. This does not include operating a composting center or managing leaf collection stockpiles.

With several municipalities having no established leaf program, this will be extremely costly program to implement. Several of my colleagues and I have to ask how a town wide leaf collection system helps in the fight to improve water quality. Again, this is a poorly aimed program with the wishful thinking that maybe something good will happen to the water quality. What will be next, putting nets over all of our streams and water bodies to collect the leaves before they get into the water? It is the opinion of several of my colleagues that nutrient loading reduction from this program would be minimal if any, and not measurable. Some rural towns fear implementing and funding a program like this with little or no participation from the residents.

In addition, we and several other municipalities envision an entire subdivision of our Engineering Departments to be created to maintain the revised requirements and keep the records, perform enforcement and prepare reports with an additional operating cost of \$450,000 per year.

Lastly, I want to just add one last comment as it pertains to snow management practices. There is no single most important public safety job that Public Works performs than snow removal and ice control. It is the most challenging job that changes by the hour based on how a storm approaches and numerous other factors. We balance that safety sensitive

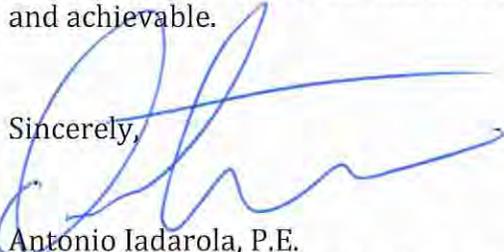
work with controlling costs for treatment. In the end, regardless of regulations, as professionals we have a duty to the general public to provide safe roads. We urge you not to impact our ability to try to deliver and provide the best and safest road conditions for the public. I would strongly urge you to take hard look at CONNDOT practices, products and volumes that they use to treat State roads.

In conclusion, my colleagues and I want to ask DEEP to seriously rethink the Draft Revisions and consult some industry/municipal experts before mandating such costly programs with a wish and hope that they will be able to be feasibly implemented and be effective.

The job of improving and protecting the water quality of our public waters is not an easy job. Taking a reckless approach in implementing measures that will never be approved by the voters for funding, are not economically practicable, and achievable and are poorly focused and developed will never protect and improve the state's public waters. We all urge you again to not pass the current proposed draft to the MS4 Permit, and collectively work with industry professionals and experts in any development or revisions to current regulations for the MS4 Permit.

I thank you for your time in reading my letter and I am hopeful that you will take action in postponing and drastically revising the proposed regulations. We need them to better fit the various rural municipalities and to be mindful of the Maximum Extent Practical definition that we feel we should help you determine the limits based on what is practical and achievable.

Sincerely,



Antonio Iadarola, P.E.

Chairman, Association of Public Works Professionals for the Housatonic Valley  
Chairman, ESF3 Public Works Committee Region 5

## Sowa, Kevin

---

**From:** Hurley, William <WHurley@town.fairfield.ct.us>  
**Sent:** Thursday, September 04, 2014 4:28 PM  
**To:** Stone, Chris  
**Cc:** Michelangelo, Joseph  
**Subject:** Town of Fairfield comments regarding new MS4 requirements

Chris, although the Fairfield Engineering Department can appreciate the intent of the new regulations to improve water quality and the six control measures of the existing MS4 permits, we feel that some of the new requirements are costly, cumbersome, confusing and in a few cases unnecessary. Fairfield prides itself in being proactive and has already established some of the new requirements, unfortunately they differ in intent and in text.

For example, we feel the annual reports are “working” documents. The public is free to review or comment on them at any time, why would we have to post an expensive legal ad and formally solicit comments. We can understand the intent of making the annual report more accessible to the public and will continue to move forward on that process.

Public Outreach: Our office has distributed several thousands of brochures and still has a box of them left to distribute- under new permit we would have to reproduce the brochure to contain “stormwater pollutants of concern”

Other issues of concern are for IDDE protocols which at this time seem unachievable in regards to cost and manpower. The same can be said for the additional CB cleaning that will cost hundreds of thousands of dollars extra for the 8000 plus catch basins located in Town.

For post construction stormwater management, Fairfield established a no net increase for ALL construction over 200 sf. With the new regulations we would have to detain ½ WQV for new construction and estimate directly connected impervious areas for the entire watershed or for each site, either way seems cumbersome and confusing. Although we are trying to reduce impervious surface, this will entail a total reeducation of all developers, contractors, real estate agents and Engineers, etc...

In conclusion, this seems to be too aggressive of a step up in these still tough economic times.

Thank you for reviewing these comments and for all the help you have provided in the past.

William Hurley  
Fairfield Engineering Manager



**Farmington River Watershed Association, Inc.**

749 Hopmeadow Street, Simsbury, CT 06070

(860) 658-4442 Fax (860) 651-7519 [www.frwa.org](http://www.frwa.org)

September 4, 2014

Chris Stone, Stormwater Section  
CT DEEP  
79 Elm Street  
Hartford, CT 06106

**Comments on the Draft General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems**

Dear Mr. Stone,

Thank you for the opportunity to comment on proposed changes to MS4 requirements in the Draft General Permit noted above.

In general, FRWA supports the changes in the Draft as good steps forward for further reducing stormwater runoff in Connecticut over time. Also, FRWA is willing to help towns comply with MS4 requirements through its public outreach programs and other stormwater reduction projects.

One potentially troublesome area in the Draft was brought to my attention by the Town of Simsbury. FRWA is based in Simsbury and we have a good working relationship with town officials with respect to water quality issues. The proposed schedules for catch basin inspection and cleaning, as well as the schedule for street sweeping, have been described to me as problematic, given town resources. This is especially true of street sweeping, where the required frequency would be much more costly than at present, and possibly excessive given the amount of sanding and sedimentation that actually occurs in the town.

In the case of catch basin cleaning, the regulations are written so as to adjust the frequency **over time to reflect actual accumulation times for sediments. It isn't clear to me that similar** adjustments are built into the street sweeping requirements. In a town where municipal sanding has been largely replaced by application of salt compounds, is the one-schedule-fits-all approach appropriate? Even though it may be harder to specify a threshold value for street **sweeping (unlike catch basins, where "50% full" is easier to estimate)**, perhaps street sweeping schedules can be in some way locally adjustable to address actual need.

I understand that some increased cost of compliance with MS4 regulations may be good, if it provides an incentive to adopt stormwater utilities. Also, that cost can be cited when the real issue is resistance to change. But on the other hand, it makes sense to avoid regulations that really waste resources on unnecessary measures, when the funds could be better spent on other forms of pollution prevention. For that reason, I respectfully suggest re-examining the street sweeping requirements in this Draft General Permit.

Sincerely,

A handwritten signature in blue ink that reads "Eileen Fielding". The signature is written in a cursive, flowing style.

Eileen Fielding, Executive Director

## Sowa, Kevin

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**From:** William F Smith <williamfsmith@granby-ct.gov>  
**Sent:** Wednesday, August 27, 2014 3:11 PM  
**To:** Stone, Chris  
**Cc:** bgara@ctcost.org; Kirk Severance  
**Subject:** New proposed Mandates

To: Chris Stone  
Fr: William F. Smith, Jr.  
Granby Town Manager  
Re: Draft Permit – Small Municipal Separate Storm Sewer Systems

The newly proposed General Permit requirements appear to be good storm water management practices. However, prior to any DEEP plan adoption, what is needed are realistic **cost estimates** in order to accomplish the task. We should have one from every municipality. This is a practical approach to accomplish what is desired and to identify the costs associated. Doing so may also avoid encountering future and often wasteful enforcement measures from towns and DEEP. Such action should assist with compliance concerning any new regulations. All cost estimates should also be itemized and also **approved** by DEEP prior to any plan approval. There should also be sample ordinances **before** regulations. This is important because it can serve as an assist in educating the public. Its cost too should be included in the overall cost estimate.

I would also recommend that there be a town by town required timetable for plan implementation. This could be done by taking into account each town needs and their resources available.

The cleanup of animal waste may also be a good idea. Yet, it should extend to many animals, not just dogs. Animal waste from sheep, horses, cows and other livestock should be properly considered to protect waste runoff into streams, ponds, lakes, and rivers.

Thank you for your attention.

**Amy J. Siebert, P.E.**  
COMMISSIONER

**David P. Thompson, P.E.**  
DEPUTY COMMISSIONER



BUILDING INSPECTION  
BUILDING MAINTENANCE  
ENGINEERING  
HIGHWAYS  
SEWERS  
WASTE DISPOSAL

**DEPARTMENT OF PUBLIC  
WORKS**

3 September 2014

Via Email and Fedex

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Re: Draft Connecticut General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

Dear Mr. Stone:

We are providing our comments regarding the draft document "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems." Two of our staff attended the public information session the CTDEEP conducted on August 6, 2014, and we have read the draft permit. We have briefly reviewed requirements implemented in other states, to better understand Connecticut's comments that this permit represents what is being implemented in other parts of the country.

The Town of Greenwich is concerned about water quality, and has been addressing issues throughout both its sanitary sewer and separate stormwater systems for well over a decade in its efforts to improve both these systems. It has spent significant dollars complying with the current stormwater permit to date, not to mention the millions spent on the collection system, pump stations, and wastewater treatment plant. The Department of Public Works (DPW) in May 2012 began implementing a new drainage manual, which requires low impact development to the maximum extent possible. We believe all these steps, in conjunction with the work performed by other agencies (Inland Wetlands, Planning & Zoning, Conservation, Health etc.) within the town are all helping to manage water quality. We hope to continue this work and believe it shows good faith and support of overall environmental improvements in our region. However, with this noted, we have grave concerns regarding our ability to comply with the proposed stormwater permit. These are outlined below in general and followed by specific comments.

- **Same permit – just more detail?:** During the public information session, we understood that the permit was similar to the prior permit – just with more detail to help explain the requirements of each practice and provide more guidance. The new permit, as proposed, contains significant changes and is highly prescriptive in terms of what municipalities must do – from its requirements to implement leaf pickup programs regardless of need to dictating street sweeping frequency, again, without a clear link to practicality and need in all cases.

- **Link to real water quality improvement?:** Implementing this permit as written will be very expensive, and it is not completely clear to us how many of its elements will truly improve water quality goals. It does not appear to give municipalities the leeway to dedicate resources to investigate potential problem areas within their systems and focus scarce resources on these.
- **Timing and ability to meet the permit requirements:** It will take longer than the five year permit period to fully meet the permit requirements.
- **Public education and outreach:** This new permit requires a significant expansion of public education and outreach. It has been the Town's experience under the current permit that while there are a few interested persons who attend workshops and talks put on by the Town and other "green" entities, the general public is extremely difficult to engage. Given that the state has similar goals across the entire state – reducing nitrogen, phosphorous, and bacteria levels – we feel strongly that the CTDEEP should be involved in a public campaign around what individuals should be doing to address stormwater quality. We strongly believe that such a campaign would give more appropriate weight to the State's stormwater quality concerns and goals, and help all municipalities. We would be delighted to work with CTDEEP on such a campaign.
- **Water quality goals and TMDLs:** In our experience, the term TMDL is most frequently applied to point sources which can more easily measure and control effluent quality. How is it to be reasonably applied and enforced given the highly variable conditions that exist within a watershed – from weather to private property practices? We made this comment when the CTDEEP was requesting comments about its establishment of bacterial TMDLs for various water bodies in the state, and would be most interested in how CTDEEP has helped municipalities enforce this when the majority of lands are in private hands, or when waterbodies cross multiple municipal jurisdictions. Where is the balance between pinpointing an individual illicit discharge based on a few nanograms of caffeine versus controlling runoff from excessive nitrogen fertilizer use on lawns – and how would the latter be monitored, managed and enforced, aside from public education? How are we permitted to manage waterfowl on private property (we already know how difficult it is on public property given programs already in place)? How are we permitted to manage the wildlife that lives in the drainage network?
- **Interstate and interagency cooperation:** We are repeating here a comment we made in response to the CTDEEP's proposed bacterial TMDL determinations, which we believe is also applicable to this permit. Both the Byram River and the Long Island Sound are impacted by more than just Connecticut – how is CTDEEP working with New York State, for example, on these issues and how will New York contributions be accounted for in CT TMDL standards? How will CTDOT be addressing its facilities (Interstate 95, for example) to help municipalities meet these standards and this permit? What will be required of them and are they funded for this?
- **Legal authority questions:** We understand the goals of implementing much of the proposed ordinance language in the proposed permit. However, the proposed permit seems to imply that municipalities are required to take legal authority and responsibility for inspecting and maintaining all drainage structures both public and private – we are not clear about this requirement and it has enormous potential impact if this permit intends us to manage private stormwater infrastructure. We are also concerned about the interjurisdictional requirements in this proposed permit – is it correct that we can be fined if we don't reach a water quality goal as the result of a state or other municipality discharging to our system?
- **Recordkeeping, documentation, certifications, etc.:** The proposed permit contains a host of new recordkeeping, documentation, reporting, and certification requirements. In particular, we are perplexed by the need to have a third party engineer certify our own work, which is overseen by professional engineers, who are bound by a code of ethics with regard to their work.

- **Costs:** If we were to attempt to implement this program as written, preliminary estimates on the costs associated with the street sweeping and catch basin requirements alone would require approximately \$1 million in additional equipment, and some \$750,000 / year in labor. This does not include any additional efforts related to other aspects of the program, which are numerous.

**Specific Comments:**

We provide some specific comments below relative to this proposed permit. Given the scope of the changes and expansion of requirements, while we have spent significant staff time reviewing this proposed permit, we note that we have not been able to incorporate all our concerns in time for this letter's deadline.

**Section 2 Definitions: "Qualified professional engineer":** Has the definition of a professional engineer as contained in this permit been approved and agreed upon with the State's Professional Engineers and Land Surveyors Licensing Board? How did CTDEEP establish that 8 years and 4 years were appropriate? Why is this definition necessary?

**Section 3(b)(9) – Stormwater Management Plan Certification:** Does this mean that the qualified professional engineer that submits the written certification must not have any involvement in the creation of the general permit? Why is this a requirement? Professional engineers operate under a code of ethics regarding their work, and requiring towns to pay a third party to oversee their work and sign a certification regarding same will prove costly. We find it difficult to imagine that a third party uninvolved in day to day operation of a municipality would want to sign the certification required under this section.

**Section 5(a) – Conditions Applicable for Certain Discharges:** It is recommended that a list be developed by DEEP that clearly states each of the pollutants and waters that must be managed since the list in Appendix D is not clear (Item No. 7). In addition, the overall requirements in this section are quite broad – for example, large storms which occur during saturated conditions can lead to natural erosion – could such a discharge be considered an exceedance and are municipalities expected to prevent any and all changes in discharge quantity and quality under all storm conditions? If leaves are considered natural in this section, why are municipalities asked to have town-wide leaf pickup programs (understanding that we are all trying to avoid residents clogging waterways and drainage networks with organic material).

**Section 5(b) – Stormwater Management Plan:** We estimate that DPW will require at least a minimum of one new full time employee to manage the entire program's administration to meet the requirements of the general permit. We comment on the additional staffing requirements in other sections. Furthermore, the section notes that re-registrants' stormwater management plan must be prepared 180 days in advance of the new permit – somewhat perplexing and difficult to comply with depending on when the final permit is actually promulgated and what form it takes. Will the municipalities existing stormwater plans be considered as applicable?

**Section 6(a)(1) Public Education and Outreach** – This will require much more development of educational materials to meet the expectation of the BMP, and such materials are required to be ready in a very short time frame. The necessary summarization needed for the report will require monthly updates so the report can meet the required submission dates set by the permit, which will require more staff time. As noted in our general comments, given the significant overlap in issues for the state (septic systems, fertilizer use, pet waste, etc.) and the desire for the message to be clear and consistent across the state, we strongly suggest that the CTDEEP lead this effort with a more professional, statewide media campaign. Given experience to date with participation rates in the numerous public education opportunities which have occurred in town, it is unclear how much return we are receiving for efforts in this area. As we are required to measure the effectiveness of all our best management practices (BMP), we would note that determining how effective public education measures are will be very difficult.

**Section 6(a)(2)(A) – Public Involvement/Participation:** It is unclear to us why a public meeting is being required in addition to the public comment period. Our experience with public meetings is that they are

attended by very few people and are expensive and time consuming to hold, even for issues where a particular neighborhood has a vested interest in a specific project. Providing public notice and a longer comment period is more achievable and cost effective. In the multiple years of posting our annual stormwater summary online for comment, we have received very minimal comments from two individuals.

**Section 6(a)(3) – Illicit Discharge Detection and Elimination:** This will require all outfalls to be field inspected and the complete drainage network will need to be verified in the field to determine the watershed that contributes to each outfall. While the Town has good stormwater mapping on its GIS (we have mapped over 10,000 public structures in our right of way), this will be a major effort. For example, a typical system inspection will require opening every structure, televising, and dye testing to truly understand network connectivity, including private property connections. This BMP will require Town staff and possibly consultants to meet the mapping and inspection requirements, and we have yet to estimate how much this will cost.

**Section 6(a)(4) – Construction Site Stormwater Runoff Control:** We have many questions regarding this section. Do the inspections, surveillance, and monitoring have to be done by Town staff or can the property owners site design engineer handle the inspections? Does it cover only one half acre and above or truly all parcels based on what we read in the post construction section of the proposed permit? Do the retention ponds, detention ponds and other stormwater basins only include large surface basins or does this also include rain gardens, bioretention areas, permeable driveways, underground retention/detention systems and other BMPs? This requirement will necessitate a more formal program to review and inspect all these properties as they move through the development process. To meet this requirement additional Town staff will be needed. What does the DEEP want the financial assurance for operations and maintenance activities to be?

**Section 6(a)(5)(A)(i) – Post-Construction Stormwater Management:** Is the implementation of LID only for projects that disturb one half acre or more or is it for all projects no matter the disturbance area? Do Town staff have to perform the post construction inspections or can the property owner's site design engineer perform this work? We have the same questions we noted for the construction site control above regarding what structures are covered, and who must document routine inspection – is it the Town?

**Section 6(a)(5)(C)(i) – Post-Construction Stormwater Management:** Can the Town GIS mapping be used to estimate the Directly Connected Impervious Area (DCIA)? Can the changes from development be added when the Town GIS map is updated or is it required that Improvement Location Surveys depicting 'As-Built' conditions for all development projects be submitted prior to a Certificate of Occupancy which would then be used to update the DCIA for each reporting year?

**Section 6(C)(vii) – Snow Management Practices, (a) Deicing Material Management:** Do we have to develop written Snow & Ice Control Standard Operating Procedures or can we follow State of Connecticut – DOT Standard Operating Procedures?

**Section 6(C)(vii) – Snow Management Practices, (b) Snow Removal:** What are the established goals for reduction of de-icing or anti-icing chemicals? Who is certified to train de-icing and anti-icing?

**Section 6(C)(viii) Table 1 – Sweeping:** What is the definition of "Main Roads" in Table 1? What is the definition of "Arteries" in Table 1? The proposed sweeping plan will require at a minimum an increase in staff and equipment, including \$500K for equipment start-up and \$250K in yearly staff salaries.

**Section 6(ix) Table 1 – Leaf Collection:** Current staffing and equipment cannot provide Town-wide Leaf Collection. Furthermore, it is not clear why a Town-wide program would be required. Greenwich has significant square mileage in acre or larger parcels, which do not require assistance with leaf handling. In addition, neighboring Westchester County in New York State is pursuing the "Love'em and Leave'em" campaign to encourage homeowners to mulch and compost leaves on their own properties when feasible. Is CTDEEP averse to such treatments?

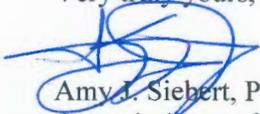
**Section 6(x) Table 1 – Catch Basin Cleaning:** To meet proposed catch basin cleaning guidelines, an increase of staff and equipment will be required to include at a minimum, 2 additional Vac-Alls, with 4 additional personnel at a cost of \$500K in yearly salaries and \$500k in equipment.

**Summary**

Speaking for the Greenwich Department of Public Works, we are committed to continuing our practices to help maintain and improve stormwater quality. We will continue our street sweeping, catch basin cleaning, and other stormwater system maintenance on our public facilities, recognizing the large amount of private stormwater infrastructure. We will continue to work with other Town departments and agencies as issues arise, and we continue to implement LID where we can. We will continue to execute a number of other practices and projects to manage our stormwater system and improve water quality. Our system includes over 10,000 structures and countless miles of piping – it takes significant time and money to keep it in operating order. We look forward to working more with CTDEEP as it continues to enhance the current stormwater program for the state, and hope that it can be a more collaborative effort.

If you have any questions or we can provide further information, please call me or our Deputy Commissioner, David Thompson, at 203-622-7740. We would all be happy to talk to you and provide any clarification we can to our remarks. Thank you for your time and consideration.

Very truly yours,



Amy J. Siebert, P.E.  
Commissioner of Public Works

cc: P. Tesei, First Selectman  
J. Michel, DPW  
J. Roberto, DPW  
D. Thompson, DPW  
M. Chambers, IWWA  
K. Deluca, P&Z  
M. Long, Environmental Health  
D. Savageau, Conservation

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# TOWN OF GREENWICH

Office of First Selectman (203) 622-7710 Fax (203) 622-3793  
Town Hall • 101 Field Point Road • Greenwich, CT 06830  
E-Mail: [ptesei@greenwichct.org](mailto:ptesei@greenwichct.org)

September 3, 2014

Peter J. Tesei  
First Selectman

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Re: Draft Connecticut General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

Dear Mr. Stone:

I am writing to express my support for the comments made by Amy Siebert, P. E. Commissioner of Public Works, Town of Greenwich and First Selectman William Brennan, Chairman of SWRMPO and First Selectman Matt Knickerbocker, Chairman of HVCEO on behalf of the recently established (WCCOG) in their letters to you regarding the draft Connecticut General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems.

It is indeed unfortunate that the comment period on this draft is so constrained. All of our staff has only just begun to consider the vast implications of these regulations on our communities. I am sure that more views will be forthcoming but they will not be able to meet the September 4<sup>th</sup> deadline.

I am also, disappointed that these new regulations will represent a significant and expensive new unfunded mandate on the municipalities of the State. In these times of continued economic stagnation these requirements cannot be easily funded and other important governmental services will, of necessity, be shortchanged. I urge you to reconsider these draft requirements. There must be a middle ground that has both efficacy and economy that is required on this important environmental issue.

Sincerely,

Peter J. Tesei  
First Selectman

cc: Amy Siebert, Commissioner of Public Works

## Connecticut DEEP MS4 Feedback

1. The Federal legislation requires mandatory MS4 measures be implemented only in urbanized areas (UAs). It allows that the State as the NPDES authority could expand regulatory coverage beyond this, which is the case with Connecticut through the DEEP. But since this is not mandatory, why should this be the case? To impose universal compliance with MS4 requirements in towns with minimal or no UAs seems a steep burden to bear where not even mandated.
2. Several of the specific measures (e.g., street sweeping) assume a need well beyond actual conditions, particularly as applied to sections of communities outside the UAs. Why would such measures be so presumptuous, especially when the cost of such measures is so great? Shouldn't measures be tailored on the basis of actual measured observations of need?

September 4, 2014

Mr. Christopher Stone, PE  
Waste Permitting and Enforcement Division  
Bureau of Materials Management & Compliance Assurance  
Department of Energy & Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Re: Proposed General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

The proposed General Permit exceeds the requirements set forth by the United States Department of Environmental Protection. Under the new regulations, Lyme would be considered a Tier 2 community. While the EPA authorizes the permitting authority in each state to designate additional MS4s outside urbanized areas, doing so at this time imposes a considerable burden on Lyme and its taxpayers. The federal government does not require this step. This appears to be at the discretion of the Commissioner.

Small, rural Tier 2 towns including Lyme will have to comply with numerous mandates including: conducting annual leaf pick ups, updating land use regulations and adopting new ordinances, conducting public education and outreach programs, requiring the development of and assigning staff to be responsible for various BMPs, instituting formal employee training and issuing comprehensive annual reports.

Unless there is an impaired body of water within its borders, no small towns with low populations and population densities, no large residential subdivisions in sensitive watershed areas, or significant commercial and industrial zone coverages should be subjected to this costly, time consuming mandate.

Thank you for this opportunity to comment on the proposed changes.

Ralph Eno, First Selectman  
Town of Lyme

TO: Christopher Stone, CT DEEP

FROM: Peter F Hughes, Planning & Development Director

DATE: 9/4/14

RE: Draft MS4 Revisions

The Town of Marlborough finds, after reviewing these revisions, that implementation will have serious adverse financial and manpower impacts such as:

This proposal will tax manpower of all smaller communities. The Town of Marlborough currently has six full-time Highway Maintainers/Operators, a Unit Supervisor, and a Superintendent of Operations to maintain 63 miles of town roadways. An example of this manpower impact is that one of the six maintainers would need to be dedicated to the street sweeping program during the warmer months when road maintenance and repairs are performed. This reduces the available workforce by 16% to perform essential tasks to maintain public safety. This proposed required sweeping coincides when the eight employees take the majority of their vacation time. One of the six Public Works employees is now primarily assigned to summer roadside mowing activities. As it is now, vacation schedules impact the current road work schedule. With having to dedicate one full-time position throughout the majority of the year will clearly adversely impact the Town's ability to perform necessary maintenance work to maintain public safety.

Additionally, performing mandatory town-wide leaf pick-up in late October to early December would take two to three of our six maintainers, or one-third to one-half of the workforce, away from road maintenance and other Public Works functions. During this timeframe it will take these employees away equipment preparation for the winter season. Then to dedicate an additional person to inspect 2,500 catch basins and 50 particle separators would dwindle the available workforce even more. These proposed requirements and the increased demands on employees would result in less preventative maintenance work from being accomplished yearly. The Town takes seriously its responsibility to maintain safe roadways.

This proposal will have serious budgetary impacts to all small communities such as Marlborough in order to meet the requirements of the draft revisions. The cost to buy a sweeper utilizing our employees or through a vendor service contract to perform the sweeping will have significant annual costs. The purchase of equipment will be in the \$100,000 plus range, not including additional expenses for maintenance and parts, and the salary of a dedicated full-time position. To contract out this service will be \$50,000 to \$75,000 a year. Either option is costly or there are no available budgeted funds.

The cost to perform town-wide leaf pick-up will be \$25,000 to \$35,000 a year whether an outside vendor is hired, or if we utilize half our available work force to perform this task. Plus, the Town would need to prepare an area within our Transfer Station to store the leaves until they could be disposed off-site or set up a composting operation. Either scenario, the Town will need to seek all the necessary permit upgrades from DEEP Solid Waste for the Transfer Station operation. This translates into additional costs in the tens of thousands of dollars for permitting and yearly operations. The Transfer Station currently employs one full-time and two part-time employees. It is only opened 12 hours per week.

The cost to implement and fund the retrofit program changes clearly is an open-ended expense to all communities. It will be in the tens of thousands dollars each year. When you add up the probable additional costs to Marlborough and other similar communities as a result of implementation of the draft revisions, it will be in the neighborhood of \$200,000 a year. Marlborough now struggles to get \$400,000 budgeted a year to perform road maintenance and repairs. This increase of \$200,000 a year equates to one third of a mill – not an insignificant amount.

The Town understands the responsibility it has to maintain our roadways and associated drainage system to the standards that protect public safety, as well as, protecting ground and surface waters and have implemented many policy (regulatory) and methodologies (stormwater best management practices) since the inception of the MS4 Program. These draft revisions requirements are unrealistic and unfeasible for municipalities to implement without cutting other services or expending large sums of additional funds that are simply not available.

cc: Catherine D. Gaudinski, First Selectman  
Environment Committee  
COST  
CCM

**Sowa, Kevin**

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**From:** Jon Brayshaw <j\_brayshaw@middlefield-ct.com>  
**Sent:** Tuesday, August 12, 2014 1:55 PM  
**To:** Stone, Chris  
**Subject:** MS4 Permit

Greetings from Middlefield

I was under the understanding that the State was trying to reduce regulations and mandates.

As a small town we have a 4 man road crew. They cannot accomplish all that needs doing now.....

There are 38 homes for sale in Middlefield. People (families) are moving because they cannot afford to live here.

Please try to REDUCE mandates not increase.

Thanks

Jon Brayshaw

First Selectman

Middlefield



## TOWN OF MONROE ENGINEERING DEPARTMENT

7 Fan Hill Road  
Monroe, CT 06468

Town Engineer: Scott H. Schatzlein, P.E.  
Phone: (203) 452-8631 • Fax: (203) 452-2963

September 4, 2014

Christopher Stone, P.E.  
79 Elm Street  
Water Permitting and Enforcement Division  
Department of Energy and Environmental Protection  
Hartford, CT 06106

Sent via email: [chris.stone@ct.gov](mailto:chris.stone@ct.gov)

Re: CT DEEP, Proposed MS4 General Permit amendments

Dear Mr. Stone,

This is in response to recent and pending amendments to the requirements relative to the above referenced general permit.

Based on a review of the pending "Draft" changes, the Public Works Director (Chris Nowacki) and I have a number of concerns relative to the ability of the Town of Monroe (and assumedly other Towns) to address the new and/or altered requirements.

In addition to a significant impact on the DPW budget: some of the items appear to be very vague and in need of further clarification and definition; there appears to be other requirements that may possibly involve legal actions on the Town's part in order to meet the stated goals; and a number of the changes may involve considerable time constraints that may affect the Town's ability to comply with new requirements.

Accordingly, it is our recommendation that the DEEP have additional workshops with local representation, and possibly request written input from each Town on estimated costs and projected ability to meet the requirements prior to proceeding with adoption and implementation.

If you have any questions, or would like to discuss Monroe's position on this matter in more detail, please call.

Thank you for your anticipated consideration.

Very truly yours:

Scott H. Schatzlein, P. E.  
Land Use Group Director/Town Engineer

cc: Chris Nowacki, Public Works Director  
Steve Vavrek, First Selectman

## Sowa, Kevin

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**From:** Wade Thomas <WThomas@nlja.com>  
**Sent:** Monday, July 21, 2014 12:21 PM  
**To:** Stone, Chris  
**Subject:** Draft MS4 Permit Modifications

Chris,

I hope all is well – hard to believe it is mid-late July already!

I received a call from a Highway Foreman with respect to the proposed modifications. What caught his eye on initial review is the street sweeping requirements. Regarding the proposed street sweeping schedule (Table 1 page 30 of 55) I would like to ask the following questions:

Will the road definitions (i.e. Main Line and Arterial to the Main Line) be added to the definitions? And will the definition reference ADT volumes?

Will “Event Gathering Places” be defined?

Relative to population for beach communities (Clinton, Westbrook, Old Saybrook and Old Lyme), what population should be used? In the instance of beach communities the winter population is below 15,000 while the summer population is above 15,000. Should the former population sweeping schedule be conducted from November through April and the latter street sweeping schedule from May through October?

The street sweeping requirements may make purchasing a street sweeper more cost effective as opposed to subcontracting street sweeping services particularly given the increased workload subcontracted street sweeping would experience. Will there be any funding to assist municipalities in purchasing street sweepers?

As an aside, I would consider lawn mowing companies to be a major contributor to street pollution as most lawn mowing contractors blow the driveway clean toward the town street or road. The blown materials include organic matter and fine grained sediments. Are you aware of any municipalities in CT that have passed an ordinance of this type and if so how is it enforced. I would believe that the impact is lessened where the road is not curbed.

Thanks in advance for your time and consideration!

Wade

Wade M. Thomas, Associate  
Nathan L. Jacobson & Associates, Inc.  
86 Main Street  
P.O. Box 337  
Chester, Connecticut 06412-0337  
Telephone (860) 526-9591  
Fax (860) 526-5416

# TOWN OF NEW CANAAN

TOWN HALL, 77 MAIN STREET  
NEW CANAAN, CT 06840

ROBERT E. MALLOZZI III  
FIRST SELECTMAN

TEL: (203) 594-3000  
FAX: (203) 594-3123

September 3, 2014

Mr. Robert Klee, Commissioner  
Connecticut DEEP  
79 Elm Street  
Hartford, CT 06106

Dear Robert,

The Town of New Canaan takes its role in the good stewardship of our environment very seriously. A dedicated staff of land use and public works professionals take great pride in what they do. For the past few years, the Town makes a considerable effort to compile and send to Stormwater Permit Coordinator Christopher Stone the Town's MS4 Stormwater Annual Report. The Town demonstrates its commitment to this subject and is confident that it is in the forefront of pro-active involvement to protect the waterways in our community and downstream.

To date, the Town has never received any indication or information (positive or negative) about the Town's effort. I am personally disappointed in learning this as we are now being asked to accept the DEEP's proposed Stormwater Regulations without any input from DEEP in evaluating New Canaan's efforts to date or as it relates to its peers. Surely we feel that if there were a benchmark, New Canaan would be considerably above the medium in terms of what we have already in place. I also note that we do not have any Impaired waters in our community; these proposed regulations seem to be geared towards municipalities that do have such within their borders.

On the following pages and for your review, I have asked the appropriate department heads to compile a list of the top processes they already are performing and the top new regulations that would be, at a minimum onerous and at a maximum catastrophic, for them to manage. It is my sincere hope that you will review these thoroughly.

Thank you for your consideration in this matter. The Town of New Canaan truly supports efforts to mitigate issues related to Stormwater discharge, but feel these proposed regulations would do little to accomplish that worthwhile goal while instead creating a bureaucracy, economic hardship and reporting structure detrimental to that end.

Sincerely,



Robert E. Mallozzi III

cc: Mr. Christopher Stone

Kathleen Holland, Director  
Inland Wetlands and Watercourses

-All construction projects require site development plans by qualified individuals and are typically engineered. The plans meet or exceed the Soil and Erosion Control Guidelines. The plans are reviewed by land use staff prior to approvals for any earth disturbing activities. Site visits by Town Staff are on-going through the course of the construction activities and complaints are addressed typically the same day.

-All new construction with greater than 1000 s.f. of new impervious areas is required to meet the Drainage Certification Policy.

-Ch. 79 provides educational outreach just by the airing of the various land use commissions such as Inland Wetlands and the Planning and Zoning.

-Inland Wetlands has a strong enforcement tool in the issuance of \$1000.00 and \$500.00 dollar citations for non-conformance of the wetland regulations and violations.

-Inland Wetland Regulations require the applicant to choose the least impact possible option and also applicants are required to consider options for low impact design.

-Educational outreach is on-going and strong through the Town's participation in the Silvermine River Watershed Initiative.

#### Challenges:

-staff vs. requirements

-all at once new mandates puts significant financial burden on municipalities.

-legal questions as to what Town's authority is once permit is closed out or a certificate of occupancy is issued.

-record keeping challenge of on-going inspections, report writing and staff turnover.

Michael Pastore  
Director of Public Works

Tiger Mann  
Assistant Director of Public Works

#### NOTES FROM PUBLIC WORKS ON THE PROPOSED DEEP STORMWATER REGULATIONS

What we have done since the program began:

- A. Each year, we have filed an annual report to DEP
- B. As of 2008, we had completed the implementation of the following requirements:
  - 1. Public education and Outreach
  - 2. Public Involvement /Participation
  - 3. Illicit Discharge Detection and Elimination (All outfalls of 12" and larger were mapped in October of 2005, although the requirement was for outfalls of 18" or larger).
  - 4. Construction Site Stormwater Controls
  - 5. Post Construction
  - 6. Pollution Prevention / Good Housekeeping for Municipal Operations

What we cannot accomplish with our present staff of one engineer, two planners and one wetlands officer:

- A. Monitor long-term maintenance of Site Runoff Controls and bear the cost of potential legal actions.
  - a. The proposal Regulations require additional ordinances, procedures, inspections and reporting requirements for constructions sites. To comply with these requirements the Town will need additional staff in engineering and/or land use departments.
  - b. The additional of this staff will be to comply with the new reporting regulations and not for achieving actual pollution prevention.
  - c. Currently we effectively enforce the existing regulations and respond quickly to violations. We are able to do this currently because of our local knowledge of the sites under construction and our regular communication with the builders.
  - d. Post-construction Stormwater Management: Again, extra staff will be required to comply with the new reporting and enforcement requirements. Private owners of Stormwater facilities will incur additional costs to comply with the new regulations.
  - e. The time to process permits will likely be longer with these new regulations.

- B. Monitor and enforce testing requirements for the placement of fertilizers.
- C. Monitor and enforce requirements for pet waste management and waterfowl management (Rob, we may be doing this to some extent).
- D. Likewise, with or present staff and equipment we cannot accomplish the proposed increases in street and parking lot sweeping.
- E. Proposed regulations require leaf pick up "town wide". We do not possess the equipment, manpower or facilities to expand leaf pick up to the entire town.
- F. Impervious Coverage
  - a. The proposed regulations require us to compile the Impervious Areas that flow to our outfalls.
  - b. It is hard to envision a project of this scale being done in house. An outside contractor would likely need to be hired to complete this item. The cost of this is unknown, but it is likely a significant expense.

Mose Saccary  
Highway Superintendent  
Department of Public Works

What we can continue to do:

1. Every catch basin has been tagged with (No dumping- drains to River) also to help monitor our cleaning schedule.  
As the catch basins get cleaned the tags get painted a different color.
2. The entire town gets swept once a year the Town center twice a week.
3. We also vacuum (multiple times) the gutter lines on our entire One acre zone during leaf pickup
4. We have a truck mounted blower that blows debris out of the gutters of our wooded sections to help keep the basins and water ways clean
5. We have started installing Trash Eliminators in our basins that drain directly to ponds and lakes

What we cannot do:

1 Entire town leaf pick up

We do not have the man power, area to compost, or equipment to pick up the entire town

2 Weekly sweeping of main line roads

We do not have the man power or equipment

3 Increased catch basin cleaning every six months

We are struggling to keep up with current unfunded mandates. We do not have man power or equipment



**TOWN OF NEW MILFORD**  
**Public Works Department**  
10 Main Street  
New Milford, Connecticut 06776  
Telephone (860) 355-6040 • Fax (860) 355-6055

*Michael F. Zarba, P.E.*  
*Public Works Director*

*James A. Rotondo*  
*Town Engineer/ Asst PWD*

September 4, 2014

SENT VIA E-MAIL

Mr. Chris Stone, P.E.  
State of Connecticut Department of Environmental & Energy Protection  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
79 Elm St.  
Hartford, CT 06106-5127

**RE: Proposed DRAFT MS4 General Permit Modifications and Changes**

Dear Chris:

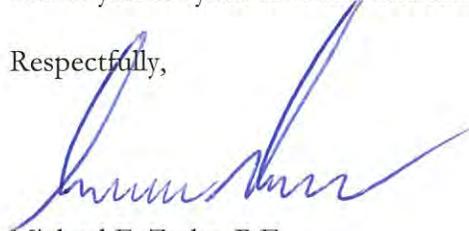
Please accept this letter and the attached document labeled *“Town of New Milford DPW Review and Comments for DRAFT MS4 Permit”* for consideration by the Commissioner in making a determination of the proposed changes to the General Permit. While we respect the need to update and change certain items in the permit from time to time we believe the proposed changes go far beyond any type of reasonable updates. In fact it was stated and presented in the August 6, 2014 presentation that about half of the existing permittee’s are NOT in compliance with the current requirements. Therefore it is only logical that, since the proposed changes so dramatically expand the requirements for the permittee’s, it is highly unlikely that any permittee will be in compliance under the new permit. The proposed changes are not logistically, operationally or economically feasible or attainable. DEEP has failed to demonstrate how the proposed changes will improve water quality and in my opinion the permit modifications may have the exact opposite effect.

The attached document details some of the more prominent proposed changes and highlights the impacts they will have on our community. However, we are only one of the affected permittee’s in this process and I know from speaking with many of my colleagues that they also are discouraged and alarmed by the impacts of the proposed changes. Additionally, it is clear from reading the draft that the intent of the changes is simply to implement a “trial and error” process. The notion of implementing extremely tough standards with the possibility of rolling back specific requirements is not practical or reasonable for municipalities. Dramatically ramping up staff and acquiring the necessary equipment to meet the proposed requirements are actions that are not easily attained or reversed. Furthermore, the way the permit is written all the new costs will be borne by the local taxpayers. I don’t believe the taxpayers would be inclined to pay for compliance with the new requirements nor do I believe they will approve budgets necessary to do so. I also fear that the significantly larger manpower and cost requirements associated with the permit modifications would compete with and most likely take away from the already stretched resources needed for other essential infrastructure safety repairs and maintenance.

Please be assured that the Town of New Milford is committed to prevention of stormwater pollution through reduction and elimination of pollutants discharged either directly, or through the municipal stormwater system and we will continue to operate and maintain our infrastructure to minimize impacts to the maximum extent practical. However, there is no evidence that any of the proposed changes will have a measurable or reasonable positive impact on the quality of stormwater runoff and discharges compared to the existing general permit.

Thank you for your time and attention to these issues.

Respectfully,



Michael F. Zarba, P.E.  
Public Works Director

CC: Patricia Murphy, Mayor  
Jim Ferlow, Wetlands Enforcement Officer  
Laura Regan, Land Use Supervisor/Zoning Enforcement Officer  
File

# Town of New Milford DPW

## Review and Comments for DRAFT MS4 Permit

SUBSTANTIALLY expands the 6 minimum control measures under the current (active) permit

- Must Upgrade/Revamp land use regulations
  - What if changes are not approved by the public?
  - What if legal issues can't be addressed in these changes?
- Must Include LID/runoff reduction
  - What if our Reg's already allow these? To what degree MUST this measure be expanded? (i.e. who makes the determination if we went far enough?)
- Towns must hire an independent Engineer to certify their program. Why can't existing qualified staff perform this review – or why can't DEEP provide this review? Why should Towns be required to pay for the same service twice?
- Must implement a program to ensure long-term maintenance of public AND private stormwater measures.
  - Already do these – but to what level and who determines if we do enough or not?
  - The permit **MAKES** us responsible for **knowing and informing** private developers of their permit obligations from DEEP. This is equivalent to making one's neighbor responsible and accountable for informing you of the needed town permits to put an addition on your house.
- New Requirements for Pollution Prevention
  - Employee training, Pet waste, parking lots, sweeping schedules, snow management, and CB cleaning – ABSURD – we will need an entire department (**by the way the permit requires towns to staff and fund the needed resources**) to track and manage these new requirements. We will also need to purchase SEVERAL new pieces of equipment (or pay a contractor to perform them) – easily will run into the Hundreds of Thousands to Millions of dollars annually. Also, logistically this is not practical within the timeframes set by the permit nor is it operationally feasible to do this work while still maintaining the safety of other infrastructure. Also I do not see the ability to “contract out” this work as a solution because we will be competing with 169 other towns (plus others) for the same services at exactly the same time. There just aren't enough resources to complete these requirements during our “normal” work season.
- Monitoring Program is not just expanded but overhauled and it forces the Town's to perform work that DEEP is responsible for.
  - Why doesn't the State perform these tests if they are so critical and important to managing the waters of the State? Why have they forced this cost (tens of Thousands of dollars annually) onto the local level when in fact they have the obligation to test and monitor these waters?

- This proposed permit has increased our testing requirements by 25% (6 to 8) and it appears to me the parameters are much more extensive and intensive (metals and nutrients). I would see this as at least doubling our testing budget.
- IDDE
  - Again need more staff **(required)** to manage this program, perform the administrative requirements, report, follow up, etc.
  - DEEP already has the legal authority to stop this if found. Why don't they test and then notify the Town if any illicit discharges are found?
  - Again, this will require an expansion of the already overworked town employees responsibilities, require the addition of more local government staff and basically place the burden on the local taxpayers back. They (the local taxpayer) will NOT respond well to these mandates nor will they approve the funds required to manage this or the other similar programs.
  - It would seem spending a fraction of this money to educate people on these subjects would result in more reduction in illicit discharges than "taking stabs in the dark" to maybe detect only a small fraction of the problem (i.e spend less money with better results or spend a lot of money with no measurable results).

**From: Town of Newtown**

Department of Public Works  
4 Turkey Hill Road  
Newtown, CT 06470

**To:** Chris Stone, CTDEEP

**Re:** Proposed MS4 Permit Comments

**Date:** 9/3/14

## **Introduction**

We have reviewed the proposed "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4)" with a draft date of 7/8/14. As an introduction, we would note that in our shared quest for clean water, we did participate under the old MS4 permit issued in 2004 and reissued in 2009. For the most part we were successful in meeting the requirements of the permit. Results achieved are another matter.

We did sweep all our roads after the winter and schedule our catch basin cleaning. We did follow an aggressive program of implementing erosion and sedimentation rules and regulations. We did outfall mapping and testing. We did an extensive outreach and education program with the public. However, without any documentation provided to us of past program success or any promise of future tangible results, the "new" MS4 permit proposal will cost the Town of Newtown over **\$5.675 Million to implement** initially and **\$3.055 Million annually to operate** and maintain the program. More scarce funds would be required for a program that has no history of results or the ability to guarantee a different outcome in the future.

## **Background**

Management of stormwater discharge as a program has never caught on as a major concern to the public. It has not been funded in any large measure by either the Federal or State Government because storm recovery has rightly been more their concern. Participation by Local Government has been essentially contained within existing resources. The public wants their road swept "now" but don't raise taxes to do it. The idea of a "stormwater utility" as a funding source is seen by the public as just another tax for which they get questionable or no benefit.

The major stormwater concern to the public is property destruction and life threatening situations (loss of power and other utilities, blocked roads, flooding etc.). The public is keenly interested in what Federal, State and Local Governments are doing to protect their homes and properties from storm damage. The massive and repetitive storms of the last few years have

heightened that concern. Yet, they know that there is not enough funding at any level to address all the needs. Local government, by proximity, is the most direct answer for these residents but has the greatest limit on its financial and other resources.

This MS4 permit proposal expects the least financially capable level of government to fund a program that the public doesn't support to the detriment of ongoing needs that the public sees as critical.

It is a bit of irony that CTDEEP itself noted that less than 25% of the municipalities complied with the original program. The obvious question is why anyone would think that the compliance number would get better when the new proposal demands are more onerous and require diversion of even more economic and other resources from local needs. This is "Bad Proposal Round 2". The 2004 proposal was bad but was modified after workshops with representatives from this and other municipalities. This proposal has started out even worse with no workshops. From a local standpoint, this current proposal simply does not work.

### **Specific Section Reviews**

A review of every section of the proposal would lead to an encyclopedic body of comments. Instead, we have selected sections of the proposed permit to lend specificity to the cost claims and clarity to the overall problem with the proposal, as we see it. Specifics follow.

1. **Street Sweeping / Basin Cleaning:** The practical cost of implementing the proposed program just for street sweeping and basin cleaning is a staggering \$4.1 Million for Newtown. The capital costs would exceed \$2.6 Million. The added annual operational costs including personnel would be \$1.5 Million.

We currently use one (1) Town sweeper and two (2) contract sweepers to clear winter sand. The Town sweeper works two shifts a day from dawn till dusk and two additional shifts on Saturday. The three sweepers provide 22-24 work shifts per week and it takes five (5) months to finish the 275 miles of Town roadway and all public parking lots. If any major storms occur in the interim it takes more than five (5) months. The Town sweeper is "on-call" year round for traffic accident cleanup and the re-sweeping of environmentally sensitive roads.

To sweep the major Town roads monthly and the entire Town every quarter would require four (4) new sweepers, two (2) new trucks and their six (6) personnel. This would become a dedicated crew that would not be available for other work.

Our catch basin cleaning effort is approximately at the same level except we only clean every basin every two years. We have one Town vector truck and two contracted trucks

which clean 4,500 or half our 9,000 basins annually. This activity normally follows the sweeping operation. To clean these basins twice annually will require four (4) new Town vactor trucks, their personnel and would again create a new dedicated crew.

The direct cost for a street sweeper or a vactor truck is \$275,000. New trucks cost \$210,000. Personnel add \$100,000 per employee. Because the street sweeper and the vactor truck are the two most maintenance demanding pieces of equipment, another \$275,000 will be spent in repairs over the useful life of each. This totals \$40,000 annually per piece of equipment. Truck maintenance is approximately \$20,000 annually. Operating costs for fuel and insurance are approximately \$15,000 per vehicle or piece of equipment.

What is not addressed is the potential cost for debris disposal. Those items are governed by other regulation and may also substantially increase in cost.

Summary of Item Cost: Street Sweeping/Catch Basin Cleaning:

Capital:

(4) Street Sweepers @ \$275,000 per unit	\$1,100,000	
(4) Vactor Trucks @ \$275,000 per unit	\$1,100,000	
(2) Dump Trucks @\$210,000 per unit	\$420,000	
TOTAL		\$2,620,000

Personnel:

(10) Average cost per employee of \$100,000	\$1,000,000	
TOTAL		\$1,000,000

Annual Operating Costs:

(10) Per Vehicle/Equipment @\$15,000	\$150,000	
TOTAL		\$150,000

Annual Repair Costs:

(8) Per Equipment @ \$40,000	\$320,000	
(2) Per Truck @ \$20,000	\$40,000	
TOTAL		\$360,000

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ITEM TOTAL \$4,130,000

2. **Townwide Leaf Pickup:** The Town follows the CT State Solid Waste Plan which emphasizes on site reuse and disposal of leaves. We do provide a disposal location at our transfer station for those who cannot readily dispose of their leaves on their own property. These loads are picked up by an approved farm compost site for eventual reuse as compost. We follow the State Plan but do not do a townwide leaf pickup because we are essentially a rural town.

We do have experience in townwide debris pickup. On several occasions, during the past few years, we have shut down virtually every function of the Public Works and Parks Departments and hired seven to ten private contractors to give us the manpower and the equipment necessary to perform such a task. We had 20+ separate crews operating at any given time with a manpower total ranging from 105 to 120. With all of this support it still took 8 weeks. Each operation cost \$1.1 to \$1.3 Million to complete the task. 75% of these costs were reimbursed by FEMA. This only covered the 275 miles of Town road. Under the proposed permit, it appears that we would also have to cover 25 miles of State secondary road, in Town.

While there are towns in CT that do leaf pickup, everyone will state that it causes serious operational problems every fall. It disrupts critical drainage and paving operations. In order to perform this function and not cripple other critical operational needs, more than \$1 Million in new equipment and annually contracted service would be needed to make this feasible.

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ITEM TOTAL	\$1,000,000
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3. **Snow Management Practices:** The municipalities already use the least amount of pollutants (salt) affecting storm water discharge possible because they are expensive. Town and city budgets have been decimated year after year because of unbudgeted needs caused by unpredictable weather. Some so severe there has been FEMA reimbursement.

Part of the added cost for de-icing products carried by the towns and cities is the product stabilizer that balances the ph. This reduces corrosion on vehicles and lessens the environmental impact. CONNDOT has publicly stated they do not use it because it is too expensive. We use it for the general reasons noted above and its added benefit in the protection of our ground water and its connection to our sole source aquifer, the source of virtually all our potable water.

No two municipalities are identical when it comes to snow management practices because no two are the same in topography, weather impact, traffic patterns, organization, infrastructure, equipment, other resources and public expectations. Each adapts during every storm to constantly changing conditions, which makes each storm and winter unique. There is no “cookie cutter permit” or single technology approach that can neatly cover or apply to each municipality in a like manner.

The single over-riding purpose of snow management is public safety. To meet that goal, municipalities seek to increase the reliability of their response by simplifying their approach. The simpler the approach, the more flexible and reliable is the response. When you add complexity to the snow removal operation, as suggested by the current proposal, nothing is done to assist the mission of public safety.

4. **Outreach, Education, Communication:** Assuming the goals suggested in the proposed permit have any merit then the message has got to be simple, understandable and defensible. It must be the same message put out at all levels of government, preferably with the same logo, graphics and text.

Local governments can only be successful in the capacity of supporting a program that is pitched at the state and national level. While no two towns may be exactly the same, the message put out must be the same or it will never penetrate the public at large. How to make the message work may end up being different for each municipality but the message, in the end, must be the same. It is a certainty that 169 different messages will not work. The permit proposal will fail this most basic of communication principals if it does not act to unify the message..

In addition, most impaired waters do not reside in or affect only a single community. This fact alone would lend itself to suggest that the State and not the towns and cities should be shouldering the communication effort.

5. **Monitoring, Testing and Permit Administration:** Over the past, the Town has been able to roll any coverage of the original permit activity into its existing program and activities. However, the increased testing, monitoring, field reviews, inspections and the general level of increased administration “time” will require additional personnel to cover the 60 square miles of the Town. The GIS, Engineering/Public Works Department and our Land Use Agencies would all need to add at least three professionals and one or two admins. When you add the overhead support of lab and testing costs to the professional

positions you are adding annual additional costs of \$125,000 per employee and \$85,000 for the admin.

Personnel

(3) Professional @ \$100,000 per employee	\$300,000
(2) Admin @ \$85,000 per employee	\$170,000
Overhead (\$25,000 @ 3 employees)	\$75,000

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ITEM TOTAL

\$545,000

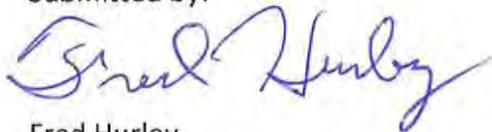
### Conclusion and Recommendation:

The main conclusion is that this permit proposal is not yet ready for prime time. Partnerships work but this is just a "dictate". It is an unfunded mandate that needs to go back to workshops that include the personnel in the cities and towns who actually do this work. Who know what the "real" operational constraints can be.

Organizationally, you could use the existing structure of disciplines (ESF – "Emergency Support Functions") under the State's Emergency Operations which breaks out public works, health, and land use etc. Each discipline has a chairman for their part of the State and direct communication with their regional municipalities. Working groups, representative of the entire State, could be organized quite rapidly to work on parts or the entire proposal.

Statewide working groups start to build the communication network necessary to make any plan successful. You put the cart before the horse when you suggested regional approaches to effect the plan without regional participation to develop it. The regional approaches were needed first to develop both a permit proposal and an implementation plan that might actually work.

Submitted by:



Fred Hurley  
Director of Public Works  
Sewer & Water Administrator  
Town of Newtown  
2004 Workshop Participant To Rewrite 2004 Permit Proposal



northeastern connecticut council of governments

ashford - brooklyn - canterbury - chaplin - eastford - hampton - killingly - plainfield  
pomfret - putnam - scotland - sterling - thompson - union - voluntown - woodstock

September 3, 2014

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106

**RE: Proposed 2014 modification "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems"**

Dear Mr. Stone:

The Northeastern Connecticut Council of Governments (NECCOG) has reviewed and discussed the proposed updates/changes to the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" (MS4). At this time we cannot and do not support the draft MS4. We strongly urge DEEP to place this proposal on hold until such time that municipalities throughout Connecticut can both digest the impact and add constructive input to the shared goal of protecting water quality.

The proposed MS4 modifications will affect all 169 municipalities under a 2-tier system. The Tier 1 requirements cover the NECCOG towns of Brooklyn, Killingly, Plainfield, Putnam and Thompson. The Tier 2 covers the remaining eleven towns of NECCOG: Ashford, Canterbury, Chaplin, Eastford, Hampton, Pomfret, Scotland, Sterling, Union, Voluntown and Woodstock. Based on our review of the proposed changes to the MS4 the major impacts of the expansion of the MS4 permit requirements, especially Tier 1, will be the added costs of compliance (personnel, equipment and outside vendors that will be needed to carry out the program). This is the result of greatly expanding the information gathering regime and increased oversight in running the program in one or more of the following areas of the regulation:

- ▶ Additional parameters to include in-stream dry and wet weather monitoring and wet weather outfall monitoring.
- ▶ A more detailed Illicit Discharge Detection and Elimination (IDDE) Program tracking and testing program, which may include detection of compounds from pharmaceutical and personal care products.
- ▶ Construction activity requirements including closer monitoring and record keeping.
- ▶ More detailed Stormwater Management Plan and Annual Report reporting requirements.
- ▶ Certification of the municipal Stormwater Management Plan by a third party professional engineer.
- ▶ Significant increased costs associated with required road sweeping
- ▶ Requirement for public education

- ▶ Annual town-wide leaf pick-ups

The proposed MS4 regulations, especially the Tier II additions, will have major adverse impact to the towns of northeastern Connecticut and little benefits to the shared goal of protecting water quality. The long list of unfunded mandates will significantly impact already stressed local budgets. We want to also associate our remarks with and support the comments made by the Connecticut Conference of Municipalities and those made by the Northwest Hills Council of Governments (who did a solid job of detailing the impact of these proposals on rural communities).

Our understanding is that there may be a public hearing later this year and we urge the Department take such an action - including field hearings across our state. Thank you for the opportunity to comment. We are prepared to work with the Department on these proposals in a constructive manner and welcome any opportunity to do so.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'John Filchak', with a stylized flourish at the end.

John Filchak  
Executive Director

cc: NECCOG Members, NECCOG Area Legislative Delegations



August 29, 2014

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
CT DEEP  
79 Elm Street  
Hartford, CT 06106

Dear Mr. Stone:

The Northwest Hills Council of Governments (NHCOCG), representing 21 municipalities in northwestern Connecticut, is extremely concerned about the municipal impact of the proposed modifications to the “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” as presented in a DEEP document dated 7/8/14.

It should be stated at the outset that the NHCOCG places a high priority on the protection of water quality. As a “donor” watershed area, providing water to the metropolitan areas of Hartford, Bristol, and Waterbury, the region has a long history of encouraging communities to strengthen land use regulations to better protect water quality and address non-point source pollution. Most of our residents rely upon on-site wells, and thus have a vested interest in the protection of the region’s water quality. The COG has prepared watershed protection studies in the past to guide local land use regulation, and routinely sponsors household hazardous waste collection days with the goal of maintaining and protecting the high quality water resources in the region. While the NHCOCG supports the DEEP’s goal of “protecting the waters of the state”, we find the proposed General Permit modifications to be onerous, unreasonable, and economically impracticable.

As stated in the DEEP “Fact Sheet” on the proposed 2014 modifications to the General Permit, “The purpose of the general permit is to protect waters of the state from urban stormwater runoff with EPA defining a regulated municipality as one that owns and operates a storm sewer system in an urbanized area (emphasis added)”. Since the federal EPA and Clean Water Act do not require an expansion of the General Permit to cover all the rural communities in Connecticut, we are requesting that the DEEP make substantial changes to the proposed General Permit modifications.

Nineteen of the twenty one municipalities in the Northwest Hills Planning Region are designated as “Tier 2 Municipalities” under the proposed regulations (with only New Hartford and Burlington classified as “Tier 1 Municipalities”). As a result, the following comments focus



on the impacts of the proposed Tier 2 regulations. However, since Burlington and New Hartford are primarily rural towns, we would like to suggest that DEEP consider issuing a waiver to re-classify these two communities as Tier 2 municipalities. New Hartford has an urbanized population of only 2,016 (29% of their total population) according to the 2010 Census while Burlington has an urban population of only 2,080 (23% of their total population).

**The proposed General Permit modifications represent yet another unfunded state mandate that our towns cannot afford.** The proposed regulations include a new municipal registration process; a \$312.50 municipal registration fee; an annual \$187.50 fee for DEEP review of Annual reports (resulting in a 5-year permit fee cost of \$1,250 in addition to all the other professional and administrative costs associated with the permit); the development, implementation and enforcement of a municipal Stormwater Management Plan; the certification of the Plan by a 3<sup>rd</sup> party Professional Engineer; the provision of a public review and comment period for the Plan; and the preparation of detailed annual reports. In addition, Tier 2 communities are to designate a person and job title for each Best Management Practice (BMP) required in the Plan, define a time line for implementation of each BMP, and define measurable goals for each BMP. As stated above, the municipalities in the Northwest Hills Region have already adopted prudent land use regulations to protect water quality and a new state mandate on stormwater management is counter-productive.

While all of the municipal costs required above are of concern, the municipal expense incurred for a 3<sup>rd</sup> party PE certification of the town's Stormwater Management Plan is particularly objectionable. As stated by Torrington Public Works Director Jerry Rollett, "Municipal leaders take their responsibilities very seriously and for DEEP to be concerned with their ability to self-certify is insulting..... We do not need more mandates telling us how to do our jobs".

DEEP is encouraged to take a more pro-active leadership role in promoting stormwater quality through improved public education and outreach, not simply foisting a bunch of new requirements on municipalities that have neither the staff or financial resources to implement. The proposed regulations should be re-cast by DEEP as advisory best management practices for municipalities to consider and implement as they deem appropriate.

**The proposed BMPs under the six minimum control measures are too time consuming, expensive, and in most cases inappropriate for the Tier 2 municipalities in our region.** Among the mandated BMPs being proposed are the following:

a) Implement a public education program including distribution of educational materials on the management of pet waste and yard waste, fertilizer, herbicide and pesticide application, etc. and consider additional outreach activities on stormwater management. In addition, the



municipal annual report is to summarize the types, sources, number of, and methods by which the materials are disseminated. *Suggested regulation modification: If DEEP insists on pursuing this modification to the MS4 permit, stipulate that the municipal posting of any DEEP provided educational materials (brochures, web-based information) shall satisfy this BMP goal in order to minimize municipal costs. Eliminate the proposed reporting requirements.*

b) Publish a public notice of the municipal Stormwater Management Plan and Annual Report and hold a public meeting to inform the public of the Plan. *Suggested regulation modification: Eliminate the preparation of the Stormwater Management Plan and Annual Report as a state mandate and instead establish a DEEP grant program for those municipalities that are interested in developing a Stormwater Management Plan.*

c) Establish the legal authority at the municipal level to prohibit and eliminate illicit discharges. In addition, summarize in the annual report any reported possible illicit discharges and the investigative/corrective actions taken by the municipality in response. *Suggested regulation modification: If DEEP insists on pursuing this modification to the MS4 permit, stipulate that the DEEP shall provide the Tier 2 towns with a model ordinance to address this BMP. Eliminate the proposed reporting requirement.*

d) Develop appropriate measures for site stormwater runoff control. The BMPs recommended in this section are generally consistent with the land use regulations adopted by our member towns. Since most of these provisions are already included in the land use regulations of the NHCOC communities, we have no major objection to these provisions but would prefer that they be presented as advisory recommendations for Tier 2 communities.

e) Adopt specific requirements for post-construction stormwater management. This section includes a variety of stormwater management measures that will greatly complicate the development review process for our volunteer town commissions. It should be noted that the vast majority of our member towns do not have engineers on staff and rely upon part-time Zoning Enforcement Officers for coordinating land use administration. The proposed provisions for calculating the effective impervious cover over or under 40%, detailed documentation of on-site water retention control measures, preparation of annual reports, implementation of maintenance and inspection plans for stormwater control structures, and development of retrofit programs to correct problems at selected locations collectively represent an intolerable new mandate. *Suggested regulation modification: If DEEP insists on pursuing this modification to the MS4 permit, present the proposed stormwater management measures as advisory best management practices, not mandates, for municipalities to consider and implement as they deem appropriate.*



f) Implement pollution prevention and good housekeeping programs. Many of the proposed regulations are inappropriate, economically impracticable, and unnecessary for our rural towns. For example,

- The public works and land use officials in our towns are well aware of the importance of protecting water quality and there is no need for a “formal employee training program”.
- It is also unnecessary to provide that towns “repair and rehabilitate their stormwater infrastructure in a timely manner”. Our municipalities are acutely aware of their infrastructure management responsibilities and continually struggle to address the most pressing issues with the limited funds available.
- Similarly, DEEP regulations are not needed to encourage towns to properly maintain local roads, parks, and other municipal facilities to minimize the discharge of pollutants.
- Requiring our rural towns to “identify locations within the community where inappropriate pet waste management practices are immediately apparent and pose a threat to receiving water quality” is particularly inappropriate. Taken to the extreme, this would seem to suggest that every dog owner should not allow their dog outside since their “feces deposition” may pose a threat to water quality. Our member towns have much more pressing budgetary priorities than the establishment of a “Neighborhood Watch” program for Pet Waste Management and the provision of “increased patrol for violators”.
- Similarly, requiring towns to post signage where waterfowl congregate and feeding by the public occurs to inform the public about the hazards of “feces deposition” is unnecessary. The NHCOC does not believe that cluttering up the scenery with signage will have any appreciable impact on human behavior or “feces deposition” by waterfowl.
- Our towns implement sweeping of municipal parking lots on an as needed basis. Requiring that our towns report annually on the number of parking lots cleaned, the approximate area of the lots, and the volume or mass of material removed serves no useful purpose. What does DEEP plan to do with that information from our rural towns to justify the added municipal expense?
- The proposed provisions for deicing material and snow management practices are equally perplexing. Is DEEP suggesting that our rural towns prepare written guidelines for the “use, handling, storage, application, and disposal” of deicing material? Our Public Works Departments deal with this every day and have well established internal procedures that work for them. And just how does DEEP suggest our towns “ensure that areas used for snow disposal will not result in discharges to waters”? Where else besides the non-point discharge to surface or ground waters is the melting snow on roadway shoulders expected to go?
- Most of our area towns have largely eliminated the use of sand for winter road maintenance, instead relying on Ice-B-Gone or similar road deicing chemicals. As a result, requiring towns to implement a street sweeping program at a minimum



frequency of once per year after snow melt is unnecessary. Where there is a build-up of sediment or debris along a local road, municipalities will address this on an as needed basis. Here again, annual documenting of curb miles swept, dates of cleaning, cubic yards of material collected and methods of reuse or disposal serves no useful purpose and the added expense cannot be justified.

- Requiring that our rural towns “conduct a town-wide leaf pickup program annually” is simply intolerable. Landowners in the region have long swept leaves from their yards into the nearby woods or utilized composters for leaf disposal to generate garden compost. We should be encouraging the continuation of this practical, low-cost method of handling leaves, not fostering an expensive, less efficient, and impractical alternative.
- As with the proposed provisions for street sweeping, there is no need to require that municipal catch basins and structures be inspected at least once a year. Our area towns already have programs in place where their DPW inspects and cleans catch basins on an as needed basis.

**Rather than pursue the proposed regulation modifications, it is strongly encouraged that DEEP re-issue the permit as is, with Tier 1 waivers for smaller communities such as New Hartford and Burlington.** DEEP has indicated that there is not yet enough data in the ten years of MS4 program operation to document any trends or to determine its success with the improvement of stormwater quality. As a result, it is strongly encouraged that DEEP continue to monitor program impacts under the existing MS4 program prior to pursuing any program expansion.

To conclude, the NHCOC believes the majority of the proposed regulations are inappropriate, unnecessary, and economically impracticable. The NHCOC towns recognize the importance of protecting water quality and have adopted appropriate and cost-effective water quality protection measures such as stringent land use controls, regular street sweeping and catch basin cleaning of local roads, and the routine maintenance of municipal facilities. One of the criteria identified by the EPA in its Phase II rule is that pollutants should be reduced to the “Maximum Extent Practicable” where it is technologically available and **economically practicable** (emphasis added). Since the purpose of the general permit is to protect the waters of the state from **urban** stormwater runoff, with the EPA defining a regulated municipality as one that owns and operates a storm sewer system in an **urbanized** area, we urge you to re-issue the permit in its current form for Tier 1 communities, to provide a Tier 1 waiver for smaller communities including Burlington and New Hartford, and to re-write the proposed Tier 2 modifications as **advisory** best management practices, not mandates, for our municipalities to consider.



Thank you for your consideration of the above comments.

Sincerely,

A handwritten signature in blue ink that reads 'Richard Lynn'.

Richard Lynn, AICP  
Executive Director

cc: NHCOCG Members, Area Legislators, Area DPW Directors, Area PZCs, DEEP Commissioner, COST, CCM



September 4, 2014

Mr. Christopher Stone, PE  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Re: Draft Connecticut General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

Dear Mr. Stone:

On behalf of the City of Norwalk, I am providing comments on the draft document "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems." Norwalk is dedicated to improving water quality and has made significant strides and investment - over the past decade - in stormwater management, maintenance, illicit detection, and infrastructure repair. The City has significant concerns about the draft permit – it will be very expensive to implement and we are not clear how many of its elements will truly improve water quality goals.

Further, the extremely prescriptive, standard "one size fits all" permit appears to limit municipalities' ability to allocate resources to water quality improvements in the most cost-effective and efficient manner. We hope, as a mechanism to address this concern, that the Department of Environmental and Energy Protection (DEEP) will consider adopting a version of the Integrated Municipal Stormwater and Wastewater Planning Approach presented by the United States Environmental Protection Agency (EPA) in 2012. Norwalk believes the integrated permit process is a way for communities to achieve water quality goals in a holistic manner.

Norwalk and the DEEP have similar goals about water quality, but it appears we differ with how to manage the program. We hope the following comments will be considered prior to finalization of the permit and that we can collaborate, as we have in the past on projects such as the Stormwater Authority Pilot Program, on the most practical approach to getting the work done. Mandating an expensive program to municipalities without providing funding or support will not result in water quality improvements, but consent orders, legal fees, and time delays.

We have many concerns about the draft permit ranging from maintenance approach to gathering analytical data; however, for the purposes of this comments letter we are focusing on the identified additional costs to the City of Norwalk if the permit is adopted as-is and Norwalk is able to comply with the requirements. Note that we also believe that the Low Impact Development (LID) permit

requirement will be extremely difficult to adopt in Norwalk as well as the long-term maintenance of retention/detention ponds as it conflicts with the City's Inland Wetlands and Watercourse Regulations.

**Management / Staffing** – In addition to consultants, contractors and outside vendors needed for specific permit tasks, Norwalk will need at least one additional, full-time equivalent manager to meet all permit requirements, supervise additional work, conduct the broad and far-reaching public outreach campaign, coordinate reporting requirements across inter-agencies and departments. The cost of this position including benefits would be in the range of \$100,000 to \$130,000 for an in-house staff person or \$225,000 to \$275,000 for a consultant firm.

**Geographic Information System (GIS) Requirements** – Through the years, Norwalk has worked on compiling maps of its stormwater system. The stormwater system in many areas of the city is undocumented and requires field crews to map and gather attribute data. We currently have mapped and confirmed 15% of the system. We are continuing to proceed on updating the stormwater GIS database using in-house resources and expect that the entire system would be completed in 8 years at no additional cost to the city.

To comply with the permit requirement that the system be mapped prior to the permit's expected adoption date of January 2016, the City would need to retain a consultant at an estimated cost of \$1.2MM to \$1.5MM.

**Street Sweeping** – Norwalk has been monitoring, and documenting, the effectiveness of its street sweeping program since 2006. We can prove that street sweeping at the levels required in the permit will have absolutely no impact on water quality for several reasons – Norwalk does not use sand in its winter snow operations, the tonnage of material (litter) picked up by the street sweepers does not justify the cost at this frequency, and there are other means used by Norwalk in hot spot areas (catchbasin filters) to prevent the litter from entering the watercourses .

If the DEEP insists upon this frequency in the permit, Norwalk's annual street sweeping cost will increase by \$400,000, a 200% increase over the current cost. This amount is for labor and equipment operation only as we do not anticipate any additional disposal cost since the sweepers will not be picking up anything.

**Catchbasin Cleaning** – Norwalk has 16,000 catchbasins. The permit requires that for the first two years that all catchbasins be cleaned and inspected every six months. This is a huge burden for any municipality and quite honestly highly unreasonable. Norwalk currently has 3 crews working daily on maintaining, inspecting, and mapping the stormwater system (including pipes and waterways) and a fleet of three late-model vacuum trucks and a dedicated stormwater TV camera truck/system.

The City would need to hire an outside contractor – after addressing collective bargaining issues – to meet the permit's catchbasin cleaning frequency and continue with our existing programmatic approach to stormwater system maintenance. A contractor, cleaning and inspecting between 60 to 120 catchbasins per day, twice in one year would cost an additional \$3MM annually (including disposal). The DEEP's program also does not require the associated pipes to be cleaned and inspected (our existing program) which would be an additional cost and the appropriate method of maintaining the system.

**Leaf Collection** – The City of Norwalk provides yard waste collection to certain portions of town as dictated by ordinance. For the City to undertake town-wide leaf collection, the ordinance would need to be changed and the additional cost for one collection would be \$45,000 annually.

In a time of constricting resources, Norwalk will be hard-pressed to add \$5.22MM to its FY16-17 operating budget with unsubstantiated permit requirements and minimal water quality results.

If you have any questions or we can provide further information, please call me at 203/854-7797. We would all be happy to talk to you and provide further insight to the identified permit constraints. Thank you for your consideration.

Sincerely,



Lisa Burns, PE  
Operations Manager

C: Mayor Harry W. Rilling  
Public Works Committee Members of the Common Council  
Tom Hamilton, Finance Director  
Robert Barron, Budget Director  
Richard Linnartz, DPW  
Ralph Kolb, DPW  
Mike Yeosock, DPW

## Sowa, Kevin

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**From:** Carl Fortuna <CFortuna@town.old-saybrook.ct.us>  
**Sent:** Wednesday, August 06, 2014 4:34 PM  
**To:** Stone, Chris  
**Subject:** comments

Chris,

These are my comments to the MS4 General Permit proposals.

1. The town road sweeping requirements have been made more frequent. **The proposed sweeping schedule will require that town main roads, arteries to the main roads, commercial/business district roads and municipal parking lots be swept monthly from April through October.**

Commercial and business district sidewalks must be swept quarterly. Residential streets and roads and all other streets must be swept annually. Event gathering places must be swept within 48 hours of the event, or within 24 hours of the event if rain is forecast.

Comment: If the idea is to increase manpower and maintenance costs, this will do it.

2. Four in-stream dry weather monitoring samples are required for the first two years of the permit and four in-stream wet weather monitoring samples are required for the remaining three years of the permit for the Tier 1 municipalities with a population of less than 15,000. The costs associated with these samples include approximately \$860 to approximately \$950 for laboratory costs. If town staff does not obtain the samples, sampling costs conducted by outside consultants would be expected to range from a minimum of approximately \$500 to a maximum of approximately \$1,000 per sampling round.

Comment: We are burdened with enough testing at the moment. Please do not mandate more.

3. Four wet weather stormwater outfall monitoring samples are required for the Tier 1 towns with a population of less than 15,000. The costs associated with these samples include approximately \$1,210 for laboratory costs. If town staff does not obtain the samples, sampling costs associated with a consultant would also be expected to range from a minimum of \$500 to a maximum of \$1,000 per sampling round.

The sampling requirements per the current MS4 permit requirements for six wet weather stormwater outfalls are approximately \$840 in laboratory costs. If town staff does not obtain the samples, sampling costs associated with a consultant would also be expected to range from a minimum of \$500 to a maximum of \$1,000 per sampling round.

It should also be noted that year one and year two of the permit will require separate sampling trips due to the dry weather sampling requirement.

Comment: The proposed sampling requirements will result in a laboratory costs increase from approximately \$840 per year to a range from a minimum of approximately \$2,070 per year to a maximum of approximately \$2,160 per year. Costs to obtain the in-stream and outfall samples would be doubled.

Towns will have to determine the Directly Connected Impervious Area (DCIA) that contributes stormwater to each MS4 outfall, maintain a database and revise the DCIA as needed due to development, redevelopment or retrofits. This task must be completed by the end of the fourth year of the permit.

The Tier 1 Minimum Control Measures have been made more onerous and the proposed modifications are as follows:

### **Minimum Control Measure No. 1 - Public Education and Outreach**

Additional measures must be implemented by the town for which phosphorus, nitrogen, bacteria and/or mercury are pollutants of concern. The additional measures shall be specifically tailored and targeted to educate the public on the sources of pollutants of concern.

**Minimum Control Measure No. 2 - Public Involvement/Participation**

Public Notice meeting all local, state and freedom of Information requirements, must be implemented prior to an annual public meeting to inform the public of the Stormwater Management Plan and Annual Report.

**Minimum Control Measure No. 3 - Illicit Discharge Detection and Elimination**

An Illicit Discharge, Detection and Elimination (IDDE) Ordinance was required to have been implemented by each town by this time.

The proposed modifications require the town to locate the source of the illicit discharge, eliminate the illicit discharge and implement a screening and tracking program to prevent future illicit discharges. An

Illicit Discharge detection and Elimination (IDDE) Program Protocol is included as Appendix B of the proposed modifications to the MS4 General Permit.

The town must develop a means for citizen reporting of possible illicit discharges. A summary of the report and investigative correction actions to address the complaint must be summarized in the Annual Report.

**Minimum Control Measure No. 4 - Construction Site Stormwater Runoff Control**

The town must implement a procedure for receipt and consideration of information submitted by the public concerning proposed and ongoing land disturbance.

The town must implement a procedure for notifying developers of the obligation to obtain authorization under the CTDEEP General Permit for the Discharge of Stormwater and Dewatering wastewaters Associated with Construction Activities.

**Minimum Control Measure No. 5 - Post-Construction Stormwater Management**

The town must incorporate utilization of Low Impact Development (LID) practices into land use regulations and require retention of one-half of the site Water Quality Volume where impervious surface coverage exceeds forty percent, and the entire WQV where the impervious surface coverage is less than forty percent.

The town must estimate the Directly Connected Impervious Area (DCIA) that contributes stormwater to all of the MS4 outfalls and incorporate implementation of the DCIA status into Annual Reports. The DCIA estimates must be completed within four years of the effective date of the modified permit. This work will require access to the CTDEEP mapping at [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater) as the DCIA mapping must utilize the website. All methodology, assumptions and progress shall be included in the Annual Report. The DCIA estimates must be revised as development in the watershed proceeds.

The town shall implement a maintenance plan which shall provide for a minimum inspection frequency of once per year for all town owned retention or detention ponds and remove accumulated sediment where the accumulated sediment is found to exceed one half of the pond design capacity volume.

The town shall implement a maintenance plan which shall provide for a minimum inspection frequency of once per year for all stormwater treatment structures or measures and to provide for removal of accumulated sediment where the accumulated sediment is found to exceed fifty percent of the structure design capacity.

All activities must be documented for inclusion in the Annual Report.

**Minimum Control Measure No. 6 - Pollution Prevention / Good Housekeeping**

All town roads and parking lots in municipalities with a population of less than 15,000 must be swept monthly from April through November. Other more specific sweeping requirements are also included.

The town shall conduct a town-wide leaf pickup program that must be completed by December 15th of every year.

The town shall repair and rehabilitate MS4 infrastructure in a timely manner to reduce or eliminate the discharge of pollutants to receiving waters.

The town must explore means to minimize the application of chloride based or other salts or deicing products. Exterior containers of liquid deicing materials shall provide for 100 percent secondary containment. The town shall establish goals for automated deicing application and shall maintain written records of the application of anti-icing and/or deicing chemicals to document the reduction of chemicals.

The town must identify where inappropriate pet waste management practices are apparent and implement public education efforts including signage, pet waste baggies and disposal receptacles on municipally owned lands where dog walking is allowed.

The town must implement public education efforts to educate the public about detrimental impacts of feeding waterfowl and implement practices to discourage waterfowl congregation or isolate surface drainage from waterfowl congregation areas to preclude drainage to the MS4.

All activities shall be documented for inclusion in the Annual Report.

As noted above, this memorandum is not intended to review all of the proposed modifications to the MS4 General Permit. If all of the proposed modifications are incorporated in the MS4 permit, I would recommend that the municipal budget for the MS4 program be increased by 200 to 300 percent.

Comment: There are far too many mandates in this. While the Town of Old Saybrook has done very well in updating its compliance, now is not the time to burden us with new rules and regulations that will require us to pay consultants or create new jobs. I thought the Governor was trying to get away from this? Small towns have enough trouble keeping up with the mandates already in place.

Best Regards,

Carl P Fortuna, Jr.  
First Selectman, Town of Old Saybrook  
302 Main St.  
Old Saybrook CT 06475  
Tel: (860) 395-3123  
Fax: (860) 395-3125



# TOWN OF PUTNAM

TOWN HALL  
126 CHURCH STREET  
PUTNAM, CONNECTICUT 06260



## MEMORANDUM

TO: Chris Stone

FROM: Doug Cutler, Town Administrator 

DATE: September 5, 2014

RE: Proposed General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

---

The new requirements proposed by the General Permit would increase the unfunded mandates on Putnam. They would cause Putnam to incur new or increased fees that would be an additional financial burden to the town. Even if the State were to come up with the financial resources to cover many of these proposed requirements, it would still put a tremendous strain on municipal manpower to manage and administer the new items.

Specifically, the requirement to have the Management Plan certified by an independent, licensed engineer seems to be not required and would add on a considerable cost to our taxpayers. Is it really necessary to have an engineer verify the work of another engineer? Why not just have the registration and plan prepared by an engineer who meets the qualifications?

We also take exception to the extensive reporting requirements proposed under the new General Permit. This may require Putnam to hire additional staff to complete and maintain.

The requirement for extensive mapping would put a burden on staff and the resources of the Town (time and financial), possibly requiring us to obtain the GIS data needed that is not already available.

The formal employee training would require additional financial resources and time of staff that are already stretched to the limit fulfilling the regular jobs.

Another factor that is troubling is that the Proposed General Permit goes beyond the U.S. EPA requirements and again, we reiterate that this would impose unnecessary burdens on Putnam, a small, distressed community.

Town of Putnam is an Affirmative Action/Equal Opportunity Employer

Mayor's Office . . . . . 963-6800	Economic Development . . . 963-6834	Planning Commission . . . . 963-6803	Town Clerk . . . . . 963-6807
Animal Control . . . . . 963-6804	Fire Marshall . . . . . 963-6805	Public Works . . . . . 963-6813	Town Hall Fax . . . . . 963-6814
Assessor . . . . . 963-6802	Inland-Wetlands . . . . . 963-6803	Revenue Collector . . . . . 963-6806	Treasurer . . . . . 963-6809
Building/Zoning . . . . . 963-6803	Parks & Recreation . . . . . 963-6811	Refuse & Recycling . . . . . 963-6818	ZBA Commission . . . . . 963-6803

In conclusion, we believe the General Permit should be reissued without expanding or revising the current requirements already imposed on Putnam.

Thank you for your consideration to our comments and hope you will work cooperatively with Connecticut's small towns to reduce the unfunded mandate imposed by the proposed General Permit.



**TOWN OF RIDGEFIELD**  
Office of the First Selectman

September 3, 2014

Mr. Christopher Stone, P.E.  
State of CT Dept. of Energy & Environmental Protection  
Water Permitting and Enforcement Division  
79 Elm Street  
Hartford, CT 06106

Re: Draft Storm water Permit Regulations

Dear Mr. Stone:

I am writing with respect to the proposed storm water permit regulations and their impact on the Town of Ridgefield. In the past, Ridgefield has always met its environmental obligations willingly. Whether providing funding for a \$13.5 million dollar treatment plant expansion to meet revised permit standards, \$136,000 dollars to protect Lake Mamasasco from storm water-related sedimentation and erosion control, or increased vigilance by its land use boards over property development, the citizens and taxpayers of Ridgefield have always placed an emphasis on environmental protection. However, in reviewing the proposed draft storm water regulations, I am concerned about their impact on the Town of Ridgefield's ability to meet them both physically and financially.

I have attached a technical review of the proposed regulations completed by our Town Engineer, Charles R. Fisher, P.E., L.S. Outside of the technical questions that Mr. Fisher raises, what strikes me is the amount of manpower, equipment, effort, and taxpayer dollars required to meet the proposed goals of the permit. It is conservatively estimated that an additional nine employees will have to be hired to work exclusively on the various permit requirements. Coupled with the additional equipment required to sweep streets and sidewalks to the extent required, collect leaves on a town-wide basis, and collect and combine the information into yearly reports, it will require in the neighborhood of \$1,000,000+

400 Main Street • Ridgefield, CT 06877  
Phone: (203) 431-2774 • Fax: (203) 431-2311 • [selectman@ridgefieldct.org](mailto:selectman@ridgefieldct.org)

[www.ridgefieldct.org](http://www.ridgefieldct.org)

Mr. Christopher Stone  
September 3, 2014  
Page Two

per year in additional taxes which will be borne exclusively by Ridgefield's taxpayers. Keeping in mind that the DEEP states in its own literature that pollution reduction should be carried to a level that is "economically practicable and achievable," Ridgefield's taxpayers should not have to shoulder a burden that is created and unfunded by the DEEP.

Rather than force an economically unachievable storm water permit value onto Ridgefield's taxpayers, it is suggested instead that the DEEP work with both Ridgefield and the other municipalities of the State to develop a permit that meets the environmental goals of both the State and its municipalities and which also recognizes their funding ability. The ideal permit would provide state funding to offset additional costs associated with the new permit, allow for a longer phase-in of the permit's requirements, and ensure the participation of other State departments.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rudy Marconi". The signature is written in a cursive style with a large, sweeping initial "R".

Rudy Marconi  
First Selectman



## TOWN OF RIDGEFIELD

Office of the Town Engineer  
Facilities Management and  
Energy Conservation

Town of Ridgefield, Office of the Town Engineer

August 19, 2014

### DEEP Draft Storm Water Permit Review Comments

The following comments are based on a review of DEEP's draft Storm Water permit and the ramifications they will have on the Town of Ridgefield:

1. Why is the DOT exempt from State or Federal Institution requirements? The DOT maintains a significant amount of facilities within Ridgefield and which are also within DEEP's areas of concern.
2. At the permit informational meeting, it was stated that only 25% of all municipalities were in compliance with the current permit. What is the expected percentage of municipal compliance for the new permit? Increasing the percentage of municipal compliance would be a good topic of public education on the DEEP's part.
3. The registration certification relies significantly on the First Selectman's technical expertise and should be simplified.
4. Requirements to have a second Engineer review the Storm Water Plan will add to the municipality's overall cost and is not needed if a registered engineer prepares and certifies that the plan meets the intent of the regulations. In as much as the plan is reviewed by DEEP's Engineers, a second municipality sponsored review is superfluous.
5. Does the plan review for historic preservation require a letter of approval from the State Historic Office? This has the potential to create delays in submitting the permit beyond the control of the municipality.. Why was this added into the permit?
6. There are timing concerns for the plan preparation with respect to the effective date of the general permit (180 days) given the amount of work required to prepare and submit the plan. Depending on the effective date of the permit and approval of the Storm Water Plan, the municipality may not be able to begin plan implementation until the next fiscal year.
7. The annual report is to be available 45 days prior to submission in one section and 30 days prior in another.
8. Why is the City of Stamford specifically listed under the additional notification section?
9. The State of Connecticut is better equipped to address the public education and outreach aspects of the required measures as evidenced by the amount of work that went into the

66 Prospect Street · Ridgefield, Connecticut 06877  
Phone: (203) 431-2751 · Fax: (203) 431-2737

[www.ridgefieldct.org](http://www.ridgefieldct.org)

preparation of these regulations and the number of individuals who wrote it. Additional funding for this aspect could be derived through the implementation of a tax on fertilizers by the State of Connecticut similar to what is now imposed on paint. The municipalities do not have this taxing ability. As pointed out at the informational meeting, justification for the State of Connecticut handling the public education and outreach component of the Storm Water Plan could be made as recreational water body utilization by the public extends outside municipal limits and beyond its control.

10. With respect to public involvement, very few if any people visit the Selectman's office to view the annual storm water reports and no comments regarding the reports have ever been received. Although the reports have been placed on the Town's website, no data exists on the amount of views they have received.
11. For water where nitrogen and phosphorous are pollutants of concern, municipalities are being placed in double jeopardy for treatment, both with advanced wastewater treatment costs and storm water costs. If storm water is judged by the DEEP to have a hand in degrading the waters of the State, would successful treatment of storm water enable the discharge limits of nitrogen and phosphorous to be raised to a more practical level?
12. It is recommended that a new budget line item for drainage outfalls and repairs be created to accurately account for these repairs.
13. The Property and Operations and Maintenance section notes "streets...that are owned and operated or otherwise the legal responsibility of the permittee." does not include DOT owned and maintained roads. How will these facilities be maintained to meet the new permit especially since a good majority pass through impaired areas? What assurances does Ridgefield have that the DOT will cooperate with the Plan's implementation?
14. The Parks and Open Space requirements will require written procedures and record keeping. The section implies that mowing frequency should be reduced and grass clippings collected and disposed of. With reductions of fertilizer applications required, lawns will have to rely on the clippings as mulch to provide nutrients. Decreasing the mowing frequency will result in a higher grass height providing a habitat for ticks.
15. Pet waste management requires annual reporting and implies that fines are to be levied and enforcement actions taken which will have to be undertaken by the Police Department. Ridgefield relies on the cooperation of the individual pet owners due to their environmental awareness and not on the issuance of fines.
16. Waterfowl waste management should be the responsibility of the DEEP as it manages waterfowl through its regulations.

17. Additional time will have to be spent to draft management procedures for dumpsters and floor drain inspection as required under the Building and Facilities section.
18. All parking lots will have to be swept once a year with the amount of removed material recorded and reported as well as the frequency of sweeping. The section promotes permeable pavement which is not feasible due to its maintenance requirements.
19. The snow removal section requires additional reporting for the type and amounts of chemicals used, lane miles treated and presumably frequency, and staff training.
20. As noted within the street sweeping table, the frequency of sweeping is significantly higher than currently practiced. For instance, Main Street which is DOT owned will have to be swept once a month. The section conveniently does not address DOT ownership and maintenance of its roads within the municipalities and requires additional record keeping and reporting of lane miles swept dates of sweeping, amounts of material removed, and methods of disposal. Ridgefield currently sweeps all streets once and environmentally sensitive streets twice.
21. Sidewalks currently are not swept by Ridgefield. What is the environmental justification for sweeping sidewalks once a month? What pollutants are expected to be removed?
22. The leaf pickup section requires a mandatory town-wide leaf pickup and disposal program which will translate into a larger waste area to handle the required composting. What is the environmental justification for requiring town-wide leaf pickup? As the DOT maintains significant amounts of roadway within Ridgefield that front upon residential areas, will the DOT be required to provide leaf pick up for those areas?
23. The street sweeping schedule does not factor in the exclusive use of de-icing chemicals to control icing during winter storms. How were the sweeping frequencies determined?
24. The catch basin cleaning section requires record keeping and reporting for catch basins cleaned. The frequency for catch basins cleaned in impaired areas has been increased to twice per year for a minimum of two years. Drainage areas upstream of catch basins found to be 50% full are to be investigated requiring additional manpower.
25. A turf management practices and procedures policy is required for parks within impaired areas.
26. Ordinances are required for illicit discharges which may require charter revisions which are subject to public vote. What are the permit ramifications if the public votes against the charter revisions?

27. The IDE section requires that all outfalls be screened and is dependent on rainfall for field sampling and testing.
28. The mapping component of the IDE section requires complex GIS layers and appears to require detailed GIS mapping of the entire storm sewer system.
29. Implementation dates for the Construction Site Control regulations may conflict with the statutory requirements of the municipalities.
30. Through enforced interdepartmental coordination, the DEEP is intruding into the realm of the municipality's responsibilities and may conflict with the home rule provisions of the State Statutes.
31. While it is currently being done by Ridgefield, developer notification of the state permit requirements is the responsibility of the State of Connecticut. It is suggested that the State of Connecticut develop an educational and outreach program to acquaint developers of their permit responsibilities.
32. Work to determine the amount of imperviousness is both tedious and manpower intensive and serves only to bolster DEEP's research efforts.
33. The permit requires additional testing both at storm drainage outfalls and now within the actual receiving streams.
34. The additional house-keeping measures required within the proposed permit will significantly increase the amount of fossil fuel consumed which is in direct contradiction to DEEP's goal of energy reduction.
35. Cost ramifications for the implementation of the provisions within the proposed permit are shown in the attached tables. Table 1 shows that an additional nine workers are required to complete the cited tasks. One additional engineering employee is required to complete all of the new reporting tasks, GIS mapping, data collation, and data acquisition. Eight additional highway employees are required to complete the new maintenance tasks over and above what is currently being done to meet Ridgefield's environmental responsibilities. Table 2 provides a cost estimate for the capital equipment and studies required to meet the new standards. Table 3 illustrates the yearly budget impact the new regulations will have on Ridgefield's budget. Approval of Ridgefield's budget is subject to a Town Meeting and generally a public referendum. What are the permit ramifications if the public votes against the required expenditures?
36. The DEEP states in its literature that the prepared storm water plan details how a municipality will "reduce and/or eliminate the discharge of pollutants through the storm sewer system to the maximum extent practicable (MEP)." The literature goes on to

define MEP as a way to "...reduce and/or eliminate to the extent achievable using control measure that are technologically available and economically practicable and achievable in light of best industry practice." In tight economic times where property foreclosures are commonplace, increasing a municipal budget by \$960,000 per year is not economically feasible.

37. In light of the previous permit's 25% compliance rate and the significant cost expenditures required to achieve the permit's goals, the environment would have been better served if DEEP chose to work with municipalities to devise a storm water permit that is economically achievable and addresses current municipal practices.

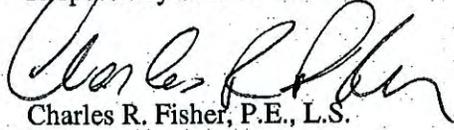
Projected Yearly Permit Compliance Manpower Impact (Table 1)						
Item No.	Permit Description	Duration (weeks)***	Manhour Computations			
			Crew Size (Men)	Number of Crews	Project Cycles	Projected Manhours
<b>Highway Operations</b>						
1	Sidewalk Sweeping	3	2	1	8	1920
2*	Parking Lot Sweeping	2	3	1	4	1440
3	City Wide Residential Street Sweeping	12	4	2	1	3840
4*	Commercial Area Street Sweeping	2	4	1	7	3360
5	Town-wide Leaf Collection	8	4	4	1	5120
5A	Composting Area Operation	8	1	1	1	320
6	Catch Basin Cleaning	6	2	1	1	480
Subtotal Manhours						16480
Full Time Equivalent Manhours (2,080 hrs / man)						8
<b>Engineering Operations</b>						
7	Program Management	52	1	1	1	2080
Subtotal Manhours						2080
Full Time Equivalent Manhours (2,080 / man)						1
Total Yearly Permit Full Time Manpower Impact						9
Total Yearly Permit Manpower Cost (\$100,000** / Man)						\$960,000
* Includes Overtime Required To Complete Task After Normal Working Hours ** Includes Base Pay, Fringe Benefits, and Payroll Taxes *** Duration Based On Time Estimated To Complete Permit Task Taking Into Account Existing Permit Requirements						

Permit Compliance Capital Budget Outlay (Table 2)			
Item No.	Department	Description	Cost
1	Engineering	LID Study	\$ 45,000
2	Engineering	Misc. Testing Equipment	\$ 10,000
3	Highway	Sidewalk Sweeper	\$ 75,000
4	Highway	Trailer	\$ 15,000
4	Highway	Street Sweeper	\$ 150,000
5	Highway	Leaf Vac. Attachments, 4 Ea.	\$ 100,000
6	Highway	Truck Retrofit, Leaf Vac., 4 Ea.	\$ 20,000
Subtotal			\$ 415,000
Yearly Debt Service****			\$ 29,000

\*\*\*\* Assumes 20 Year Payoff, Permit Duration Of 5 Years

Permit Compliance Operating Budget Impact (Table 3)			
Item No.	Department	Description	Cost
1	General Budget	Additional Manpower, Table 1	\$ 900,000
2	General Budget	Capital Budget Debt Service, Table 2	\$ 29,000
3	Engineering	Additional Testing	\$ 6,000
4	Engineering	Report Preparation	\$ 1,000
5	Highway	Additional Fuel Usage	\$ 10,000
6	Highway	Additional Vehicle Maintenance	\$ 14,000
Total Yearly Operating Cost			\$ 960,000

Respectfully Submitted:



Charles R. Fisher, P.E., L.S.

Town Engineer

## Sowa, Kevin

---

**From:** Roger.Emerick@zodiacaerospace.com  
**Sent:** Thursday, July 10, 2014 1:38 PM  
**To:** Stone, Chris  
**Cc:** rogeremerick@cox.net; Roger.Emerick@zodiacaerospace.com  
**Subject:** re3: Renewal of Pollutant Discharge (MS4)

Chris:

Good link. Thanks.

A lot of good changes compared to the version I have.

I see App. C mentions both 'quantity and quality' & other good words. Good.

My recommendations:

1) At some distant future, you might consider going to a 1.1.1.1. type of numbering system. The alpha-numeric 1a2cv etc gets a little confusing.

2) You require an Excel file for logging all the outlets. I would think the best type of file would allow for an input of the rainfall, and it predicts the volume outflow. Then you can see the cumulative effect upon the watershed. Glastonbury procured a watershed study in 1981, which included this type of computer model. The report stated it was imperative to use this program for future development to understand cumulative flow. The town never used it.

3) p1: Best Engineering Practices: Should be "to control pollution and limit stormwater" ...

4) p22 & 36: The permittee shall establish an ordinance, bylaw, regulation, or other appropriate legal authority that requires or allows the use of runoff reduction and low impact development ("LID") practices ... Recommend deleting "or allows".

5) p. 1. Section 1 states: "This general permit is issued under the authority of Section 22a-430b of the Connecticut General Statutes." This statute, sub para (b)(2) addresses: "(2) specify the manner, nature and volume of discharge; ". So volume, or quantity of flow should be emphasized along with 'quality' throughout the document.

A few Q's (you can put answer after Q)

Thanks again. Roger

p.17: (3) illicit discharges:

Q: Is that only as applies to 'quality', i.e. pollutants?

Answer:

p.19: C) Develop a list (spreadsheet or database) and map or series of maps at a minimum scale of 1"=2000' and maximum scale of 1"=100' showing all stormwater discharges from a pipe or conduit with a diameter of 12" or greater ...

Q: Does that require including the 'quantity' at the given test condition? Because Page 2 of App B, (e)(ii) seems to require a Volume flow rate estimate during inspection. Also, would seem logical to have the GIS system show designed 'flow' rate for a given design condition.

Answer:

p23, (i) & (ii).

Q: Should the 1st sentence start the same way? eg:

"For all new development and for redevelopment of sites with" ... then put in part of less/greater than 40% impervious cover.

Answer:

And to further clarify:

p.23: "(ii) For all new development and for redevelopment of sites with less than forty percent effective impervious cover, retain the water quality volume for the site. If there are site constraints that would prevent retention of this volume ...."

Q: Does that mean "all new development" or "all new development w/less than 40% impervious cover...".

I presume it means the latter one, when considering para. (i) above it.

Answer:

---

From: "Stone, Chris" <Chris.Stone@ct.gov>  
To: "Roger.Emerick@zodiacaerospace.com" <Roger.Emerick@zodiacaerospace.com>  
Date: 07/10/2014 10:30 AM  
Subject: RE: re2: Renewal of Pollutant Discharge (MS4)

Roger,

Go here: <http://www.ct.gov/deep/cwp/view.asp?A=2586&Q=548006> and scroll to the end. This is the public notice and the link is at the end. The general permit you downloaded is the current permit. The public notice is proposing a new updated permit. The link to that proposed general permit is also at the end of the public notice.

Chris

**From:** Roger.Emerick@zodiacaerospace.com [<mailto:Roger.Emerick@zodiacaerospace.com>]  
**Sent:** Thursday, July 10, 2014 10:17 AM  
**To:** Stone, Chris  
**Subject:** re2: Renewal of Pollutant Discharge (MS4)

Hi Chris,

Thanks for timely response.

1: The link at the end of the notice is: <http://ct.gov/deep/adjudications>

This does not seem to show the facts.

also I tried to download latest Gen Permit for Discharge SMP at:

[http://www.ct.gov/deep/lib/deep/Permits\\_and\\_Licenses/Water\\_Discharge\\_General\\_Permits/MS4\\_gp.pdf](http://www.ct.gov/deep/lib/deep/Permits_and_Licenses/Water_Discharge_General_Permits/MS4_gp.pdf)

However ... it does not seem to download the pdf. Just keeps trying and trying, with no results.

2. Pasted below are from my 2011 copy of a Gen Permit for Discharge SMP for MS4, p.15& 16, for

(6)(A)(v) [could not find a 6(a)(5) and 6(b)(5) which you noted]. (6)(B) only has a single (i) subparagraph.

Maybe I'm outdated?

Section 6A(i) below states: "any other innovative measures that will prevent or minimize water quality impacts".

My Comment: It would be nice, if you are 'amending' documents, to include a 'quantity' term, for future 'new' and upgrading of 'existing'.

Thanks, Roger

- (6) Pollution prevention/good housekeeping for municipal operations.
  - (A) Required throughout the municipality:
    - (i) develop and implement an operation and maintenance program that includes a training component for municipal employees and contractors and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations;
    - (ii) using training materials that are available from the EPA, the State or other organizations, this program shall include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance;
    - (iii) develop and implement a program to sweep all streets at least once a year as soon as possible after snowmelt;
    - (iv) develop and implement a program to evaluate and, if necessary, clean catch basins and other stormwater structures that accumulate sediment at least once a year, including a provision to identify and prioritize those structures that may require cleaning more than once a year; and
    - (v) develop and implement a program to evaluate and, if necessary, prioritize for repairing, retrofitting or upgrading the conveyances, structures and outfalls of the MS4.
  - (B) Required within the Urbanized Area:
    - (i) develop and implement a program to evaluate and prioritize those streets that may require sweeping more than once a year.

*(b) Sharing Responsibility*

- (1) Qualifying Local Program

From: "Stone, Chris" <[Chris.Stone@ct.gov](mailto:Chris.Stone@ct.gov)>  
To: "'Roger.Emerick@zodiacaerospace.com'" <[Roger.Emerick@zodiacaerospace.com](mailto:Roger.Emerick@zodiacaerospace.com)>  
Cc: "'RogerEmerick@cox.net'" <[RogerEmerick@cox.net](mailto:RogerEmerick@cox.net)>  
Date: 07/10/2014 09:32 AM  
Subject: RE: Renewal of Pollutant Discharge (MS4)

---

Roger,

The links to the fact sheet and permit are located at the end of the public notice. The six minimum control measures are the six categories of BMPs included in the original EPA rule and our permit that form the foundation of the Stormwater Management Plan for an MS4. The proposed general permit would require MS4s to include in their land-use regulations the same retention standard that is found in the construction general permit. You can find it in the post-construction minimum control measures in Sections 6(a)(5) and 6(b)(5). I hope this helps.

Chris

**From:** [Roger.Emerick@zodiacaerospace.com](mailto:Roger.Emerick@zodiacaerospace.com) [<mailto:Roger.Emerick@zodiacaerospace.com>]  
**Sent:** Thursday, July 10, 2014 9:14 AM  
**To:** Stone, Chris  
**Cc:** [RogerEmerick@cox.net](mailto:RogerEmerick@cox.net); [Roger.Emerick@zodiacaerospace.com](mailto:Roger.Emerick@zodiacaerospace.com)  
**Subject:** re: Renewal of Pollutant Discharge (MS4)

Hi Chris.

I came across a 7/7 notice in the Courant regarding an MS4 renewal & changes. It was expanding the MS4 participants, and noted the 'facts' could be found on the FACT sheet at [www.ct.gov/deep/publicnotices](http://www.ct.gov/deep/publicnotices). I could not find anything.

- Q1: Can you give me a link to the Fact sheet?  
Q2: What are the '6' Minimum Control Measures?  
Q3: Why is there (still) no concern for quantity, only quality?

My Comments: I believe I spoke about quantity control with you in the past. My property has suffered terribly from upstream development and increased flow from stormwater. Significant erosion has destroyed scenery, habitat, and eliminated once abundant wildlife in my brook.

The "General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities" now includes quantify discharge. Why does the MS4 not also address it?

Thanks.

Respectfully,  
Roger Emerick  
580 Hopewell Road  
South Glastonbury, CT 06073

860-659-0130 (h)

860-282-5160 (w)

[rogeremerick@cox.net](mailto:rogeremerick@cox.net)

[roger.emerick@zodiacaerospace.com](mailto:roger.emerick@zodiacaerospace.com)

**Sowa, Kevin**

---

**From:** Robert Kulacz <r.kulacz@cityofshelton.org>  
**Sent:** Thursday, August 14, 2014 9:31 AM  
**To:** Stone, Chris  
**Cc:** Ray Chrzanowski; George Stachowicz; Donna Shea; Rimas Balsys; Paul DiMauro; Paul DiMauro; Mark Lauretti; Cyndee Burke  
**Subject:** Proposed MS4 General Permit Modifications

Dear Mr. Stone:

The City of Shelton wishes to go on record as being strongly opposed to the Proposed 2014 Modifications to the MS4 General Permit.

This is a perfect example of government gone wild. It makes no sense to impose more burdensome unfunded mandates on municipalities that will not result in any significant improvements in water quality. In this depressed economy, more bureaucratic regulations and their associated costs are the last thing Connecticut Municipalities need from the DEEP.

Robert F. Kulacz, P.E.  
City Engineer  
City of Shelton  
54 Hill Street  
Shelton, CT 06484-3207

Telephone: 203-924-1555 Ext.1347  
Fax: 203-924-1136



# Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

*Mary A. Glassman - First Selectman*

August 28, 2014

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
DEEP  
79 Elm Street, Hartford, CT 06106

VIA E-Mail [chris.stone@ct.gov](mailto:chris.stone@ct.gov)

Re: Proposed Revisions to DEEP MS4 Stormwater Discharge Permit

Dear Mr. Stone:

The Town of Simsbury has a long history of environmental stewardship and conservation. As a community we value our natural resources and have been committed preservation and protection of our forests, grasslands, rivers and streams. We appreciate that DEEP shares our commitment to the environment and that this is the driving goal behind the aggressive modifications to the Stormwater Discharge (MS4) permitting process.

Simsbury understands DEEP's approach under the new storm water program where the focus will be on removing pollutants from the environment before they have the ability to be impactful on our local streams and rivers. Although we support the theory behind the revised modifications to the storm water discharge permit process, as currently proposed these changes do not represent a practical approach that can be effectively implemented in our community. For a community like Simsbury, with 23,000 residents and an annual operating budget of \$18.5M, the proposed modifications to the storm water discharge process will cost the town approximately \$450,000 per year, representing a 2.5% increase to our operating budget. Over the past five years, our budget has only increased by 1.5%. We feel strongly that there are more cost effective measure that can achieve the same if not better results for our environment.

Telephone (860) 658-3230  
Facsimile (860) 658-9467

*Mglassman@simsbury-ct.gov*  
[www.simsbury-ct.gov](http://www.simsbury-ct.gov)

*An Equal Opportunity Employer*  
8:30 - 7:00 Monday  
8:30 - 4:30 Tuesday through Friday

August 28, 2014  
Christopher Stone, P.E.  
Page Two

By way of comparison, the Town has recently purchased 423 acres of woodland to preserve as open space for \$9.2M; the Town could purchase and protect over 20 acres per year using the same \$450,000 required for compliance with the proposed stormwater regulations. We believe this is just one example of how we could better protect the environment with the same level of expenditure. The proposed revisions focus too narrowly on street runoff and miss some of the more important pollutant sources, most notably the nitrogen from lawn fertilization. Nitrogen from runoff waters lead to an algae bloom causing a two day water ban in Toledo Ohio this past summer, leaving 100,000 residents without potable water.

The proposed increases in street sweeping will have a minimal impact on the environment. A number of years ago our DPW stopped using sand on the roads for winter maintenance. In changing our winter maintenance program we have seen a marked decrease in the amount of debris collected through our annual street sweeping program. As we stand today, sweeping the roads once per year, we routinely receive calls from our residents asking us to stop, as they view this as a waste of their taxpayer dollars.

I appreciate your time and efforts to revise MS4 Stormwater Permit and would offer any assistance we can from the Town of Simsbury.

Thank you,



Mary A. Glassman

cc: Thomas J. Roy, Director of Public Works  
Jerome Shea, Town Engineer  
Hiram Peck, Town Planer  
Anthony Piazza, WPCA Superintendent  
Robert Klee, DEEP Commissioner ([Robert.klee@ct.gov](mailto:Robert.klee@ct.gov))  
Randy Collins ([rcollins@ccm-ct.org](mailto:rcollins@ccm-ct.org))

# SCRCOG

## SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

*Planning for Our Region's Future*

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Bethany Branford East Haven Guilford Hamden Madison Meriden Milford  
New Haven North Branford North Haven Orange Wallingford West Haven Woodbridge

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Carl J. Amento, Executive Director

Christopher Stone, P.E  
Water Permitting and Enforcement Division  
Bureau of Material Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

RE: Proposed Modifications to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

Dear Mr. Stone:

On behalf of the 15 cities and towns of the South Central Regional Council of Governments (SCRCOG), I wish to express our serious concern regarding the fiscal impact on our municipalities that would occur from the proposed modifications to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems.

While SCRCOG and our member municipalities recognize the importance of improving surface water quality throughout our state, surely this laudable goal could be accomplished in a more gradual, achievable, and less costly manner, and without the state's municipalities having to shoulder the entire financial burden. We believe that the process should be expanded and extended to allow for more input from municipalities, more involvement of state legislators, more vetting of the issues at public hearings, and a more detailed analysis of the efficacy of the requirements being imposed, as well as a reasonable cost-benefit analysis of the regulatory requirements.

Citing a specific example, several rural towns in the SCRCOG region do not conduct municipal leaf collections. On a practical level, it is difficult to envision how the requirement of an annual fall leaf collection in such rural towns would further the goal of improving surface water quality. In such rural towns, which are almost exclusively residential, leaves are stored on large lots and become, with time, mulch in an environmentally sustainable fashion. This requirement and the other regulatory requirements, such as the frequency of street sweeping, contained in the proposed modifications should be analyzed to ensure that they will result in measurable improvements to the environment and that they are reasonable when subjected to a cost-benefit analysis. These regulatory requirements should be analyzed in relation to the budget and operations of actual cities and towns in our state to assess the actual costs that would be involved in regulatory compliance.

---

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrkog.org T (203) 234-7555 F (203) 234-9850 camento@scrkog.org

Because the proposed modifications constitute a huge unfunded mandate for our cities and towns and ultimately our citizen taxpayers, SCRCOG urges the DEEP to not approve the proposed modifications as currently drafted. Further involvement of the public, municipalities, state legislators and other officials will likely result in a more balanced and cost efficient approach for managing stormwater, and the identification of a funding source to pay for the implementation of a reasonable and effective program for the protection of Connecticut's surface waters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Amento".

Carl J. Amento  
Executive Director

cc: Honorable Robert Klee  
Commissioner of DEEP



September 3, 2014

Commissioner Robert Klee  
Connecticut Department of Energy  
and Environmental Protection (DEEP)  
79 Elm Street  
Hartford, CT 06106

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and  
Compliance Assurance  
Connecticut Department of Energy and  
Environmental Protection (DEEP)  
79 Elm Street  
Hartford, CT 06106

**Re: Connecticut Department of Energy and Environmental Protection's Notice Of Tentative Determination: Intent To Renew A National Pollutant Discharge Elimination System Permit with Modifications (22a-430b)**

Dear Commissioner Klee and Mr. Stone:

The South Western Regional Planning Agency (SWRPA) and the Housatonic Valley Council of Elected Officials (HVCEO) have each been operating as part of the original group of regions created by the Connecticut Legislature in the 1960s. In December, 2013, the State Office of Policy and Management (OPM) approved our intent to merge as the Western Connecticut Council of Governments (WCCOG), representing 18 municipalities. This transition will officially occur this fall.

As a result of our interest in environmental protection, we submit this letter to DEEP's Commissioner as well as the Water Permitting and Enforcement Division. We strongly urge your consideration of the potential impacts stemming from the proposed modifications to the "General Permit for the Discharge of Stormwater from Small Municipal Separate Stormwater Systems" as presented in a DEEP document dated July 8, 2014. The contents of this letter are unanimously supported by all 18 WCCOG municipalities.

Our region is deeply committed to preserving and enhancing our environment. In addition to promoting improved water quality statewide, we have prepared four watershed-based plans. Recently, a team of municipal officials, key stakeholders, and the general public were convened to begin working towards the implementation of Best Management Practices (BMPs), to spearhead the implementation of these plans. Currently, we are also supporting the development of a watershed management plan for the Still River. For many years, we hosted and supported the activities of the regional Water Utility Coordination Committee (WUCC), a public/private effort to preserve and protect existing and future public drinking water resources. Our region also takes OPM's required preparation and maintenance of the Plan of Conservation and Development (PoCD) very seriously, working with our municipalities to preserve open space and implement Low Impact Development (LID) best practices where possible. Lastly, leadership in the region strongly supports natural hazard mitigation and resiliency efforts, which will continue to be integrated into existing and future work efforts. As demonstrated by the aforementioned work efforts, we share a motivation and a desire to improve our environment for residents, business, and visitors alike, keenly aware of the importance of a healthy ecosystem.

With that said, however, the proposed permit modifications have very real and quite dramatic impacts. The results of which will be felt both regionally, and at the municipal level. Please find below our specific concerns, with proposed recommendations:

- **Timing:**
  - The timing of the public notice and the deadline for a response are insufficient. To issue this material during the summer, and to preclude Regional entities from the distribution list does not adequately provide a true opportunity to review and consider the proposed modifications.
  - **Suggestion:** remove minimum control measure mandates and instead promote the same measures as BMPs. Should any mandates persist, please strongly consider a phased approach with state funding assistance, rather than immediate implementation.
- **Funding:** any state mandate requiring a municipal response of this magnitude should be accompanied with supportive state funding in order to be realistically implemented. This proposed unfunded state mandate would create significant additional burdens on our local taxpayers to achieve desired compliance.
- **Public Participation and Outreach - Suggestions:**
  - Provide municipalities with DEEP supported educational materials and training sessions (or funding) to convey appropriate types of outreach.
  - Eliminate reporting requirements, and allow the posting of DEEP education materials and other web-based information to be sufficient in satisfying this requirement.
- **Illicit Discharge Detection and Elimination (IDDE) – Suggestions:**
  - Eliminate the proposed GIS mapping mandate, or, phase-in the mapping mandate with adequate state funding assistance to support this initiative. Our municipalities range from no GIS staff, software and data, to limited and overwhelmed GIS staff serving multiple departments. Either way, they would all require substantial assistance to achieve compliance here.
  - Increased tracking and testing: Eliminate the proposed reporting requirement, and rather, encourage reporting. Provide municipal guidance and state funding to help encourage municipal reporting.

- Ordinance to Enforce IDDE Program: as a condition of the MS4 permit program, which is administered by the state, enforcement should consequently be a state responsibility.
- **Construction Site Runoff Control - Suggestion:** responsibility of permit obligations should lie with DEEP. The municipal notification of construction general permit obligations to developers/contractors should be encouraged, but not enforced (this is a state permit, not a municipal permit).
- **Post-Construction Stormwater Management**
  - As with other sections, remove the mandate and present this as a Best Management Practice. Should this proposed mandate materialize, work with municipalities to phase-in certain measures over time and provide concurrent funding assistance. Calculating impervious cover and developing/implementing long-term maintenance plans take time and significant resources. This cannot be achieved overnight.
- **Pollution Prevention/Good Housekeeping**
  - The proposed requirements create significant cause for concern and potential adverse municipal impacts, the extent of which is so great it is too much to list in this letter. As previously stated, our municipalities take environmental health and protection of water quality extremely seriously. We urge you to remove proposed mandates such as: mandatory street sweeping at specific time intervals; annual leaf pick up; pet waste and de-icing management and reporting, among others; and rather, work with the municipalities to develop feasible and fiscally constrained alternatives which will ~~still~~ serve towards the enhancement and protection of area water quality.
- **State-owned Roads:** who is responsible for the maintenance and compliance of Tier-1 Control Measures for the State Roads? Should these proposed permit modifications become law, the state should also be subject to the same mandates imposed on the municipalities, and thus should assume responsibility for all state-owned roads.

While the specific impacts vary, the common thread is significant adverse capital and operational impacts felt region-wide. The resources consumed by these mandates also create the potential to create other environmental and health concerns, as most municipal staff will need to be diverted to these efforts on a full-time basis, removing them from other environmental efforts such as the preservation of watershed health and drinking water, as well as focusing on potential drought concerns or natural hazard resiliency. **The resources required to achieve the proposed compliance are unsustainable.**

We support and commend your initiative to improve pollution associated with stormwater runoff and the subsequent benefits to water quality, however we firmly and steadfastly believe that such measures can be accomplished without such daunting mandates. We strongly urge you to consider revising your proposed mandates and timeline, and work cooperatively with municipalities to find better and more realistic solutions to deliver our shared interest in improving environmental conditions.

In closing and given the importance of these proposed impacts, we cordially invite the Commissioner to a future meeting of our elected officials. Should you have any questions or concerns, please do not hesitate to reach out. We trust you will take our recommendations seriously and we anxiously look forward to jointly working on a better solution.

Sincerely,

William Brennan  
Chairman, SWRMPO  
First Selectman, Wilton

Matt Knickerbocker  
Chairman, HVCEO  
First Selectman, Bethel

On behalf of:

Jayne Stevenson  
First Selectman, Darien

Curtis Read  
First Selectman, Bridgewater

Peter Tesei  
First Selectman, Greenwich

Bill Tinsley  
First Selectman, Brookfield

Robert Mallozzi, III  
First Selectman, New Canaan

Mark Boughton  
Mayor, Danbury

Harry Rilling  
Mayor, Norwalk

Susan Chapman  
First Selectman, New Fairfield

David Martin  
Mayor, Stamford

Patricia Murphy  
First Selectman, New Milford

James Marpe  
First Selectman, Westport

E. Patricia Llodra  
First Selectman, Newtown

Gayle Weinstein  
First Selectman, Weston

Julia Pemberton  
First Selectman, Redding

Rudy Marconi  
First Selectman, Ridgefield

Clay Cope  
First Selectman, Sherman



## *Town of South Windsor*

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074  
TELEPHONE (860) 644-2511

September 4, 2014

Mr. Christopher Stone, P.E.  
Connecticut DEEP  
79 Elm Street  
Hartford, CT 06106

Re: Draft new MS4 General Permit

Dear Mr. Stone,

The Town of South Windsor staff have done a preliminary review of the draft new MS4 General Permit issued by the Connecticut DEEP in early July 2014 and our initial general comments and concerns are as follows:

While more can be done to clean up storm water in the State of Connecticut, there are many expanded requirements under the new draft permit that will require much more work be done in all areas of storm water management, monitoring, sampling, education, pollution prevention, and reporting. The effort and cost of these requirements will be significant and the effectiveness of many of these requirements is unsure.

If compliance with old permit was only 25%, as stated in the information meeting on August 6 at DEEP offices, why include more requirements with a new permit? How can municipalities comply with more requirements, if they could not comply with old permit requirements? A new permit should focus on getting better compliance with the measures that are most effective in managing storm water and not create an undue burden on Municipalities.

I think it could take an extra full time Town staff person to administer and comply with all the requirements of this permit, in addition to extra time and cost for a P.E. to certify the Town's SMP, a consultant to perform monitoring and sampling and the extra tasks required of public works to comply with this permit such as drainage repairs, and more frequent catch basin cleaning and street sweeping.

The additional costs for a consultant and laboratory to perform IDDE screening, monitoring and sampling (wet weather and dry weather) required in the draft permit are likely to be \$30,000-\$70,000 per year for our Town. Why require additional monitoring and sampling across the board? Do the results of the sampling under the old permit show this was effective?

The time frames for IDDE screening and elimination are not realistic. How does a Town eliminate any ID (from private entity) in only 6 months? This will take much longer and could be very difficult to achieve.

The Street sweeping schedule should be modified to use common road classifications such as arterials, collectors and local roads and common Zoning terms such as commercial and industrial areas. The Sweeping frequency is too often to be realistic or practical. Sweeping should not be needed on any roads more often than semi annually, especially given that many Towns no longer use sand for winter ice and snow treatment. Sweeping more often would be very costly and not necessarily more effective. Why sweep sidewalks, is this necessary or effective? It will also be very costly.

The Pollution Prevention/Good Housekeeping section has several items that will require significant extra funding, manpower and equipment in the Public Works budget, such as repairing retrofitting or upgrading the conveyances, structures and outfalls of the MS4, soil testing with fertilizing and increased requirements for sweeping and catch basin cleaning. South Windsor already has a leaf collection program and is leading the way in the use of salt for snow and ice management in the State. The Town Public Works budget for equipment and drainage repairs has been cut in recent years, and staffing is at 1970's levels.

A new permit should include a requirement for a public report to be issued by the CT DEEP annually on the previous years storm water management program statewide, that summarizes the municipal reports, sampling and monitoring results, states what is working well and what is not working well in the storm water program and includes suggestions for improvements or modifications to make the program more successful for all.

The requirements of a new MS4 permit need to focus on what is effective in storm water management and what can be implemented without undue burden on Municipalities and their residents. The Municipalities need assistance from State in the form of grants and resources, such as educational material, guidance, software, etc., to help implement requirements of a new permit.

I expect we will have more comprehensive comments on the new draft MS4 General Permit at a later date when a public hearing is scheduled.

Sincerely,



Jeffrey Doolittle, P.E., Town Engineer

Cc: Matthew Galligan, Town Manager  
Michael Gantick, P.E., Director of Public Works

# Town of Southington

RECEIVED

SEP - 9 2014

BUREAU OF MATERIALS MANAGEMENT  
& COMPLIANCE ASSURANCE

Town Manager

GARRY BRUMBACK  
(860) 276-6200  
FAX (860) 628-4727



## Town Council

Michael A. Riccio Chairman  
Cheryl Lounsbury Vice Chairman  
John N. Barry  
Paul W. Champagne  
Tom Lombardi  
Dawn A. Miceli  
Christopher J. Palmieri  
Victoria Triano  
Stephanie A. Urillo

September 4, 2014

Mr. Christopher Stone, PE  
Water permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
DEEP  
79 Elm Street  
Hartford, CT 06106

RE: Comments to Draft Changes to MS-4 General Permit

Dear Mr. Stone:

We have reviewed the General Permit for the Discharge of Stormwater From Small Municipal Separate Storm Sewer Systems and have attended the informational hearing on August 6, 2014. Based on population, the Town of Southington will be required to collect 8 in-stream (surface water) samples and 8 discharge outfall samples each year. During the first two years, the in-stream samples are to be collected during dry weather. During the next three years, they are to be collected during rain events. The proposed changes would impose new mandates involving increased frequency of municipal street sweeping, including municipal parking lots and sidewalks, mandate of catch basin cleaning town-wide, and new requirements for snow management practices.

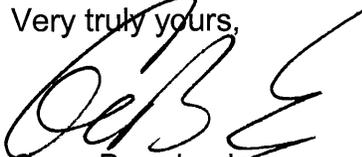
While we recognize the proposed changes are to protect waters of the State from urban stormwater runoff through municipal separate storm sewer systems, we feel these new changes will burden our community. The additional labor and sampling costs for the changes are in excess of \$20,000. In addition to stormwater sampling, you are putting more emphasis on communities following through with Illicit Discharge Detection and Elimination programs (IDDE). The draft MS-4 journal permit requires that 25% of the Town's MS-4 systems be screened for IDDE within two years and that 50% of the MS-4 systems be screened within 5 years. In addition to the screening, the IDDE must also be implemented in these areas. These requirements will require additional manpower to achieve.

"City of Progress"

In summary, these additional requirements will place a financial and labor burden on the Town. The road and sidewalk sweeping requirements are excessive and not achievable with current budgets and staffing levels. The wet weather and dry weather in-stream sampling does not give a clear indication of the contribution from Southington. The in-stream sample only indicates the cumulative effect from all upstream outfalls and overland flows.

We respectfully request that you do not increase the unfunded mandates on Towns and keep the permit testing and maintenance requirements at the existing levels.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Garry Brumbaek', written over a horizontal line.

Garry Brumbaek  
Town Manager

dml



CATHERINE A. OSTEN  
First Selectman

# Town of Sprague

RECEIVED

SEP - 9 2014

BUREAU OF MATERIALS MANAGEMENT  
& COMPLIANCE ASSURANCE

September 4, 2014

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
DEEP  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Stone:

The Town of Sprague is opposed to the proposed changes to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems and emphatically opposed to the classification of Sprague as a "Tier 1" municipality. **Our small town does not have the resources to comply with this unnecessary unfunded mandate.** A town as rural as Sprague should not be held to the same testing and enforcement standards as large cities. Compliance is beyond our resources. We welcome the opportunity to share these and other concerns at a Public Hearing.

Sprague, along with 7 other small towns, has been deemed a "Tier 1" municipality because of a classified Urbanized Area (UA) in Sprague. Urbanized Areas are defined by the Census Bureau and "consist of densely populated areas surrounding urban centers." By any other measure, ALL of Sprague would be considered "rural" as we do not have a traditional urban center and most of the land throughout town is rural.

If the MS4 permit must change, the Town of Sprague respectfully requests that DEEP consider making the following changes/provisions:

- (1) Use alternate measures for determining "urbanized areas" such as the amount of impervious surface in a square mile.
- (2) If the census definition is used, use the entire definition of "Urbanized Area" (including the part about "surrounding an urban center") when classifying towns as Tier 1 or Tier 2.

- (3) Instead of considering an entire town with an "urbanized area" to be "Tier 1", limit the area for compliance within the town to be just the "urbanized area".
- (4) Offer additional waiver options. If Towns have extenuating circumstances, such as ours, we should be given the opportunity to demonstrate why we should be exempt.
- (5) Add a provision for towns that will fall under "Tier 1" for the first time to request time extensions.
- (6) Funding should be made available to all towns to comply with this regulation. Otherwise, this is a major unfunded mandate.

Thank you for your consideration.

Kindest Regards,



Catherine A. Osten  
First Selectman  
Town of Sprague

Cc: K. Kowalyshym, Selectman, Town of Willington  
J. Blessington, Selectman, Town of Willington  
R. Ives, First Selectman; T. Rukstela; Public works Director; Town of Brooklyn  
M. Schlag, First Selectman, P. Goff, Asst. Public Works Dir.; Town of Haddam  
S. Hendricks, Town Manager, T. Shippee, Hwy Superintendent; Town of Killingly  
M. Hart, Town Manager, J. Carrington, P.W. Director; Town of Mansfield  
D. Jerram, First Selectman, D. Spencer, Hwy Superintendent; Twn of New Hartford  
P. Sweet, First Selectman, J. Tetrault, Hwy Superintendent; Town of Plainfield

September 4, 2014  
Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Department of Energy and Environmental Protection (DEEP)  
79 Elm Street  
Hartford, CT 06106

RE: CTDEEP Proposed MS4 General Permit

Dear Mr. Stone,

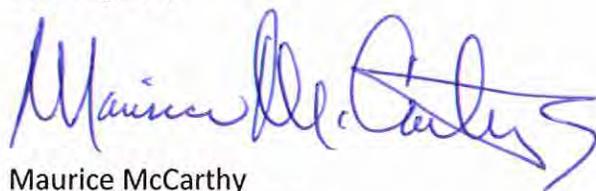
I am contacting you in regards to the new proposed changes to the MS4 General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Systems. It is our understanding that the current permit expires on January 8<sup>th</sup>, 2015 and additional requirements are being proposed for the new permit.

I have extensively reviewed the new proposed changes to MS4 permit and believe that the proposed regulation changes if instituted will have a significant financial impact to the Town of Stratford and other municipalities through out the State of Connecticut. Additional testing, tracking, inspecting catch basins every six months, monthly roadway and sidewalk sweeping will cause existing budgets to quickly be expanded. The Town of Stratford currently does not have the resources to meet the all of the requirements that the new proposed regulations are requiring.

In my professional opinion, the State should consider having additional work-shops with local Town Staff and persons employed within the engineering and environmental professions to receive additional feedback on the proposed changes to the MS4 permit.

If you have any questions, please feel free to contact me directly at (203) 385-4080.

Best regards,



Maurice McCarthy  
Director of Public Works  
Stratford, CT

TOWN OF TRUMBULL  
CONNECTICUT

Town Hall  
5866 Main Street  
Trumbull, Connecticut 06611  
Phone: 203.452.5050  
Fax: 203.452.5061



September 3, 2014

Christopher Stone P.E.  
79 Elm Street  
Hartford, CT 06106  
Water Permitting and Enforcement Division  
Department of Environmental and Energy Protection  
Sent via e-mail:chris.stone@ct.gov

RE: CTDEEP Proposed MS4 General Permit

Dear Mr. Stone,

This is written in regards to the Proposed MS4 General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Systems. It is our understanding that the current permit expires on January 8<sup>th</sup>, 2015 and additional requirements are proposed for the new permit.

Based on my review of the draft changes, it is my opinion that these items will have a significant impact on departmental budgets. Additional testing, tracking, inspecting catch basins every six months, monthly roadway and sidewalk sweeping, etc., can potentially cause budgets to double and/or triple in size. Many Towns will not have the resources to comply and will not be compliant.

It is my opinion that the State should consider having additional work-shops with the local towns. These work-shops should occur in order for the Small Towns to provide assistance in reviewing the current water quality results, evaluate current requirements and assist with potentially different ideas for the new permit.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Smeriglio", is written over a white background.

Frank Smeriglio, PE.  
Town Engineer  
Town of Trumbull

September 2, 2014

Christopher Stone, P.E.  
Water Permitting & Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Stone:

The Town of Wallingford has significant concerns regarding the adverse fiscal impact of the proposed MS4 General Permit regulations. The new requirements will necessitate significant increases in operational costs. The proposed regulations should not be imposed until such time as funding is available from State of Connecticut and/or Federal government agencies.

Wallingford is a Tier 1 community subject to the State of Connecticut General Permit for our stormwater systems since the 1990's. Authority for the regulatory jurisdiction is found in the Clean Water Act adopted by Congress. The Federal Environmental Protection Agency requires the states to regulate stormwater discharges. The financial issues arise out of standards such as "MEP" or "Maximum Extent Practicable", a technology based standard with no precise definition. (Page 2 Definitions General Permit for Discharge of storm-water....Connecticut DEEP). As the proposed definition states, "If a covered entity chooses only a few of the least expensive methods, it is likely that MEP has not been met".

Section 5 (a) (3) of the regulations prohibits all "distinctly visible floating scum, oil or other matter contained in the stormwater discharge." Subsection (a) (4) states that "stormwater discharge shall not result in pollution which may cause or contribute to acute or chronic toxicity to aquatic life, impair the biological integrity of aquatic or marine ecosystems...". How are these standards to be scientifically measured and at what cost?

Section 6 requires the development of a Stormwater Management Plan with Minimum Control Measures and designate a person and job title responsible for each BMP (best management practice). The Minimum Control Measures include: Public Education (in considerable detail), creation by ordinance of an enforcement legal authority for Illicit Discharge Detection and Enforcement (IDDE Section 5(a)(3)(page 17), implementation by ordinance of a Construction Site Stormwater Runoff Control program which extends to privately owned retention ponds (subsection 5 (4)(A)(d), establishment of standards by ordinance for development that require LID (low impact development) which among other mandates states at Section 5(D)(i) "The permittee shall implement a maintenance plan for ensuring the long term effectiveness of retention or detention ponds....shall annually inspect all such.... ponds and remove accumulated sediment....where found to be in excess of 50% design capacity", pursuant to Section 5 (6)(C) maintenance of parks and other facilities in a manner to minimize discharge of pollutants including soil testing related to fertilizer use, identification of community locations with visible pet waste and enforce BMP and "shall install educational signage, pet waste baggies....and shall document in its annual reports....the scope and extent of its education, compliance, and enforcement efforts (including the number of violations pursued and fines levied)" Section 5 (6)(C)(i) and (ii),(See Section (5) (6)(C)(iii) for targeting of waterfowl congregating areas and discouragement of same), the cleaning of catch basins with a possible frequency of every 6 months (Section 5(6)(C)(x), sweeping of main line roads monthly (arterials quarterly) as shown on the Table 1 – Sweeping Schedule page 30.

Tier 1 MS4 municipalities shall conduct dry and wet weather in stream monitoring both remote from and proximate to outfalls. There is a \$325 review fee to be paid to the State of Connecticut.

This is a far from exhaustive study of the proposed regulations. While well intentioned, the regulations in their present form represent a significantly high operational cost to the municipality and its citizens and businesses. If these regulations and their mandates are the highest priority, in order to afford them

we request either annual operations funding or relief from other mandates with similar cost impact. At a minimum, the regulations as proposed will require Wallingford to hire consultants, conduct tests, write reports, hire staff, acquire or rent heavy equipment. These will be annual new costs. Given our economy, foreclosures, business closures, unemployment, and the struggle of every family to pay bills, it is not justified to impose these cost increases on them.

Sincerely,

William W. Dickinson, Jr.  
Mayor

jms



**PUBLIC WORKS DEPARTMENT**  
**THE CITY OF WATERBURY**  
CONNECTICUT  
BUREAU OF ENGINEERING

September 9, 2014

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Stone:

The City of Waterbury's Public Works Department respectfully requests that you consider the following concerns regarding the tentative modifications to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems. Based on our staff review the permit modifications will require a significant increase of municipal resources.

The proposed detailed Illicit Discharge Detection and Elimination (IDDE) tracking and testing program poses significant financial impacts and staffing concerns. The tracking portion of the program will require either additional staff or re-allocation of staff to complete the requirements as specified. With our reduced staff currently, this will result in additional departmental strain to complete the IDDE requirements in addition to our other infrastructure projects.

The proposed catch basin cleaning requirement also poses financial impacts because the City of Waterbury has approximately 7000 catch basins. Tracking each catch basin and maintaining an inventory will require substantial employee resources. In addition, the proposed requirement is based on cleaning sumps that are 50% full; however, some of the City of Waterbury's catch basins are technically referred to as "inlets" and do not have sumps. It appears that this cleaning requirement would not apply to these particular drainage structures.

The City of Waterbury currently sweeps its 320 miles of roadways annually in the spring starting in March and ending in June or early July. Downtown areas and select streets are swept on a monthly basis, when temperatures are above freezing. Sweeping all 320 miles of road at least quarterly over a 9-month period of time will result in each street being swept approximately every 10 weeks. Additionally, many of the City of Waterbury's streets have little debris build-up due to steep grades that result in self-cleaning flow velocities. Prior to finalizing the street sweeping frequency requirement, perhaps the slope of the roadway should be considered and a cost-benefit analysis performed to determine if the proposed sweeping schedule would result in a substantial improvement in water quality.

We thank you for this opportunity to provide input on the proposed changes to the MS4 requirements. Please be assured that the City of Waterbury's Public Works Department is concerned with reducing the amount of pollutants that enter the waterways and it is our hope that our comments will be taken into consideration prior to the implementation of the final permit modifications. Please contact me should you have any questions or require additional input.

Respectfully Submitted,



David B. Simpson  
Deputy Director of Public Works  
City of Waterbury

cc: Neil O'Leary, Mayor  
Mark J. Pronovost, P.E., City Engineer  
Willetta Capelle, P.E., Civil Engineer



**TOWN OF WATERTOWN**

**CONNECTICUT**

**06795**

Town of Watertown  
Public Works Department  
61 Echo Lake Road  
Watertown, CT 06795  
(860) 945-5240  
Fax (860) 945-2707  
[www.watertownct.org](http://www.watertownct.org)

July 22, 2014

Mr. Chris Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106

**RE: Notice of Tentative Determination Intent to Renew a National  
Pollution Discharge Elimination System Permit**

Dear Mr. Stone,

This correspondence is to express the serious reservations of the town of Watertown about the draft of the proposed tentative determination to renew with modifications the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (general permit) under Section 22a-430b of the Connecticut General Statutes into the waters of the state.

As presented, this permit imposes significant unfunded mandates upon the town and would require a significant reallocation of scarce resources that would potentially have a serious adverse impact upon the quality of life of the residents of Watertown. The permit would take the flexibility and judgment of the professionals and elected officials out of the program and implement one size fits all solutions for both the program implementation and the allocation of resources serving the public. Complying with the permit terms will be extremely difficult to achieve. In fact, at this time there is a real and valid concern that the town would be

unable to comply with the terms of the permit and would thus be exposed to fines of up to \$25,000 per violation per day.

The town of Watertown would also like to know if there has been a cost benefit analysis performed on the various terms and conditions of the permit.

The town of Watertown respectfully requests that a public hearing be held on this proposed General Permit or preferably, that it be withdrawn and substantially revised to be more cost effective or that sufficient state funds be allocated to assist the town in complying with the program.

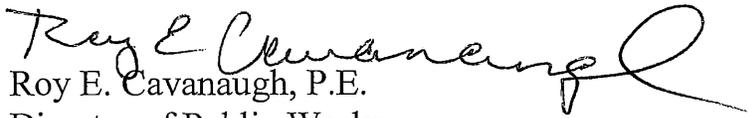
The following additional comments are also provided:

1. Sample and analysis costs would increase from the currently budgeted \$2,300 per year for 6 samples to an estimated \$10,000 according to our contract laboratory.
2. In 2014, the cost to sweep all of the streets in town once was \$116,836 and sidewalk sweeping was \$12,447. Under the terms of the permit, these costs could reasonably expect to be doubled. It should be noted, that over 30 teaching positions have been lost in town in the last few years. The town may be faced with the very real possibility of cutting teachers to comply with the permit terms. It has been our experience that redoing areas after the initial sweeping does not result in obtaining the same volume of material. In short, there is a point of diminishing returns for the additional work and it is not cost effective. The cost of subcontracting this work out has not been estimated but is certain to be substantial.
3. The town has over 3,000 documented catch basins. The best cleaning effort over the last 6 years has been approximately 400 per year. Based upon the historical work records, it will take approximately 100 crew days at a total cost of \$193,960 for labor, equipment and materials to clean 1500 catch basins. The cost of subcontracting this work out has not been estimated but is certain to be substantial.
4. The current operations consume approximately 5.35% of the total man-hours available to the town for Highway operations. This percentage is estimated to increase to 11.57%, for sweeping and catch basin cleaning to the detriment of the other tasks required by the citizens of Watertown.

5. The town does not currently have a leaf collection program. It is my professional opinion that instituting such a program would be both time consuming, expensive and would result in a minimal reduction in the nutrient loading. In short, it would not be cost effective even aside from the redefinition of falling leaves, a natural event, to a "pollutant". This designation, if taken to a logical, albeit absurd conclusion would require measures be eventually implemented to catch the leaves before they fall directly into our streams, lakes and other water bodies.
6. The allocation of Engineering staff time and resultant consultant expenses to the town citizens for the other terms and conditions of the permit have not been quantified at this time, but it would be reasonable to conclude that it would be significant.

Thank you for your consideration in this matter.

Sincerely,

  
Roy E. Cavanaugh, P.E.  
Director of Public Works

File: General Storm Water Permit Program

**OFFICE OF THE  
TOWN MANAGER**

September 3, 2014

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Stone:

Thank you for the opportunity to comment on the draft General Permit for the Discharge of Stormwater from Small Municipal Separate Sewer Systems (MS4) as proposed by the Department of Energy and Environmental Protection (DEEP).

The Town of West Hartford has serious concerns with many of the proposed and expanded MS4 mandates which will likely result in the need to increase taxes and reduce critical services. We understand the importance and need to improve stormwater management practices and water quality, but believe that many of the new regulations could be phased in over a longer period of time to lessen the significant financial burden that will be required to comply.

Some of our initial concerns about the draft MS4, include but are not limited to:

- The increased frequency of required road sweeping. The proposed schedule would require that (1) main roads, arteries to the main roads, commercial/business district roads and municipal parking lots be swept monthly from April through October, (2) commercial and business district sidewalks must be swept quarterly, (3) residential streets and roads and all other streets must be swept annually and, (4) event gathering places must be swept within 48 hours of the event, or within 24 hours of the event if rain is forecast. With 217 miles of roads in West Hartford and extensive park and public school systems, we would be required to expend approximately \$200,000 for new capital equipment and the annual, recurring operating cost would be approximately \$275,000.
- The increased frequency of cleaning catch basins, like sweeping, would add both capital and operating expenses. We estimate that a vacuum truck would cost approximately \$400,000 and recurring manpower costs could reach \$200,000 per year.
- Additional sampling and testing of dry and wet weather storm fall monitoring will require increased municipal resources in our Community Services Department and the West Hartford-Bloomfield Health District, necessitate the hiring of outside vendors for storm water sampling, and result in increased laboratory costs required to analyze the samples. These activities could reach upwards of \$50,000 per year.



TOWN OF WEST HARTFORD 50 SOUTH MAIN STREET  
WEST HARTFORD, CONNECTICUT 06107-2431  
(860) 561-7440 FAX: (860) 561-7429  
<http://www.west-hartford.com>

- The Town's land use regulations would need to be updated in the areas of zoning, inland/wetlands, subdivisions, and an extensive updating of Town's GIS mapping system would be required. Consultant assistance would be necessary for many of these tasks, a cost that could exceed \$250,000 given our built out environment.
- The proposed permit includes significant Public Outreach and Education requirements. FOI requirements regarding the noticing of meetings and publication of the Stormwater Management Plan and Annual Report will impact our Planning and Zoning and Town Clerk offices, in particular.
- The Town would be required to implement extensive storm water controls related to construction sites, privately owned retention/detention ponds and other stormwater treatment structures, at a significant cost. This would include the inspection of private facilities to determine compliance with maintenance requirements.
- The costs associated with the expansion and implementation of Illicit Discharge Detection and Elimination (IDDE) ordinance, the requirement to track and locate the source of illicit discharges, and the implementation of program to prevent future IDDEs are perhaps the greatest challenges of the proposed permit as towns and cities will become environmental enforcement agencies under this proposal.

The Town of West Hartford joins the Connecticut Conference of Municipalities in requesting that DEEP conduct a comprehensive cost-benefit analysis of the requirements and costs within the proposed permit to ensure that any increased costs result in measurable improvements to the environment and at reasonable costs to local tax payers.

Furthermore, we agree with CCM that DEEP should establish a collaborative process to fully vet the issues and costs associated with stormwater management- identifying and agreeing on the best scientific approach, viable options for compliance, timeframe for compliance, etc. We are confident that a cooperative process between the State and municipalities will lead to an effective and cost efficient process for managing stormwater and ensuring the continued health of local and state water bodies.

Due to the increased requirements and unfunded mandates contained within the draft MS4 permit, which include upfront capital and consultant expenditures, as well as recurring operating expenses for years to come, the Town of West Hartford urges the Department of Energy and Environmental Protection to not approve the proposed draft General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems as currently drafted.

The Town of West Hartford looks forward to working with CCM, DEEP and other municipalities to improve our stormwater management practices while recognizing the fiscal demands being placed on Connecticut towns and cities.

If you should have any questions, please feel free to contact Mark K. McGovern, Director of Community Services, at (860) 561-7535 or [mark.mcgovern@westhartford.org](mailto:mark.mcgovern@westhartford.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald F. Van Winkle". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald F. Van Winkle  
Town Manager

cc: Mark K. McGovern, Director of Community Services  
John Phillips, Director of Public Works  
Todd Dumais, Town Planner  
Duane Martin, Town Engineer

TOWN of WESTON, CONNECTICUT



Incorporated 1787

Office of the First Selectman

September 4, 2014

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection (DEEP)  
79 Elm Street  
Hartford, CT 06106

Dr. Mr. Stone,

Thank you for allowing the Town of Weston to offer comments on the proposed changes to the **General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4)**.

The Town of Weston is a small municipality, both in size (20.7 square miles) and population (10,200). We rate second to last in the State with regard to economic development. Protected open space comprises 25% of our land area and according to the UCONN College of Agriculture, less than 20% of Weston is considered developed.

While we believe strongly in improving water quality, we have major concerns as to the proposed changes. These standards may be appropriate for a city like Stamford, we do not feel they are appropriate for a small town with very limited commercial development and residential development limited by two-acre zoning. Geographic location should not dictate the applicable stormwater management standards; rather, the community's character, the geographic characteristics of its landscape, and its natural resources should be the defining factors.

Weston has a long history of commitment to the protection of the Town's and region's natural resources, including water quality, as documented in the Town's Plans of Conservation and Development prepared since 1967. The Town has been engaged in environmental and water quality planning since the 1970's. New subdivisions have been required to achieve zero incremental stormwater runoff since 1984. Both the Planning & Zoning Commission and the Conservation Commission have further refined their regulations and enforcement programs in recent years to focus on stormwater management and to encourage residents to adopt Low Impact Development methods into their construction projects. The P&Z revised its Soil Disturbance Permit requirements in 2011 to address any site disturbance over 2,500 s.f. Our Town Engineer works diligently with our consulting engineer to implement our MS4 General Permit Program.

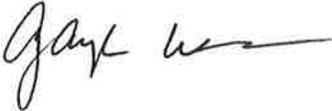
Given its minute level of development, Weston's Land Use needs are well met with its current combination of part time staff and volunteer Land Use Boards. However, compliance with these new mandates would force the Town to essentially double the size of its Land Use and Public Works Departments. Implementation of the MS4 General Permit proposal as written would increase the Town's operating budget by over 10%.

As an example, the new requirements for our Department of Public Works, which include stricter de-icing management, and additional street sweeping, leaf collection, and catch basin cleaning, would cause an operating budget increase of close to \$300,000, a 17% increase. Capital costs necessary to meet the new would approach \$500,000. Our part-time Land Use Department staff would now be responsible for monitoring of outfalls, updating at least 2 sets of land use regulations for 2 land use boards, revising development permit applications and monitoring construction sites and private stormwater facilities. We do not even have any staff at all to undertake the public education and outreach campaigns, the employee training programs and/or the new enforcement requirements of the IDDE program and the inspection of on-site water retention control measures. Nor does the Town have a GIS system in place, much less staffing to manage the mapping and onerous reporting requirements. Our part-time Land Use staff of 3 would need to become a full time staff of 5. In order to meet these requirements, we would need to reduce funding to critical areas, such as Education and Social Services.

While we applaud the intentions of this regulation, the General Permit should include a Tier I waiver provision for towns such as Weston, which have fewer than 15,000 people and are located on the edge of and only partially in an Urbanized Area. At a minimum, DEEP should adopt model land use ordinances, enforcement guidance and a best practices manual for the post-construction stormwater management program and the IDDE program BEFORE the proposed MS4 General Permit goes into effect.

The proposed MS4 General Permit requirements are excessive and exceed even those requirements established by US EPA for Tier 2 Towns. This "one size fits all" approach places an unfair financial burden particularly on smaller municipalities lacking the resources to meet these onerous requirements. We ask that you reconsider and amend the requirements for smaller municipalities. Further, this significant burden will at best provide only minimal environmental benefit, given the paucity of development in these communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Gayle Weinstein", with a long horizontal flourish extending to the right.

Gayle Weinstein, First Selectman

## Town of Weston Draft MS4 Permit - Person Hour/Budget Estimate

9/3/2014

Tasks	Total Hours	Year 1	Year 2	Year 3	Year 4	Year 5	Plan Total
<b>1 Stormwater Management Plan (Section 6 - page 15)</b>							
Data Collection and Review							
Internal Draft SMP - for Town Review							
Draft SMP (address Town comments & prepare for DEEP review)							
Final SMP (address DEEP comments & submittal to DEEP)							
PM & Coordination (based on 6 month duration to prepare SMP)							
Plan Updates (16 hrs annually x 4 years)							
<b>SMP Total</b>	<b>202</b>	<b>\$18,111</b>	<b>\$2,038</b>	<b>\$2,038</b>	<b>\$2,038</b>	<b>\$2,038</b>	<b>\$26,264</b>
<b>2 Implementation of Control Measures (Section 6 - p. 10)</b>							
1. Public Education and Outreach							
Preparation of flyer annually (17 hrs per yr)							
Preparation of flyer annually to target audience (17 hrs per yr)							
SMP Public meeting	<b>201</b>	<b>\$9,379</b>	<b>\$4,550</b>	<b>\$4,550</b>	<b>\$4,550</b>	<b>\$4,550</b>	<b>\$27,579</b>
2. Public Involvement/Participation							
Annual Public Meeting							
Public Notice	<b>187</b>	<b>\$5,273</b>	<b>\$5,273</b>	<b>\$5,273</b>	<b>\$5,273</b>	<b>\$5,273</b>	<b>\$26,363</b>
3. Illicit Discharge Detection and Elimination (IDDE) - Appendix B							
Outfall Prioritization and ranking (200 outfalls)							
IDDP protocol development/evaluation							
Outfall Screening & Field Testing							
GIS mapping of drainage system (using SWRPA GIS base)							
Drainage system investigation (assume 5 per yr)							
PM & Coordination	<b>1969</b>	<b>\$59,226</b>	<b>\$43,539</b>	<b>\$43,539</b>	<b>\$43,539</b>	<b>\$43,539</b>	<b>\$233,384</b>
4. Construction Site Stormwater Runoff Control							
Developer - regulation development and ordinance evaluation							
Town Coordination (board meetings - assume 3)							
Interdepartmental Coordination							
Site review & Inspection (Town)							
Public Involvement Procedure							
State Permit Notification Procedure	<b>143</b>	<b>\$4,251</b>	<b>\$4,251</b>	<b>\$4,251</b>	<b>\$4,251</b>	<b>\$4,251</b>	<b>\$21,256</b>
5. Post-Construction Stormwater Management							
Regulation eval, ordinance, pond evaluation, regulations							
LID adoption ordinance & Land use evaluation							
Town Coordination (assumes 2 board meetings)							
DCIA evaluation and annual review of changes							
Site review & Inspection (Town)	<b>261</b>	<b>\$5,699</b>	<b>\$5,699</b>	<b>\$10,773</b>	<b>\$10,773</b>		<b>\$32,943</b>
6. Pollution Prevention/Good Housekeeping							
Employee training - assume 1 powerpoint given 3 times							
Maintenance (Town - 6.B & 6.C page 25 - 32)							
Annual PM & Coordination (20 hrs annually)	<b>152</b>	<b>\$11,496</b>	<b>\$3,798</b>	<b>\$3,798</b>	<b>\$3,798</b>	<b>\$3,798</b>	<b>\$26,688</b>
<b>Implementation of Control Measures Total</b>	<b>2913</b>	<b>\$95,324</b>	<b>\$67,110</b>	<b>\$72,184</b>	<b>\$72,184</b>	<b>\$61,411</b>	<b>\$368,213</b>
<b>3 Monitoring (Section 6 j - p. 45)</b>							
Monitoring Plan (means, methods, schedule, prioritization, etc)							
Wet weather storm tracking (2 hrs per month)							
In-stream Monitoring (p.45)							
Dry weather sampling - 4 locations - years 1 & 2							
Wet weather sampling - 4 locations - years 3, 4 & 5							
Outfall Monitoring (4 outfalls per year)							
Wet weather sampling - 4 locations - 5 years (12 hr days)							
Annual evaluation of sampling results - trends (40 hrs per year)							
PM & Coordination							
<b>Monitoring Total</b>	<b>818</b>	<b>\$31,710</b>	<b>\$25,405</b>	<b>\$25,405</b>	<b>\$25,405</b>	<b>\$25,405</b>	<b>\$133,328</b>
<b>4 Annual Report</b>							
Meeting to review work within each year (8 hrs per yr)							
Stormwater Monitoring Report (16 hrs annually)							
Annual Report (41 hrs annually)							
<b>Annual Report Total</b>	<b>327</b>	<b>\$9,676</b>	<b>\$9,676</b>	<b>\$9,676</b>	<b>\$9,676</b>	<b>\$9,676</b>	<b>\$48,378</b>
<b>SMP TOTAL</b>	<b>4260</b>	<b>\$154,820</b>	<b>\$104,228</b>	<b>\$109,303</b>	<b>\$109,303</b>	<b>\$98,530</b>	<b>\$576,183</b>

Town provided services (No cost included in this estimate)



# Connecticut DEEP Draft MS4 Permit Summary

9/3/2014

Tasks	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Stormwater Management Plan (SMP)</b>					
Final SMP					
Plan Updates					
<b>Implementation of Control Measures</b>					
1. Public Education and Outreach					
Public Outreach Document					
<b>Public Outreach Document - target audience</b>					
2. Public Involvement/Participation					
Posting of SMP, Annual Report, Sampling Results, etc.					
Website Maintenance					
<b>Annual Public meeting</b>					
3. Illicit Discharge Detection Elimination (IDDE) Program					
IDDE Ordinance					
<b>Outfall GIS Mapping</b>					
<b>System GIS Mapping (infrastructure, resources, O&amp;M, etc.)</b>					
<b>Outfall Ranking</b>					
<b>Outfall Screening &amp; Sampling</b>					
<b>IDDE Program</b>					
4. Construction Site Stormwater Runoff Control					
<b>Stormwater Regulations</b>					
<b>Enforcement of ordinance</b>					
Site Plan Review & Inspection Program					
<b>Program Inspections &amp; Enforcement</b>					
5. Post-Construction Stormwater Management					
<b>Evaluation of Regulations, Ordinances, Pond Inspections, etc.</b>					
<b>Land Use Evaluation</b>					
<b>LID Ordinance Development &amp; Adoption</b>					
Site Review & Inspection					
Site Plan Notification					
<b>DCIA Evaluation</b>					
<b>DCIA Annual Review</b>					
6. Pollution Prevention/Good Housekeeping					
Catchbasin Cleaning					
Street Sweeping					
<b>Parking Lot Sweeping</b>					
<b>Parks &amp; Open Space Fertilizer Management</b>					
<b>Pet Waste &amp; Waterfowl Management</b>					
<b>Town Buildings &amp; Facilities Evaluation and Maintenance</b>					
<b>Snow Management Practices</b>					
Spill Prevention and Response Plan					
<b>Municipal SOP for maintenance activities</b>					
<b>Leaf Collection Program</b>					
Employee training					
Infrastructure Maintenance					
<b>Monitoring</b>					
<b>Monitoring Plan (methods, QA/QC, schedule, protocols, etc)</b>					
<b>In-stream Monitoring</b>					
<b>Dry and wet weather sampling (4 locations annually)</b>					
Outfall Monitoring - Wet weather sampling (4 locations annually)					
Evaluation of Sampling Results					
<b>Annual Report</b>					
Stormwater Monitoring Report	X	X	X	X	X
Annual Report	X	X	X	X	X

Key: Existing permit requirements   
 New permit requirements



3 September 2014

Mr. Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Re: Draft Connecticut General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

Dear Mr. Stone:

I am taking the opportunity to provide comments regarding the draft document “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems.” I attended the public information session the CTDEEP conducted on August 6, 2014, and have read the draft permit.

The Town of Westport is proud of its environmental awareness and has been active for decades in an ongoing effort to reduce our environmental footprint. Our sanitary sewer system was completely separated from the stormwater system in the early 1980’s and we participate actively with the Westport/Weston Health District to identify failed septic systems and bring them into compliance or connection to the sewer system. We also partner with Earthplace, a local environmental organization, to monitor our numerous waterways. The recent \$35 million dollar up-grade to our treatment plant is just an example of our commitment to the environment. However, with this noted, we have grave concerns regarding our ability to comply with the proposed stormwater permit. These are outlined below in general and followed by specific comments.

- **Same permit – just more detail?** During the public information session, we understood that the permit was similar to the prior permit – just with more detail to help explain the requirements of each practice and provide more guidance. The new permit, as proposed, however, contains significant changes and is highly prescriptive in terms of what municipalities must do – from its requirements to implement leaf pickup programs regardless of need to dictating street sweeping frequency, again, without a clear link to practicality and need in all cases.
- **Link to real water quality improvement?** Implementing this permit as written will be very expensive, and it is not completely clear to us how many of its elements will truly improve water quality goals. It does not appear to give municipalities the leeway to dedicate resources to investigate potential problem areas.
- **Timing and ability to meet the permit requirements:** It will take longer than the five year permit period to fully meet the permit requirements.
- **Public education and outreach:** This new permit requires a significant expansion of public education and outreach. This is a very onerous task that is extremely ineffective on a town-by-

town basis. Our experience on recycling education has shown that regional educational efforts run by a focused organization are much more cost effective than individual shotgun efforts by each community.

- **Water quality goals and TMDLs:** Westport has three major water courses, Saugatuck River, Aspetuck River, and Sasco Creek, that all originate north of us and pass through our borders to Long Island Sound. How are TMDL's going to be assigned to these extensive watersheds. We do have existing study/watershed groups that are actively attempting to identify sources of pollution and develop control strategies. Wouldn't it be more effective to recognize these groups and support their efforts rather than requiring a municipality to develop new programs to generate more data that will most likely just sit on a shelf?
- **Interstate and interagency cooperation:** Westport is bifurcated by three major roadways (I-95, RT15 and RT1) as well as Metro North. How will CTDOT be addressing its facilities to help municipalities meet these standards? What will be required of them and are they funded for this?
- **Recordkeeping, documentation, certifications, etc.:** The proposed permit contains a host of new recordkeeping, documentation, reporting, and certification requirements. In particular, we are perplexed by the need to have a third party engineer certify our own work, which is overseen by professional engineers, who are bound by a code of ethics with regard to their work.
- **Costs:** If we were to attempt to implement this program as written, preliminary estimates on the costs associated with the street sweeping and catch basin requirements alone would require approximately \$500K in additional equipment, and some \$250K / year in labor. This does not include any additional efforts related to other aspects of the program.

#### **Specific Comments:**

The following specific comments are being raised at this time. Since we were told at the information meeting that a public hearing would be forthcoming, I anticipate that I will be able to coordinate more fully with my peers in the area for a more detailed review at a later date.

**Section 2 Definitions: "Qualified professional engineer":** Has the definition of a professional engineer as contained in this permit been approved and agreed upon with the State's Professional Engineers and Land Surveyors Licensing Board? How did CTDEEP establish that 8 years and 4 years were appropriate? Why is this definition necessary?

**Section 3(b) (9) – Stormwater Management Plan Certification:** Does this mean that the qualified professional engineer that submits the written certification must not have any involvement in the creation of the general permit? Why is this a requirement? Professional engineers operate under a code of ethics regarding their work, and requiring towns to pay a third party to oversee their work and sign a certification regarding same will prove costly. We find it difficult to imagine that a third party uninvolved in day to day operation of a municipality would want to sign the certification required under this section.

**Section 5(a) – Conditions Applicable for Certain Discharges:** It is recommended that a list be developed by DEEP that clearly states each of the pollutants and waters that must be managed since the list in Appendix D is not clear (Item No. 7). In addition, the overall requirements in this section are quite broad – for example, large storms which occur during saturated conditions can lead to natural erosion – could such a discharge be considered an exceedance and are municipalities expected to prevent any and all changes in discharge quantity and quality under all storm conditions? If leaves are considered natural in this section, why are municipalities asked to have town-wide leaf pickup programs (understanding that we are all trying to avoid residents clogging waterways and drainage networks with organic material).

**Section 5(b):** We estimate that DPW will require at least a minimum of one new full time employee to manage the entire program to meet the requirements of the general permit. Since this is an un-funded mandate, one has to expect that you will force an economic non-compliance consistent with your existing 25% compliance rate. We comment on the additional staffing requirements in other sections. Furthermore, the section notes that re-registrants stormwater management plan must be prepared 180 days in advance of the new permit – somewhat perplexing and difficult to comply with depending on when the final permit is actually promulgated and what form it takes. Will the municipalities existing stormwater plans be considered as applicable?

**Section 6(a)(1) – Public Education and Outreach** will require much more development of educational materials to meet the expectation of the BMP, and such materials are required to be ready in a very short time frame. The necessary summarization needed for the report will require monthly updates so the report can meet the required submission dates set by the permit, which will require more staff time. As noted in our general comments, given the significant overlap in issues for the state (septic systems, fertilizer use, pet waste, etc.) and the desire for the message to be clear and consistent across the state, we strongly suggest that the CTDEEP lead this effort with a more professional, statewide media campaign. Given experience to date with participation rates in the numerous public education opportunities which have occurred in town, it is unclear how much return we are receiving for efforts in this area.

**Section 6(a) (2) (A) Page 17 – Public Involvement/Participation:** It is unclear to us why a public meeting is being required in addition to the public comment period. Our experience with public meetings is that they are attended by very few people and are expensive and time consuming to hold, even for issues where a particular neighborhood has a vested interest in a specific project.

**Section 6(a)(3) – Illicit Discharge Detection and Elimination:** This will require all outfalls to be field inspected and the complete drainage network will need to be verified in the field to determine the watershed that contributes to each outfall. While the Town has good stormwater mapping on its GIS, this will be a major effort. This BMP will require Town staff and possibly consultants to meet the mapping and inspection requirements. Since most of the drainage basins meander through private property one can also expect legal challenges when access is desired for mapping and testing purposes.

**Section 6(a) (4) – Construction Site Stormwater Runoff Control:** We have many questions regarding this section. Do the inspections, surveillance, and monitoring have to be done by Town staff or can the property owners site design engineer handle the inspections? Do the retention ponds, detention ponds and other stormwater basins only include large surface basins or does this also include rain gardens, bioretention areas, permeable driveways, underground retention/detention systems and other BMP's? A permit will need to be created since all development (including re-development) activities that disturb one half acre or more will require site plan review and construction inspection. To meet this requirement additional Town staff will be needed. What does the DEEP want the financial assurance to be? Does the Town staff have to perform the post construction inspections or can the property owner's site design engineer perform this work?

**Section 6(a)(5)(A)(i) Page 22 – Post-Construction Stormwater Management:** Is the implementation of LID only for projects that disturb one half acre or more or is it for all projects no matter the disturbance area?

**Section 6(a) (5) (C) (i) Page 24 – Post-Construction Stormwater Management:** Can the Town GIS mapping be used to estimate the Directly Connected Impervious Area (DCIA)? Can the changes from development be added when the Town GIS map is updated or is it required that an Improvement

Location Surveys depicting ‘As-Built’ conditions for all development projects be submitted prior to a Certificate of Occupancy which would then be used to update the DCIA for each reporting year?

**Section 6(a) (6) (C) (viii) Page 29 – Sweeping:** Based on the required sweeping the Town of Westport would need to purchase an additional sweeper and operator.

**Section 6(C) (vii) Page 28 – Snow Management Practices, (a) Deicing Material Management:** Do we have to develop written Snow & Ice Control Standard Operating Procedures or can we follow State of Connecticut – DOT Standard Operating Procedures? What flexibility will be allowed for the larger storms?

**Section 6(C) (vii) Page 28 – Snow Management Practices, (b) Snow Removal:** What are the established goals for reduction of de-icing or anti-icing chemicals? Who is certified to train de-icing and anti-icing?

**Section 6(C) (viii) Page 29, Table 1 – Page 30 – Sweeping:** What is the definition of “Main Roads” in Table 1? What is the definition of “Arteries” in Table 1? Proposed sweeping plan will require a minimum increase in staff and equipment.

**Section 6(ix) Page 29, Table 1 – Page 30 – Leaf Collection:** The Town of Westport has an effective town-wide leaf pickup program but has to question the efficacy of making this a program requirement.

**Section 6(x) Page 29, Table 1 – Page 30 – Catch Basin Cleaning:** To meet proposed catch basin cleaning guidelines, an increase of staff and equipment will be required to include an additional Vactors, with 2 additional personnel at a cost of \$100K in yearly salaries and \$250k in equipment.

Since the inception of the MS4 program the Town of Westport has attempted to comply with the requirements of the permits but has been continually challenged to fulfill the requirements. At the informational meeting you referenced the low percentage of compliance and attributed it to a lack of detailed targets and information. I would have to take exception to your interpretation of these results. Most Connecticut towns are just now digging out of the most serious recession that I have encountered in my 30 years as Public Works Director. Budgets have been reduced to a point where essential maintenance and capital purchases have been deferred. It is my opinion that your poor compliance is based on the economics of the program, not a lack of detail.

If you have any questions or if you would like additional information, please call me at 203-341-1125.

Very truly yours,

Stephen J. Edwards  
Director of Public Works

cc: James S. Marpe, First Selectman