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May 30, 2013

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Regulatory Comment Box
1 Winter Street, 5th Floor
Boston, MA 02108

RE: Comments on MassDEP proposed Regulatory Changes

The Massachusetts Coalition for Water Resources Stewardship (MCWRS) has reviewed the proposed revisions to regulations on waterways, wetlands, water quality and wastewater. We commend MassDEP for its efforts to streamline the regulatory process and eliminate duplicative programs. More specific comments are as follows:

314CMR4.00 Surface Water Quality Standards-Table 28

The proposed addition of copper criteria to a number of river miles is welcome. We question; however, how “site specific” copper criteria for rivers throughout the Commonwealth can be uniform (Copper acute 25.7 ug/l; chronic 18.1 ug/l) in 36 different waterways. If the same criteria apply to all rivers, is it not a statewide criteria rather than site specific criteria? We do not necessarily object to the criteria, but would appreciate an explanation as to how the same criteria can to be applied “site specifically” to all rivers.

314CMR12.00 Operation, Maintenance and Pretreatment Standards

The summary of proposed changes to 310CMR7.00 indicate that MassDEP will no longer be involved in sewer extension/connection permitting and this will free staff to “provide enhanced assistance to municipalities in connection with their sewer collection and treatment systems.” The summary of proposed changes to 310CMR12.00 states that “MassDEP will focus its attention on public health, safety and environmental issues associated with the collection and treatment of wastewater...” While it is laudable that MassDEP seeks to unburden itself of redundant tasks and focus attention on more important matters, it also appears that municipalities are not given the same consideration. Rather, the proposed changes to

310CMR12.00, including new mandates and timelines for I/I analysis and removal, sewer system evaluations, reporting and notification all add to the costly burden currently faced by municipalities. While MCWRS does not necessarily disagree with the need for some of these requirements, we are concerned with their implementation schedule. To advance better wastewater collection and treatment in a cooperative way with MassDEP and allow municipalities and districts to also focus on what matters most, the following suggestions are offered:

1. Consider a phased-in approach to the new requirements proposed in 310CMR12.00. Implementation schedules for communities should consider other regulatory burdens and their schedules including NPDES permits for wastewater treatment, CSOs and MS4s.
2. Delay finalizing the revised 310CMR12.00 regulations until a work group of municipal/district wastewater managers is convened to provide input on the realities of meeting these new requirements, and how MassDEP's ultimate goals can best be advanced through a partnership with the regulated community. MCWRS, whose membership is mostly wastewater collection and treatment systems, could help facilitate this work group.

Page 7, 12.04 (2): We suggest deleting the requirement to submit I/I control plans for MassDEP review and approval. A time period is not set forth for action by MassDEP on the plans, and awaiting approval could delay implementation. This requirement also seems unnecessary. I/I issues are not complex and municipalities know their systems best and implement removal plans when funds are available.

Page 8, (d): A 4:1 ratio *may* be palatable to systems that have done no prior I/I work, but may simply be unattainable for well documented systems that are on their second or third or more round of I/I improvements. The ratio should be left flexible.

We appreciate the opportunity to submit comments on the proposed regulatory changes that will impact Massachusetts municipalities, including MCWRS members. We hope that MassDEP will make every effort to reduce the burden on municipalities and districts and include them in future discussions to finalize the regulations.

Sincerely,



Philip D. Guerin
President and Chairman

CC: MCWRS members