

Congress of the United States
Washington, DC 20510

June 21, 2010

Mr. H. Curtis Spalding
Regional Administrator, Region 1
Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Dear Regional Administrator Spalding:

We are writing on behalf of the town officials from Milford, Franklin, and Bellingham, Massachusetts regarding the new stormwater regulations. As you and your staff are well aware, administrators in the above towns are concerned about the impact of both the new Small Municipal Separate Storm Sewer Systems ("MS4") regulations that will have a direct and significant impact on their town budgets as well as the Residual Designation for the Charles River ("RDA") which will directly impact private sector land owners. While we recognize the importance of stormwater management to the environmental health of Massachusetts' waterways and the maintenance of designated uses, and we fully support the EPA's goals, we have concerns about the timelines, certain requirements, and the cost to implement the regulations, particularly at a time when these towns are struggling under the strain of cuts in state aid and the impact of the overall economic downturn.

The original MS4 Permits in 2003 required that the communities complete tasks at a considerable expense which included stormwater maps and dry weather sampling of all outfalls in order to identify illicit discharges to the storm drain system and eliminate all illicit connections. While these three towns are currently in compliance in regards to wastewater and phosphorus there appears to be an inequity in the implementation and enforcement of current and proposed guidelines which will place a far greater strain on Milford, Bellingham and Franklin as opposed to other nearby communities.

The new MS4 Permits will once again require a multitude of milestones during the five-year Permit duration. With over thirty deliverables over the five year Permit cycle, many occurring within the first six months to two years, municipalities will be overburdened with the requirements as presented in the draft Permit. While many of these tasks would be achievable individually, requiring varied tasks during this Permit cycle seems to be setting communities up for failure to comply. The communities believe that should the program be pared down to a list of achievable goals, there will be greater chance to meet the proposed standards.

In addition to the concern over the timeline of the MS4 requirements, there is significant unease on behalf of the municipalities over the financial burden to the regulated communities. Milford, Franklin and Bellingham have been particularly hard hit by the ongoing economic downturn and the costs of meeting the five year cycle goals, including the required implementation of a Phosphorus Control Plan, will put a further strain on town budgets and impacted tax payers.

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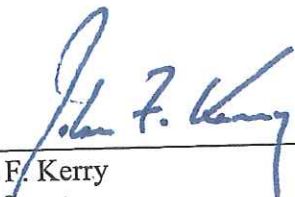
Town officials seek a phased approach with less stringent achievable goals over a longer period of time and ask that EPA officials continue to identify incentives or regulatory assistance to implement the MS4 requirements.

We have also learned that town officials believe the new RDA regulations in Milford, Bellingham and Franklin as a pilot program puts local businesses at a severe disadvantage with an increased economic burden. This additional burden of having the private sector meet new stormwater standards could have serious implications for economic development in the three towns. In addition to continuing to seek monetary assistance and creative solutions with the EPA, the municipalities have requested that the RDA be delayed as the towns have filed an application for an EPA grant to study the feasibility of forming a stormwater utility. This utility may include a "Certified Municipal Phosphorus Program" (CMPP) and will take a minimum of three years to implement. If formulated, the CMPP would be a viable alternative for the private landowners subject to the RDA. Private landowners could join the CMPP and projects may be done collaboratively and potentially save the towns money.


Officials in Milford, Bellingham, and Franklin have reiterated the point that if presented with a Permit that is achievable, they would be more likely to successfully invest the funds and labor for implementation. We ask that you continue to work with town officials in order to find a timeline that fits both the EPA's goals and the reality of the economic climate in these municipalities. In addition, we ask that you continue to seek and identify creative funding sources or solutions in order to alleviate the burden on Milford, Bellingham, and Franklin, Massachusetts.

Thank you for your time and consideration.

Sincerely,




John F. Kerry
U.S. Senator



Scott P. Brown
U.S. Senator



Richard E. Neal
U.S. Congressman



James P. McGovern
U.S. Congressman