



June 22, 2010

Mr. Mark Voorhees
U.S. Environmental Protection Agency
Region 1 (New England)
5 Post Office Square, Suite 100
Mail Code OEP06-4
Boston, MA 02109-3912

RE: EPA Draft General Permit for Residually Designated Discharges in Milford, Bellingham, and Franklin, Massachusetts

Dear Mr. Voorhees:

On behalf of the Milford Area Chamber of Commerce (MACC), we would like to offer our formal comments on the EPA's Draft General Permit for Residually Designated Discharges ("RDA") in Milford, Bellingham, and Franklin, Massachusetts.

The MACC represents over 600 member businesses and professionals throughout its region, of which the towns of Milford, Bellingham, and Franklin have major representation. The mission of the Chamber is to connect businesses and professionals by bringing them together for the mutually beneficial exchange of ideas, information, products, and services. The MACC advocates for the business community, promotes economic development, and enhances the quality of life for businesses and residents throughout our ten-town area.

While the Chamber recognizes the importance of protecting our water resources, we have grave concerns over the manner in which the EPA plans to implement the Draft General Permit. Further, while we recognize that the EPA's Draft General Permit is well intentioned, the stark reality is that implementation as proposed will dramatically undermine the same quality of life that you proclaim to be defending. Without the support of the municipalities and the business communities – support that, following public hearing comments, you must recognize is lacking -- successful implementation of the proposed regulation will prove difficult if not impossible.



Bellingham ▲ Franklin ▲ Holliston ▲ Hopedale ▲ Hopkinton ▲ Medway ▲ Mendon ▲ Milford ▲ Millis ▲ Upton

We strongly and respectfully request the EPA revise the pilot program so as to allow for a more realistic process and timeline. We further recommend an independent evaluation of the "scientific data" by an impartial expert approved by both the EPA and the Federal and State delegation to make a determination as to whether the proposed retrofitting methods will in fact have the intended result. Such an evaluation should assess the percent likelihood of achieving various levels of remediation. As well, we recommend that the program not be implemented unless and until vital municipal support programs are established and operational, and unless and until the EPA has secured federal funding that will substantially, if not completely, mitigate the exorbitant costs that will be imposed on our communities and businesses.

Absent such funding, there can be no credible dispute that this new program as presented by the EPA will create a devastating financial burden on local businesses and will seriously put these three communities at a tremendous disadvantage when it comes to not only attracting new economic development, but in maintaining existing development in the area. Potential new businesses will simply choose another community where the burden imposed by this stormwater regulation does not exist. In fact, current business owners are already considering their relocation options to avoid the forecasted financial burden. Simply put, the proposed regulations in their current form will likely have a crippling effect on municipal budgets and on the businesses upon which our communities and residents depend for jobs, services and overall quality of life.

Stated more directly, where does the EPA expect the towns and property owners to obtain the financial resources to fund this very costly (estimated cost of \$6,000 - \$120,000 per acre) process? As has been clearly and repeatedly stated by our elected local and state officials, neither the towns nor the Commonwealth currently has the revenue, or would be able to legally generate the revenue, to cover the anticipated costs. Thus, we believe that this program, if implemented as proposed, will cripple the economies of these three towns; they simply cannot bear this financial burden.

One point everyone seems to agree on is the need to establish the Certified Municipal Phosphorus Programs and/or a Stormwater Utility for the towns to be able to successfully implement and afford the process. The Long Creek Project in South Portland, ME, has been referenced many times as proof of how vital a utility or municipal program is to the success of a stormwater regulation of this magnitude.



In light of this prior demonstrated success, we strongly recommend that the EPA delay the implementation of the RDA to first allow for the awarding of the grant the towns have applied for in order to conduct a feasibility study on the formation of a Stormwater Utility. Only when this study is completed and the towns are in position to form such a utility, with the support of federal funding, can we then realistically begin the RDA timeline.

Only now, as we struggle to come out of the deepest recession in the last 70 years, are we finally beginning the journey on the road to commercial recovery. The timing of this unfunded federal mandate, therefore, could not be worse. The EPA's assumption that the private sector can meet these new stormwater standards while maintaining successful business operations is flawed. To put it simply, the business owners and property owners in these communities just do not have the financial resources to pay for the retrofitting technologies required.

In closing, on behalf of the MACC, we strongly recommend that the EPA delay the RDA in order to provide a much more realistic timeline to sufficiently review and study this program and to provide the financial and technical resources necessary to guarantee its successful implementation without devastating the quality of life for the residents and businesses in the towns of Milford, Bellingham, and Franklin.

Thank you for your time and consideration.

Sincerely,

Barry Feingold
President & CEO

Robert Kilroy
Chairman of the Board

Cc: Senator Scott P. Brown
Senator John F. Kerry
Congressman Richard E. Neal
Congressman James P. McGovern
State Senator Richard T. Moore
State Senator Richard J. Ross
State Senator Karen E. Spilka
State Representative Jennifer M. Callahan
State Representative John V. Fernandes
State Representative James E. Vallee