



April 10, 2021

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RE: Comments on Chelsea River Bulk Petroleum Storage Facilities Draft NPDES Permit Nos. MA0004006, MA0003280, MA0001929, MA0001091, MA0000825

Dear Ms. Little:

The Mystic River Watershed Association (MyRWA) is a nonprofit advocacy organization dedicated to the sustainable management and wise use of the Mystic River Watershed, including its tributary, Chelsea Creek. We welcome this opportunity to file comments regarding the above-referenced draft National Pollutant Discharge Elimination System (NPDES) permits to be issued under sections 301 and 402 of the US Clean Water Act as amended and under sections 27 and 43 of the Massachusetts Clean Waters Act, as amended.

The United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) issued a joint public notice of all five draft permits and held a public hearing in which all five permits were presented and discussed. The following comments address all five permits as a group, in keeping with the EPA and DEP's treatment of the draft permits. MyRWA considers these permits particularly important due to the impaired state of Chelsea Creek's sediment and water quality<sup>1</sup>, to the adjacency of multiple oil terminals, and to the fact that the bordering communities are state-designated environmental justice communities.

MyRWA would like to register its support for the general improvements made to the discharge permits including new numeric limits on pollutants (e.g., total residual chlorine, copper, zinc, ammonia, fecal coliform), monthly electronic reporting, and addressing the potential impact of simultaneous discharges from multiple facilities. MyRWA requests that EPA and MassDEP consider the following recommendations to further improve the efficacy of the NPDES permits under review:

1. **Field screening of basic water chemistry parameters prior to discharge.** In reviewing the sampling results from the past five years as provided in the Fact Sheets, in some cases discharges were released to Chelsea Creek with pH values outside of the permitted range. It is recommended that field measurements of pH be required prior to discharge to prevent discharges except if the pH value is between 6.5 and 8.5 SU.

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<sup>1</sup> *Mystic River Watershed and Coastal Drainage Area 2004-2008 Water Quality Assessment Report*. MassDEP Division of Watershed Management, Worcester, Massachusetts; March 2010, Report Number: 71-AC-2.  
<http://www.mass.gov/eea/docs/dep/water/resources/71wqar09/71wqar09.pdf>

2. **Increased frequency of sampling in the event of a reported exceedance.** It is recommended that in the event that a parameter is above or outside of the discharge limitation, the facilities be required to sample and analyze all discharges until the parameter once again meets the permit requirements. These data will help characterize the extent of potential impacts of an exceedance, as well as identify any systemic failures in the SWPP that need to be addressed.
3. **Increased frequency of EPA and DEP unannounced inspections and enforcement actions.** At least one annual inspection of each petroleum terminal is necessary to review the facility compliance status. The CWA Compliance and Inspection History indicates that the most recent inspections in four of the five facilities were four years ago. Increased inspection frequency and enforcement is a critical tool in protecting local EJ communities surrounding these facilities.
4. **Improved public access to the Discharge Water Quality Data, Discharge Monitoring Reports (DMRs), and Stormwater Pollution Prevention Plans (SWPPPs)** Data on the chemical characteristics of effluent discharges are currently submitted by the permittee to the ECHO (Enforcement and Compliance History Online) database. ECHO is a critical tool for regulators to access data and determine compliance. The provision of the DMRs is as important as access to the data on ECHO. It is critical to see the method of detection, detection limits, and whether an analyte was sampled to be able to interpret the data or identify missing data points.

That said, the data in the ECHO database are difficult for the general public to access and accurately interpret. Affected communities need to have access to and understand important information to be able to meaningfully participate in the implementation and enforcement of these permits, and to contextualize their findings. MyRWA requests that, as a requirement of the permit, the terminal will annually release a narrative and data/graphical description of the water quality data collected that year that explains any exceedances and missing data. MyRWA requests that the SWPPPs be submitted to EPA for approval, made available electronically upon request, and that the DMRs also be made available electronically upon request.

**Avoiding simultaneous discharge from multiple facilities.** MyRWA is glad to see that EPA is considering the cumulative impact of simultaneous discharges from multiple facilities in the permits. We request that the permits specify that the releases be made during the outgoing tide and when possible, discharged during different outgoing tides. Implementing this strategy seems like an opportunity for a voluntary, collaborative effort by the oil terminals to discharge with, e.g., colored dyes (commonly used for tracking sanitary leaks), to track how the tide carries discharges out and inform future best practices for discharging stormwater that minimizes cumulative impacts.

We commend EPA and MassDEP for robust efforts at public engagement and alternative language access for the public hearings. We appreciate this opportunity to comment.

Sincerely,



Patrick Herron  
Executive Director