



MYSTIC RIVER WATERSHED ASSOCIATION  
20 ACADEMY STREET, SUITE 203  
ARLINGTON, MA 02476

February 8, 2007

Robert Varney  
USEPA REGION 1  
1 Congress Street  
Suite 1100  
Boston, MA 02114-2023

RE: Boston Water and Sewer Commission (BWSC) NPDES Permit Renewal

Dear Mr. Varney

The Mystic River Watershed Association (MyRWA) is a non-profit organization dedicated to protecting and restoring water quality, open space, and habitat in the 21 communities comprising the Mystic River watershed, including the Charlestown and East Boston neighborhoods of the City of Boston. At least 40 known outfalls flow into the Mystic River from the City of Boston. Below we offer several comments on the Boston Water and Sewer Commission's (BWSC) NPDES Permit renewal that we feel will help us achieve our goal of "fishable and swimmable" waters by 2010.

**Schedule for IDDE program.**

While the survey of "major" outfalls found a large number with problems, it seems progress towards fixing them is extremely slow. We request that a schedule for the repair/replacement of deficiencies be required of the applicant.

**Survey of all outfalls, major and minor.**

A wet-weather survey of "major" outfalls was eliminated and an extension of the dry-weather survey to "minor" outfalls was proposed as a substitute. This was never done. While monies might better be spent fixing problems than finding more, several minor outfalls that are highly polluted and discharge to sensitive receptor areas have been brought to BWSC's attention. Only a completed dry-weather survey will ensure further monies are spent in the most appropriate areas first. Also, some outfalls which meet the size criteria for being "major" are instead classified in error as "minor", so have escaped testing to date (e.g., outfalls 29M049 and 29M032 near the Condor Street Urban Wilds). We request that the applicant be required to survey all outfalls and that the plan to repair/replace any deficiencies found be based on the concentration of pollutants and the "sensitivity" of the receiving waters.

**Plan to re-open clogged/collapsed outfalls.**

Of all the known “major” outfalls, about 8% are categorized as “Could Not Locate”. It seems likely that a higher percentage of “minor” outfalls have been lost. When stormwater has no functioning outfall, the stormwater may be entering the sanitary system, or flooding overland. Cambridge recently re-opened several clogged outfalls near Magazine Beach which provided a significant increase in the capacity of nearby sewers – and seems to be reducing Combined Sewer Overflows (CSOs). We request that the applicant be required to create a plan for the investigation of these “lost” outfalls and their repair/replacement.

**Assume Leadership for Phase II community permit holders.**

This Phase I permit is now up for a second renewal, but some Phase II communities in their first 5-year term are already much further along than Boston (a Phase I community). Further progress on Phase II will be a hard sell if BWSC is allowed to lag far behind. Instead, the Phase I permit holder should be leading the way and showing Phase II communities what will eventually be required from all stormwater permit holders.

**In General**

In the Mystic River Watershed, BWSC has outfalls only into the tidally influenced waters around East Boston and Charlestown. With most outfalls underwater at high tide, sampling has been limited. However, of the outfalls tested, an alarming number have indications of illegal connections producing high fecal bacteria counts. Several of these are near Constitution Beach, and other waterfront public amenities such as East Boston’s Condor Street Urban Wild and Charlestown’s boat ramp and public docks at the Schraffts Center (data available on request). We would like to remind you that much of the lower Mystic Watershed serves Environmental Justice communities. For the East Boston community in particular, bacterial impairments of Constitution Beach, the boat ramps, and the Urban Wild significantly restrict the community’s access to safe, water-related recreational activities.

BWSC’s stormwater NPDES permit expired two years ago, and a renewal permit was applied for in a timely manner. While there may be a NPDES permit backlog, we request that this permit be expedited so that the many water quality and public health concerns with BWSC outfalls may be addressed on an accelerated schedule. While spending money to solve problems is far preferred to using it to pay fines, it may be that a firm schedule of dates and expectations in the new permit will need frequent oversight and a possibility of monetary penalties to ensure such an accelerated schedule is met. It is our understanding that similar and possibly worse situations occur in the parts of Boston in other watersheds, and feel sure that the areas of Boston outside the Mystic watershed would support accelerating BWSC’s IDDE work throughout the city.

Respectfully

Sue Bass  
President

cc: Kenneth Moraff  
Stephen Perkins