



December 16, 2011

George Papadopoulos, US EPA
5 Post Office Square
Suite 100 (OEP 06-1)
Boston, MA 02109-3912

Dear Mr. Papadopoulos,

The following are comments of the Mystic River Watershed Association regarding Permit No. MA0101982 "DRAFT AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM", that provides authorization to City of Somerville Public Works Department to discharge two (2) Combined Sewer Overflows (CSOs) described as SOM001A Alewife Brook and SOM007A6 Upper Mystic River.

The Mystic River Watershed Association (MyRWA) is a grassroots organization dedicated to the protection and restoration of the Mystic River, its tributaries, and related natural resources throughout the watershed's twenty two (22) communities.

Our organization is concerned about the adverse impacts these discharges will have upon the receiving waters, upon aquatic habitat and upon public health. First we would like to note that adequate review of permit execution is essential to its success and will help protect the affected natural resources and preserve the public trust. We offer several comments below to support successful review of the permit execution and public engagement with this matter.

We are also concerned about the substantial negative economic consequences that result from these discharges. Continued impairment of the receiving water bodies as a result of the proposed CSO activations has direct impact upon property values and public health in the neighborhoods adjacent to the receiving waters.

The discharges proposed mitigate against receipt of the full benefit of considerable ongoing capital expenditure along Alewife Brook, the Mystic River and in surrounding communities by the Commonwealth and private landowners.

In general, in our opinion, efforts to improve and enhance conditions along the brooks and rivers of the Mystic River Watershed will be better supported by an expanded effort to improve water quality through the elimination of these types of discharges.

With this in mind, we recommend, in order to more accurately characterize the benefit of improved water quality in the receiving waters, that the technical and cost information in the 1997 MWRA CSO Facilities Plan, the July 1, 2003 MWRA Final Variance Report, and in affordability analyses to which this draft permit refers, be revised to examine whether implementation of more stringent CSO controls than are contemplated in the current CSO control plan would in fact "result in substantial and widespread social and economic impact".

Indeed, there is much evidence that a revised CSO control plan that reduces impact to and impairment of the receiving waters may produce *substantial and widespread social and economic benefit*.

Additional comments regarding the execution of the existing permit and provisions of the new permit follow below.

Existing Permit

In preparation for these comments, staff professionals from the MyRWA office have reviewed documents available in the EPA file and spoken with Rob King, Somerville Engineer. We have requested copies of the reports associated with study of the Tannery Brook System. Despite repeated requests, we have not been provided copies of these documents. Rather, we have been offered the opportunity to review documents in the Somerville DPW office. MyRWA representatives were allowed opportunity to review the documents in the office and were provided a photocopy of a single chapter. More information and access is needed.

MyRWA has requested that digital copies of the quarterly and annual reports submitted to EPA during the past year be emailed to our office so that a more thorough review of these documents could be undertaken. Unfortunately, these reports have not yet been made available to us. The importance of the sort of review outlined above and why access to these reports is critically important can be illustrated by the following example. We know that operation and maintenance is essential to a properly functioning CSO. Without the reports we seek however, MyRWA has not been able to ascertain performance under the present permit. Without careful review of the requisite documents, such an assessment is in fact impossible. MyRWA is therefore concerned about compliance with existing permit conditions and whether the City of Somerville's is meeting the requirements all of the Nine Minimal Controls. In particular we are concerned about the following controls.

- A. Minimum control # (1) Proper operation and regular maintenance programs for the sewer system and the combined sewer overflows: Each CSO structure/regulator, pumping station and/or tidegate shall be routinely inspected, at a minimum of once per month, to insure that it is in good working condition and adjusted to minimize combined sewer discharges and tidal surcharging. – Without the ability to read the quarterly and annual reports submitted by City of Somerville, it is not possible to verify that a regular schedule of maintenance and inspection is occurring. We request that these documents be posted on the Somerville website.
- B. Minimum control # (8) Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts:
 - a. Current reporting is inadequate to inform the public (especially the casual user of the Alewife corridor) of public health risks associated with discharges. Realtime monitoring could easily be installed with automatic emails/light at site. Current language requires 24 hour notice by email in collaboration with EPA, DEP, MWRA and Cambridge. In Cambridge this need is being met by e-mail. These e-mail notices should be brief and to the point. Additionally, the public is largely unaware of the outfalls due to the poor signage. Proper and clear signage has been a basic long time condition and remains an unmet need.

Serving Twenty-Two Communities

- C. Minimum condition # (9) Monitoring to effectively characterize CSO and the efficacy of CSO controls...: "The permittee shall quantify and record all discharges from combined sewer outfalls (NMC# 9)."
- a. There is no evidence that the City of Somerville has made any effort to quantify and record discharges from the combined sewer outfalls. We believe the framework of this work includes monitoring the flows from the outfall for
 - b. Bacteria /phosphorus/ammonia/TSS concentrations. It is recommended that permittee should collect effluent data on bacteria, TSS, Nitrate, Ammonia, and Phosphorus for three separate outfall dates. On a single larger storm, the permittee shall collect water quality samples that are representative of the first 1 hour of storm, hour 3-6, hour 12-24 hours. More detailed information is important for all stakeholders to use in developing more nuanced options with regard to these two CSOs.

New Permit

In order to allow appropriate review of ongoing operations, under the new permit, MyRWA recommends that the City of Somerville be required:

1. To develop for each CSO, a comparison between the activation volume and frequency for the all the data available. (For instance, in Year Two, compare current operations to both previous years; in year four, compare all four years.)
2. To post electronic versions of studies on Tannery Brook to Somerville website. These documents are required for public involvement and to allow for the review of feasibility of the different options under consideration. These documents are not readily available to the public, MA-DEP, and EPA.
3. To sample at the seven contributing catchment areas of the Tannery Brook CSO to determine if any one of them plays a greater role in diminishing water quality and identify opportunities for the best investment of resources to reduce the CSO impact

Thank you for this opportunity to submit these comments and for your kind consideration. We look forward to continuing to support the work of the City of Somerville and all stakeholders to protect and restore the natural resources of the Mystic River Watershed.

Sincerely Yours,



EkOngKar Singh Khalsa, Executive Director