



**Brewster Natural
Resources Advisory
Commission**

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Natural Resources Advisory Commission

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Claire Golden, MassDEP
Surface Water Discharge Program
150 Presidential Way
Woburn, MA 01801

27 November, 2023

Dear Mss. Barden and Golden:

We are writing in opposition to the Environmental Protection Agency decision to discontinue the requirement for an independent advisory panel when it renews Deer Island's Permit to Discharge Pollutants to Surface Waters this year.

The Deer Island Treatment Plant is an important part of greater Boston's wastewater management program. The outfall, a deep rock tunnel extending under Massachusetts Bay to a point about 9.5 miles east of Deer Island transports treated sewage from the plant away from Boston Harbor to a deep-water discharge point. When this strategy was proposed, there were serious concerns as to whether Massachusetts and Cape Cod Bays could, like Boston Harbor, become degraded by sewage effluent driven to the south by the flow of coastal currents.

A National Pollutant Discharge Elimination System (NPDES) permit regulates the MWRA bay discharge. The NPDES permit requires regular monitoring of the effluent and the water column, sea floor, and fish and shellfish in the bay to ensure that any adverse effects will be detected, should they occur. A Contingency Plan attached to the permit mandates responses by MWRA and the regulatory agencies in the event that monitoring detects a potential environmental concern to ensure that the improvements to Boston Harbor do not come at the expense of Mass Bay or Cape Cod.

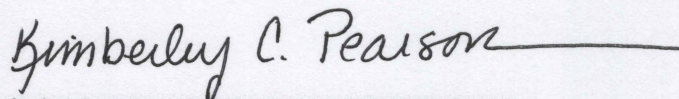
Since the pipe was built more than two decades ago, the EPA has required that an independent group of scientists monitor the treated wastewater and to advise the US Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MADEP) on scientific and technical matters related to the outfall and any potential impacts of the discharge on its receiving waters. This group of volunteer scientists — known as the Outfall Monitoring Science Advisory Panel (OMSAP) — has reviewed data on everything from fish health to algae blooms to oxygen levels in the water.

In 2022, the OMSAP reviewed contaminants of emerging concern (CEC's) at the outfall and developed white papers that included per- and polyfluoroalkyl substances (PFAS), pharmaceuticals and personal care products (PPCP's), and microplastics (MP's). These reviews focus on the potential discharge of CEC's from the MWRA outfall and their potential impacts on the marine ecosystem and human health. EPA and MADEP have recently started adding monitoring requirements for six PFAS compounds to NPDES permits for wastewater treatment plant discharges with new recommendations that 40 PFAS parameters are to be monitored in receiving waters, however, there are currently no monitoring requirements for PPCP's or MP's. The overarching conclusion of these white papers is that there remain numerous points of uncertainty that should inform future monitoring and decision-making related to outfall operation. With this level of uncertainty comes a need for expert scientific review of all data collected by MWRA at the outfall to identify emerging concerns or impacts.

While the 2023 Draft Permit includes requirements to continue ambient monitoring in the vicinity of the outfall, it no longer includes a requirement to establish or maintain the OMSAP. In their "Fact Sheet Draft National Pollutant Discharge Elimination System (NPDES) Permit To Discharge To Waters Of The United States Pursuant to the Clean Water Act (CWA) EPA states: "While OMSAP served a very important role in the design and implementation of the Ambient Monitoring Plan and Contingency Plan, data collected over the past 30 plus years, including the 20 years since the outfall was completed, has indicated to EPA that the primary questions OMSAP was tasked with responding to (regarding the impact of the discharge on aquatic life in the vicinity of the outfall) have been answered." They go on to state that questions remain as regards nutrient-driven eutrophication and that EPA "encourages," but does not mandate, the establishment of a regionally focused Massachusetts Bay Science Advisory Board to "review and comment on the results of ambient monitoring conducted by MWRA and others in the tributaries and waters of Massachusetts Bay." In other words, important questions remain as to the long-term impact of the outfall on the ecosystems of Massachusetts and Cape Cod Bay. With sea surface temperatures adjacent to the coastal northeastern United States warming faster than 97% of the world's ocean surface, the past 20 years may not be adequately predictive of future conditions.

In addition to providing peer-review of the MWRA data, the advisory panel makes data and decision-making transparent, and holds state and federal officials accountable. We strongly request that EPA mandate rather than "suggest" continuing the work of the OMSAP in the MWRA National Pollutant Discharge Elimination System Permit To Discharge To Waters Of The United States Pursuant To The Clean Water Act.

Sincerely,



Kimberley Crocker Pearson MS MD MPH
Chair, Natural Resources Advisory Commission
Town of Brewster, Massachusetts