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CAPE COD
COMMISSION

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November 28, 2023

Michele Barden
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100 (06-1)
Boston, MA 02109-3912

Re: Draft Permit # MA0103284

Ms. Barden,

The Cape Cod Commission appreciates the opportunity to comment on the 2023 Massachusetts Water Resources Authority (MWRA) Deer Island Treatment Plant Outfall and Combined Sewer Overflows (CSO) draft permit. When the current permit went into effect in 1999, the permit and related elements including the Ambient Monitoring Plan and establishment of the Outfall Monitoring Science Advisory Panel (OMSAP) acknowledged the need for extensive monitoring to adequately understand the characteristics of the outfall discharge and the extent of impacts near the outfall diffusers and within the larger Massachusetts Bay environment. With over 20 years of monitoring data having been collected and analyzed by MWRA, the Environmental Protection Agency (EPA), the OMSAP, and others, it is clear that many of the initial questions posed during issuance of the current permit have been answered. It is also clear, as the Draft Permit Fact Sheet explains in detail, that the environmental conditions within Massachusetts Bay are changing rapidly and that new questions may need to be examined as a result.

Since outfall operation commenced, the OMSAP and the Public Interest Advisory Committee have provided important avenues for information sharing and public comment, including the opportunity for regional agencies like the Cape Cod Commission to participate and provide feedback. The OMSAP has provided a level of objective scrutiny and public transparency to the many evaluations and modifications related to the outfall permit and ambient monitoring, and this ongoing dialogue has been critical to maintaining a positive public perception among the municipalities that rely on Cape Cod Bay for tourism, recreation, and commercial industry. Cape Cod communities have also benefited from the monitoring, data analysis, and modeling undertaken as a result of the current permit, which have facilitated a better understanding of how moderate- and large-scale processes (e.g. Massachusetts Bay and Gulf of Maine circulation) can influence local conditions in Cape Cod Bay. While the Deer Island Treatment Plant outfall is indeed one of many point source discharges to Massachusetts Bay, it remains by far the largest single discharger. Through its review and advisory

capacity, the OMSAP helped convey to the public that rigorous attention is paid to limiting the impacts to water quality and ecological systems.

Included in the OMSAP charter is the need to *"Review and provide recommendations for revision of the outfall monitoring program to ensure that it is capable of detecting changes at an early enough stage to allow action to prevent any unacceptable impacts of the discharge on public health or on the marine environment and its biota."* As EPA has noted in the draft permit fact sheet, conditions in Massachusetts Bay and the larger Gulf of Maine system are changing more rapidly than the majority of the global ocean. Incorporating updated scientific understanding of emerging contaminants in wastewater is critical to understanding whether the outfall discharge impacts water quality and aquatic life under changing conditions. EPA noted in the Draft Permit fact sheet that it is currently unable to establish effluent limitations for emerging contaminants such as PFAS, pharmaceuticals and personal care products (PPCPs), or microplastics, yet those contaminants are still of importance for understanding how wastewater discharges are cumulatively affecting the water quality and biogeochemical processes in Massachusetts and Cape Cod Bays. OMSAP maintains a significant role in identifying new areas of interest under changing environmental conditions, including those that are not currently regulated, at the early stage specified in its charter. It is unclear if and how the proposed Massachusetts Bay Science Advisory Board would be able to fill this same role.

The Cape Cod Commission supports much of the Draft Permit, in particular the recommendations of EPA's Center for Environmental Measurement and Monitoring which include continuation of the Ambient Monitoring Plan with appropriate updates to reflect monitoring questions that have been conclusively addressed by the plan already; expanded regional cooperation and coordinated monitoring of Massachusetts Bay with other efforts such as Barnstable County's monitoring of Cape Cod Bay; and continued examination of questions now relevant under changing regional climate, water quality, and hydrodynamic conditions. Simultaneously, the Commission would like to reiterate the important role the OMSAP has played from a scientific and public relations perspective, and to recommend its continued existence until the detailed role and mechanism for creating a similarly focused Massachusetts Bay Science Advisory Board has been established.

Sincerely,



Kristy Senatori
Executive Director