Aaron Fox
EXECUTIVE DIRECTOR

LOWELL WASTEWATER UTILITY

WASTEWATER TRANSPORT AND TREATMENT

SERVING: LOWELL, CHELMSFORD, DRACUT, TEWKSBURY, TYNGSBORO

November 28, 2023

Michele Barden
USEPA Region 1
5 Post Office Square-Suite 100 (06-1)
Boston, MA 02109-3912
Submitted via email: barden.michele@epa.gov

AND

Claire Golden
Massachusetts Department of Environmental Protection, Surface Water Discharge Program 150 Presidential Way, Woburn, MA 01801
Submitted via email: claire.golden@mass.gov; MassDEP.npdes@mass.gov

RE: Comments on Draft NPDES Permit for MWRA Deer Island Treatment Plant, Winthrop, MA
NPDES Permit # MA 0103284

Dear Ms. Barden and Ms. Golden:

The Lowell Regional Wastewater Utility (LRWWU) offers the following comments on the EPA Region 1 draft NPDES permit for the Massachusetts Water Resources Authority (MWRA) Deer Island Treatment Plant in Winthrop, MA and MWRA Combined Sewer Overflow Treatment Facilities and Combined Sewer Overflows. Although several conditions of the draft permit are of concern, our comments focus on Part 1.E Operation and Maintenance and, specifically, requirements related to the WWTF Major Storm and Flood Events Plan and the Sewer System Flood Events Plan.

LRWWU agrees that planning for potential storm damage to infrastructure located in flood prone areas should be encouraged, but we do not believe that these planning requirements belong in a NPDES permit. Our objections to the inclusion of Major Storm and Flood Events Planning, Storm Events Planning, and Adaptation Planning in NPDES permits are based on the following:

1. The permit requires that a WWTF Major Storm and Flood Events Plan and a Sewer System Major Storm and Flood Events Plan (both including an Assets Vulnerability Evaluation, a Systems Vulnerability Evaluation, and an Alternatives Evaluation) be developed within 12 months of the permit effective date. This timeline is not practical given the scope of these studies and the number of stakeholders that should be included in such a planning effort. Furthermore, the cost of these studies will be considerable and therefore will require time to identify funding sources and assess the impact of these costs to rate payers. Additional time is required to properly plan and execute studies of this scale and importance.

2. The task of planning for and adapting to extreme storm and flood events under multiple climate change scenarios should be a collaborative effort that involves relevant local, state, and federal government departments and agencies; placing this requirement in a NPDES permit places an unreasonable burden on the utility and restricts the ability of relevant stakeholders outside of the utility to participate in the planning process. Climate change adaptation is a critical issue that requires a regional planning approach with the utility serving as one of several stakeholders in the planning process, and the funding and execution of such a planning process should not be the sole responsibility of the utility.

3. This is a five-year permit for wastewater infrastructure that is typically renewed on a 20 to 30-year cycle. Planning for storm and flooding events that may occur during the useful life of facilities (20 to 30 years) will be challenging and planning for longer-term scenarios (80 to 100 years) may not be practical given the variability of long-term climate change models. While longer-term scenarios should not be ignored, decisions about infrastructure investment should focus on meeting projected climate change conditions within the useful life of the infrastructure given the uncertainties involved in this planning and the impact of capital investments on rate payers.

For these reasons, the LRWWU requests that EPA remove or modify these provisions from the draft MWRA permit. We suggest that the permit timelines adopt an appropriate planning and implementation period that reflects the myriad of funding, coordination, and implementation challenges involved in meeting these permit requirements within the context of 5-year permit cycle, especially considering the importance of engaging with local, regional, and federal stakeholders to develop and implement an effective regional approach to climate mitigation planning.

Additionally, we note the following conditions that we feel require further consideration/modification:

- **Blending provisions, including a reporting requirement:** LRWWU supports allowing treatment facilities to blend effluent when secondary treatment capacity is exceeded during wet weather. This ensures the continued proper operation of the treatment facility and provides the highest level of treatment for flow that can be directed to the treatment facility. Restricting the ability to blend or bypass secondary treatment facilities limits the ability of utilities to manage the collection and treatment systems to reduce upstream overflows and provide the highest level of treatment to the most flow. LRWWU urges EPA to clarify provisions in the new permit regarding this issue.

- **PFAS Testing:** There are several issues of concern regarding PFAS testing requirements. PFAS testing methods are still evolving, with a limited number of labs prepared to conduct these tests, and available testing is costly. Utilities need the flexibility to adopt the latest and best PFAS testing approaches as these protocols further evolve. The need for additional research regarding PFAS impacts, the lack of a testing

method that has been fully vetted by EPA, and the scarcity of labs able to perform this testing should be reflected in any new permit requirements.

Thank you for your attention to our comments and requests.

Sincerely,

Aaron Fox
Executive Director
Lowell Regional Wastewater Utility
451 First St Blvd, Lowell, MA 01850