

CITY OF SOMERVILLE, MASSACHUSETTS

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November 28, 2023

Michele Barden

U.S. Environmental Protection Agency – Region 1
5 Post office Square, Suite 100 (09-1)
Boston, MA 02109

AND

Claire Golden

MassDEP, Surface water Discharge Program
150 Presidential Way, Woburn, MA 01801

RE: Comments on the Draft NPDES Permit No. MA0103284 Authorization to Discharge under the National Pollutant Discharge Elimination System

Dear Ms. Barden and Ms. Golden,

The City of Somerville (City) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) draft National Pollutant Discharge Elimination System (NPDES) permit (Draft Permit) number MA0103284 for the MWRA Deer Island Treatment Plant (DITP) and explanatory Fact Sheet. The City is providing the following comments in accordance with 40 C.F.R. §124.13.

Comments on inclusion of Co-permittees in the Draft Permit

The City is requesting that EPA update the CSO-responsible Co-permittee and Co-permittee contact information for the City of Somerville on page 2 of the Draft Permit and in Appendix B page 5, to the following:



Comments on Part I.A. Effluent limitations and monitoring requirements for outfall T01

The inclusion of CSO-responsible Co-permittees and Co-permittees creates unacceptable liability and risks to these communities. Furthermore, it is unreasonable to hold them to the standard of number Part I.A.2. The City is requesting EPA to consider and clarify the liability, obligations, and cost impacts the requirements under Part I.A.2 will have for all the CSO-responsible Co-permittees and Co-permittees. Any additional costs that MWRA will incur will become costs to the Co-permittees.

Comments on Part I.B. Combined Sewer overflows (CSOs)

Part I.B.2.a. "The discharge shall not cause a violation of the water quality standards of the receiving water."

The City is requesting EPA to update this language to allow performance-based CSO discharges rather than prescriptive-based, as we are in the process of an Updated CSO Control Plan for the CSO discharges into the Alewife Brook and the Mystic River, as required in the variance included as Attachment K. We believe that having this in the final permit suppresses and supersedes the work we are currently doing for the Update CSO Control Plan, which is what will define what the CSO-responsible Co-permittees will implement and achieve in the long term.

Part I.B.2.e. "The authorized typical year discharge activations and volumes for the Alewife Brook and Upper Mystic River CSO outfalls are limited as shown in Attachment I. Discharge frequencies and volumes are expected to vary from year to year as a function of rainfall. CSO outfalls discharging to the Alewife Brook/Upper Mystic River Basin have been granted a variance under the Massachusetts Water WQS through August 31, 2024. A copy of this determination letter for the variance extension is included as Attachment K. The conditions of this variance are incorporated into and are enforceable element of this Permit."

The City is requesting EPA to update this section to reflect the following:

- (1) the existing variance, as included in Appendix K of the Draft Permit, is in the process of being reissued;
- (2) the authorized typical year discharge activations and volumes as shown in Attachment I are based on the 1992 typical year. The City, along with the City of Cambridge and the Massachusetts water Resources Authority (MWRA), has developed a 2050 typical year as part of the Updated CSO Control Plans. This 2050 typical year includes future climate projections, has been reviewed by EPA, and will likely be used as the performance tool for the Updated CSO Control Plans. We expect the Updated CSO Control Plan to be reviewed and approved within the 5-year permit timeframe and we expect the 2050 typical year to be adopted. It is unreasonable to potentially have two different typical year authorized CSO discharges and cumbersome to comply and report on these two different requirements.



Part I.B.2.f. “The Permit’s discharges must meet federal and state WQS subject to and consistent with any water quality standards variances or variance extensions issued by MassDEP and approved by EPA.”

The City reserves the right to further comment on this section as the updated variance language for the Alewife Brook and the Mystic River has yet to be made available to the public. The City is requesting EPA to include language that makes it clear that these sections of the permit will be reopened for comment upon approval of the Updated CSO Control Plans.

Part I.B.3. Nine Minimum Controls Implementation Levels

The City has submitted a Draft Updated Nine Minimum Control Plan Report to EPA and DEP on June 30, 2022. The City expects to receive comments from EPA and DEP, if any, in time to finalize the report for the deadline prescribed in the Draft Permit.

Part I.B.3. j. (5) “...with white lettering against a green background...”

The City has an existing sign at CSO outfall at SOM001A that is with black lettering against a white background and is inclusive of all the information required in the Draft Permit. The City is requesting EPA to allow the existing sign and update the permit to allow other color combinations, if existing.

Part I.B.3.e. and f.

The City is requesting EPA to update these two sections to reflect and allow flexibility for the typical year CSO discharges as we continue to work closely with the City of Cambridge, MWRA, EPA, and DEP on the three Updated CSO Control Plans.

Please consider rewriting the following “...using the updated MWRA model (or equivalent)...” to “...using the most up-to-date available model to the Co-permittee community...”.

Please define and provide official guidance on the “precipitation in the typical year under future planned conditions.”

Comments on Part I.E.2. Operation and Maintenance Sewer System

Part I.E.2.e. Sewer System O&M Plan

Developing the Sewer System O&M Plan and its components requires outside expertise for which the City will have to budget and hire. Moreover, the City’s experience with similar planning efforts, including the Updated CSP Control Plan, highlights the complexity of these issues and the considerable technical expertise required to develop actionable and effective plans. Considering the lengthy procurement process in Massachusetts, the time needed to gather data, and the time needed to complete the evaluations, analysis, and writing if these report components, the City is requesting that EPA to extend the deadlines for developing and submitting the Sewer System O&M Plan components as follows:

- (1) Sewer System Major Storm and Flood Events Plan
 - a. Component 1: Asset Vulnerability Evaluation – The City is requesting this be due at least 2 years from the effective date of the Permit.



- b. Component 2: Systemic Vulnerability Evaluation - The City is requesting this be due at least 4 years from the effective date of the Permit.
 - c. Component 3: Alternative Analysis - The City is requesting this be due at least 6 years from the effective date of the Permit.
- (2) Sewer System O&M Plan – the City is requesting this be due at least 6 years from the effective date of the Permit or have the Sewer System Major Storm and Flood Events Plan removed as one of the components.

Additionally, the steps EPA is requiring in the completion of the Sewer System Major Storm and Flood Events Plan are prescriptive and may not be aligned with the extensive climate planning and implementation work the City of Somerville has been doing in the past decade and with what the City is planning to do in the future. Furthermore, these steps do not align with other State required and recommended resiliency plans, for example Hazard Mitigation Plans, Climate Change Vulnerability Assessments, or Updated CSO Control Plans. The City is urging EPA to rewrite the steps to:

- (1) allow flexibility in how communities can incorporate resiliency into the sewer system operational and maintenance work,
- (2) allow Co-permittees to take credit and use prior resiliency work to satisfy the requirements of this section of the Permit,
- (3) remove the need to update the Plan every five years.

Comments of the Fact Sheet: Appendix I – Summary of CSO Activations and Volumes

Please correct the amount for CSO discharge volume for Somerville’s permitted CSO SOM001A: 2021 total reported CSO volume is 17.98 million gallons, not 97.98 million gallons.

Thank you for your consideration of these comments.

Sincerely,

Lucica Hiller

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