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UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BOSTON REGION

In the Matter of:

PUBLIC HEARING:

RE: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) DRAFT PERMIT FOR MASSACHUSETTS WATER RESOURCE
AUTHORITY (MWRA) DEER ISLAND TREATMENT PLANT (DITP
NPDES PERMIT NO. MA0103284

Virtual Meeting
Wednesday
July 12, 2023

The above-entitled matter came on for hearing, pursuant
to Notice, at 8:00 p.m.

BEFORE:

LYNNE JENNINGS, Water Permits Branch Chief
ELLEN WEITZLER, Supervisor, Industrial and Municipal
Permits Section
MICHELE BARDEN, Lead Permit Writer
ERIN FLANNERY KEITH, Assistant Regional Counsel
BETSY DAVIS, Permit Writer
ELISE SCHOLL, Permit Writer
JEFF NORCROSS, Environmental Justice Program Manager
U.S. Environmental Protection Agency
New England Region I
5 Post Office Square
Boston, Massachusetts 02109

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1 P R O C E E D I N G S

2 LYNNE JENNINGS: It's eight o'clock. I will now
3 call the hearing to order.

4 Good evening. My name is Lynne Jennings. I'm
5 the manager of the Water Permits Branch for EPA Region 1.
6 I am joined tonight with a panel of EPA representatives,
7 including Ellen Weitzler, manager of the Municipal and
8 Industrial Permits Section; Michele Barden, the EPA's lead
9 permit writer; Erin Flannery Keith from the EPA's Office of
10 Regional Counsel; Betsy Davis and Elise Scholl, also permit
11 writers; and Jeff Norcross from our Office of Public
12 Affairs. Representatives from the Massachusetts Department
13 of Environmental Protection are also in attendance tonight.
14 And at the close of my opening remarks, I will turn it over
15 to David Boyer, section chief of the Massachusetts DEP and
16 PVS program for his opening remarks.

17 Tonight's hearing concerns a draft permit issue
18 for the Massachusetts Water Resources Authority, MWRA, Deer
19 Island treatment plant. The EPA intends to issue this
20 permit in final form upon consideration of comments
21 received during the public comment period, which closes on
22 August 30, 2023. This is a 30-day extension to the
23 original date the comment period was scheduled to close.

24 EPA issues permits under federal authority.
25 Namely, the Federal Clean Water Act's National Pollutant

1 Discharge Elimination System, or NPDES. The EPA NPDES
2 program issues permits to all facilities that discharge
3 pollutants into waters of the United States in
4 Massachusetts and New Hampshire. The permit writer
5 develops effluent limits, as well as monitoring the
6 reporting requirements based on information from the
7 facility, federal regulations, state water quality
8 standards, technical guidance published by the EPA and the
9 state, and state and federal policy.

10 More information on the NPDES program is
11 available on the EPA's website, and the link is provided in
12 the chat feature of Zoom.

13 EPA released the draft permit for public comment
14 on May 31, 2023. The draft permit and fact sheet, as well
15 as supporting documents, are available for interested
16 parties to review and comment on. Interested parties can
17 comment by sending written comments to Michele Barden
18 and/or by participating in this hearing tonight.

19 As mentioned previously, the draft permit and
20 fact sheet are available on the EPA's website. A quick way
21 to find the documents is to search the internet by
22 searching for the key phrase, "MWRA NPDES." The URL for
23 our website is also posted in the chat box.

24 Tonight's hearing is an informal, non-adversarial
25 hearing providing interested parties with the opportunity

1 to make oral comments and/or to submit written comments on
2 the proposed permit. There will be no cross-examination of
3 either the panel or the commenters. Any questions directed
4 to a commenter from a panel member or vice versa will be
5 for clarification purposes only.

6 This public hearing is being recorded. It will
7 become part of the official administrative records for this
8 permit. However, in order to ensure the record's accuracy,
9 we highly recommend written statements also be submitted in
10 addition to any comments made tonight.

11 Following the close of the public comment period
12 on August 30, 2023, the EPA will review and consider all
13 significant comments received during the public comment
14 period, both in writing and at tonight's public hearing.
15 The EPA will prepare a written document known as the
16 response to comments that will briefly describe and address
17 the significant issues raised during the comment period and
18 what provisions, if any, of the draft permit have been
19 changed and the reason for those changes. The response to
20 comments will accompany the final permit, and both will be
21 posted on EPA Region 1's website.

22 Notification of final permit issuance and how to
23 obtain copies of the final permit and responses to comments
24 will be sent to the Applicant and everyone who comments on
25 the draft permit or requested notification of the final

1 permit conditions.

2 Anyone who wishes to contest any final permit
3 condition must file a petition for review or appeal with
4 the Environmental Appeals Board, also known as the EAB.

5 A couple of important things to remember if you
6 are considering appealing the final permit. First, the
7 petition for review or appeal must be received by the EAB
8 within 30 days after notice is served regarding the
9 issuance of the final permit. Information on the appeal
10 process can be found at the EAB website, www.epa.gov/eab.

11 Second, only persons who had filed comments on
12 the draft permit during the public comment period or who
13 participated in the public hearing may petition EAB to
14 review the final permit conditions.

15 Third, persons seeking review of a permit
16 decision must raise all reasonable ascertainable issues and
17 submit all reasonable available arguments supporting that
18 position during the comment period, including at this
19 hearing. Issues or arguments that are not raised will not
20 be considered by the EAB on appeal.

21 There is one exception to the appeal procedures
22 just described. Any person who failed to file comments or
23 failed to participate in the hearing may petition the EAB
24 only to the extent of the changes from the draft to the
25 final permit decision. Please refer to the EAB website for

1 more information.

2 I will use the attendance sheet for those who
3 preregistered to call on people who wish to comment. I
4 will then ask anyone that wishes to speak but did not
5 preregister to raise their hand using the Zoom icon.
6 Please turn your camera and microphone on to speak. I ask
7 that before you begin your statement, for the record please
8 identify yourself, your affiliation, and whether you will
9 also submit written comments.

10 To allow ample time for all participants to
11 express their views, I ask that you limit your comments to
12 three minutes. If at that time you're not finished, I will
13 ask that you defer the remainder of your comments until
14 each person has had an initial opportunity to comment.
15 Then, if there is time at the end of the evening, we will
16 give an opportunity to finish your comments.

17 I would now like to turn it over to David Boyer
18 for the DEP's opening statement.

19 DAVID BOYER: Thank you, Lynne.

20 Good evening. My name is David Boyer. I
21 represent the Massachusetts Department of Environmental
22 Protection, MassDEP. This is a joint public hearing being
23 held under the provision of the state, as well as federal,
24 laws and regulations; the Massachusetts Clean Waters Act;
25 General Laws Chapter 21, Section 26 2.3; and the Code of

1 Massachusetts Regulations at 314 CMR 3.00, the discharge of
2 pollutants to waters of the Commonwealth, unless authorized
3 by a permit issued by the Massachusetts Department of
4 Environmental Protection.

5 The U.S. Environmental Protection Agency is a
6 NPDES permitting authority in Massachusetts, but MassDEP
7 has separate authority to issue surface water discharge
8 permits. While EPA and MassDEP used to jointly issue
9 permits, each agency now issues separate but parallel
10 permits. The permits issued by EPA and MassDEP are
11 developed to conform to all state and federal water
12 pollution control laws and regulations. Each agency has
13 the independent authority to enforce the terms and
14 conditions of its permit.

15 MassDEP will fully consider all written and oral
16 comments received at this hearing, in addition to written
17 comments already received by the agencies or received by
18 the agencies prior to the deadline of August 30, 2023.

19 The EPA has requested that the MassDEP certify
20 the draft NPDES permit for the Massachusetts Water
21 Resources Authority Deer Island treatment plant in Winthrop
22 in accordance with the provisions of Section 401(a)(10) of
23 the Federal Clean Water Act. And pursuant to 40 CFR
24 Section 124.55, the permit can be certified in its current
25 form or with specified state certification requirements.

1 The Massachusetts Department of Environmental
2 Protection welcomes the opportunity for this hearing to
3 gather additional information that will assist MassDEP in
4 decisions concerning the final 401 water quality
5 certification and surface water discharge permit for the
6 Massachusetts Water Resources Authority Deer Island
7 treatment plant. Thank you.

8 LYNNE JENNINGS: Thank you, David.

9 I will now begin accepting oral comments. I now
10 ask that Alyson Dossett -- are you in attendance tonight?
11 Could you please unmute your mic and turn on your camera
12 and make your oral comments?

13 Alyson Dossett, are you in attendance? I see you
14 on the list. Maybe she has stepped away.

15 Let me carry on. I'm going to go to the next
16 person that registered to make a comment. Kristin
17 Anderson, are you present this evening?

18 I'm going to pause for a second. Daniel, is it
19 possible they are unable to unmute their phones?

20 DANIEL MEYERS: No, they have the option.
21 Kristin is unmuted now, by the way.

22 KRISTIN ANDERSON: Thank you. Thank you very
23 much. And thank you for holding this hearing and for
24 allowing me to speak.

25 My name is Kristin Anderson. I live in

1 Arlington, and I have had the Alewife Brook in my home. My
2 neighbors and I have waded through the water and have
3 gotten sick from contact with untreated sewage in the
4 brook. So I'm here tonight to let you know that during
5 some major storm events, the Alewife Brook floods into the
6 parks, yards, and houses of area residents in multiple
7 environmental justice communities.

8 The floodwater contains hazardous sewage that is
9 discharged from the active CSOs that are owned by MWRA,
10 Somerville, and Cambridge. And climate change, with its
11 wetter rainy seasons, more intense storms, and sea level
12 rise is expected to increase the severity and frequency of
13 these events.

14 Furthermore, the MWRA sewer infrastructure is
15 failing to meet capacity during many rain events, causing
16 hazardous sewage pollution discharges. The rate of sewage
17 discharge appears to be increasing exponentially with
18 increase in rainwater.

19 At an MWRA meeting a year back, a consultant
20 spokesperson for MWRA, Don Walker from AECOM said, quote,
21 "The MWRA's system is limited by downstream capacity.
22 Under very large storm events, the capacity of the Alewife
23 Brook pump station, which is downstream of MWR-003, is
24 reaching capacity. Very large facility has 90 million
25 gallon per day capacity. That then discharges into sewers

1 that are conveying flow further downstream, and going to
2 the Chelsea Creek headworks, then that reaches capacity."
3 And there are events when the capacity of our Deer Island
4 treatment plant, 1.2 to 1.3 billion gallons per day is
5 reached. So there are limits to what the MWRA can push
6 through the system.

7 So I beg the regulators to require that the MWRA
8 invests the money that is needed to upgrade its
9 infrastructure to meet the demands of today, and to stop
10 using the Alewife CSOs as sewer overflows to their under-
11 capacited (sic) system. Thank you.

12 LYNNE JENNINGS: Thank you, Kristen.

13 I'm going to call on the next person that has
14 registered to speak. Mosisa Hiller (phonetic). Mosisa
15 Hiller, are you present this evening?

16 So Kristin, can you mute your line? Okay. Good.
17 Thank you.

18 I'm going to carry on on the list. Susan Herman.
19 Susan, are you present this evening, Susan Herman?

20 Okay. Next on the list registered to speak is
21 Judy Pederson.

22 SUSAN HERMAN: This is Susan Herman. I was
23 unable to get on the Zoom, so I'm listening on the phone
24 and it's a little bit harder for me to submit any
25 questions. But I will be writing them in. So I just

1 wanted to let you know that. Thanks so much.

2 LYNNE JENNINGS: Great. Thank you very much for
3 coming on. I appreciate that.

4 So next up, I'm going to call Judy Pederson
5 (phonetic). Judy, are you present this evening on the line
6 or otherwise?

7 Okay. I'm going to try one more time. Alyson
8 Dossett?

9 ALYSON DOSSETT: Hi. Can you hear me now, Lynne?

10 LYNNE JENNINGS: I can hear you now.

11 ALYSON DOSSETT: Thank you so much.

12 LYNNE JENNINGS: Go ahead.

13 ALYSON DOSSETT: Sure. I just had some questions
14 that I wanted to put out there. The MWRA is seeking to
15 sell more water. For towns showing an interest in joining
16 the MWRA, like my town, which is Weymouth, we have aging
17 infrastructure and constraints on capacity, and we're
18 wondering what role the EPA will play in policing new
19 outflows into Deer Island. And also, what about if
20 satellite sewer operators are co-permitees?

21 And then another question that I have is does the
22 EPA intend to take a more active role in local decision
23 making regarding MWRA sewage towns that are already
24 experiencing sewerage issues, such as Weymouth? Weymouth
25 has substantial new growth planned at Union Point, and this

1 is probably the largest new community planned in the area.

2 And then lastly for the record, does the MWRA
3 have any updates for communities showing interest in
4 joining the new program, such as adding sewerage to what
5 has been described as an at capacity system? Thank you.

6 LYNNE JENNINGS: Thank you, Alyson, for your
7 comments and questions.

8 I will now open up the commenting session to
9 anybody else that did not preregister to make a statement.
10 If you're interested in making a statement, could you
11 please raise your hand using the icon under the reactions
12 mode of Zoom?

13 I'm looking to see. I don't see any hands being
14 raised. Any of the other EPA participants, do you see any
15 hands being raised on your screen? Daniel?

16 DANIEL MEYERS: There's one now. Cate Fox. Oh,
17 no. That's a clap. Maybe she meant to raise her hand.

18 CATE FOX: I did mean to raise my hand, sorry.

19 During the information session, it was mentioned
20 that the EPA would take comments on the standard terms, the
21 standard conditions of the contract, which include the
22 storm management planning. But also that you all have been
23 taking those comments on other permits that have the same
24 language.

25 So is it likely that the language might be the --

1 the standard terms might be revised for this permit? Or
2 those comments will be taken, and there may be a change at
3 some point in the future?

4 LYNNE JENNINGS: Okay. Thank you for the
5 question. And, you know, we will respond to that as part
6 of our response to comments. Again, this hearing is
7 focused on, you know, folks making statements for the
8 record. If you do have a clarifying question that did not
9 get answered or you weren't able to ask it earlier, feel
10 free to reach out to either Michele Barton or Claire, and
11 they can clarify things if you're still uncertain about how
12 to submit comments or whether certain comments would be
13 considered. Thank you, Cate.

14 Anybody else wishing to make a statement or
15 comment for the record?

16 Okay. Seeing no more hands being raised, what we
17 propose to do is, this hearing is scheduled to go until
18 nine o'clock. We will hold the meeting in abeyance until
19 8:45 to see if anybody else joins us. At that time, I'll
20 open the meeting again and offer an opportunity for anybody
21 present to offer a statement or comment for the record.

22 So we'll take a break from now, 8:20, until 8:45.

23 [OFF THE RECORD]

24 [ON THE RECORD]

25 LYNNE JENNINGS: Thank you for your patience,

1 everybody. It is now 8:45, and we will now resume the
2 public hearing.

3 If you would like to make a comment at this time,
4 please click on the reaction icon at the bottom of the
5 screen to raise your hand.

6 Okay. Seeing no hands raised, I'm going to take
7 that as there are no further comments. So I am going to
8 close the public hearing.

9 Thank you all for coming this evening and for
10 your interest in the permit. As mentioned previously, we
11 will continue to accept written comments until the public
12 comment period closes on August 31, 2023. Have a good
13 night. Thank you.

14 (THEREUPON, this hearing was concluded at
15 approximately 8:46 p.m.)

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CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

I, Michele Dent, Notary Public in and for the
Commonwealth of Massachusetts, do hereby certify that the
above transcript is a true record, to the best of my
ability, of the proceedings.

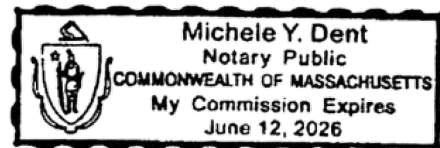
I further certify that I am neither related to nor
employed by any of the parties in or counsel to this
action, nor am I financially interested in the outcome of
this action.

In witness whereof, I have hereunto set my hand this
27th day of July, 2023.

Notary Public

My commission expires:

June 12, 2026



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