

Attachment T (Reference Document)  
Outfall Monitoring Science Advisory Panel  
Charter:

The two entities responsible for administering the permit - the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MADEP) - shall appoint a scientific and technical advisory panel to advise them on all scientific and technical matters related to the outfall and the impacts of the discharge on the receiving waters, both near-field and far-field. The Outfall Monitoring Science Advisory Panel is referred to hereafter as the OMSAP, or simply as the Panel.

The OMSAP shall be appointed by the New England Regional Administrator of EPA and the Commissioner of the Massachusetts Department of Environmental Protection. Membership shall be restricted to scientists and engineers who are recognized for their expertise within their fields, and for their knowledge of the coupled aquatic system: Boston Harbor-Massachusetts Bay-Cape Cod Bay-Gulf of Maine--that makes up the near-field and far-field receiving waters.

Because of the importance of framing scientific and technical issues in the context of those environmental values and uses important to society, the Regional Administrator and the Commissioner shall also appoint a standing committee advisory to the OMSAP. The committee shall be convened by the OMSAP and shall report to the OMSAP. Membership of the committee shall be drawn from environmental groups, non-governmental organizations, and academia.

Because of the importance of framing scientific and technical issues in the context of environmental regulations, the Regional Administrator and the Commissioner shall also appoint an inter-agency standing committee advisory to the OMSAP to ensure that the OMSAP recommendations have the benefit of information from the regulating community. The committee shall be convened by the OMSAP and shall report to the OMSAP. Membership of the committee shall be drawn from state and federal agencies.

Among the most important areas the OMSAP shall concentrate on are:

- a. Review the results of the outfall monitoring program.
- b. Advise EPA and the MADEP if and when there are National Pollutant Discharge Elimination System (NPDES) and contingency plan threshold exceedences, recommend any actions that may be needed to protect human and ecosystem health, and evaluate the appropriateness of threshold levels.
- c. 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.

The OMSAP may form focus groups on an ad hoc basis whenever specific scientific and technical issues arise which require expanded breadth and depth of expertise than exists within the membership of the OMSAP. All focus groups shall be chaired by OMSAP members. Focus groups shall present their recommendations to the OMSAP and the OMSAP will forward them to the Commissioner and the Regional Administrator along with their recommendations for action.

All OMSAP meetings shall be open to the public. The OMSAP shall convene a public forum at least once a year to present findings, to explain their significance, and to hear and respond to concerns from the public.

#### MEMBERSHIP

- a. The OMSAP shall consist of 11-13 members appointed jointly by EPA and the MADEP. Membership shall be drawn from, but not limited to, the following areas of expertise:

- (1) fisheries
- (2) phytoplankton
- (3) zooplankton
- (4) marine mammals
- (5) biostatistics
- (6) public health
- (7) aquatic toxicology
- (8) modeling
- (9) benthic biology
- (10) physical oceanography
- (11) nutrient dynamics
- (12) microbiology
- (13) chemical oceanography

- b. EPA and the MADEP shall appoint a standing committee advisory to the OMSAP, called the Public Interest Advisory Committee (PIAC), which will report to the OMSAP. The PIAC shall consist of no more than 11 members drawn from local non-governmental organizations, academia, and environmental groups. The committee will advise the OMSAP on values and uses of the local natural system important to society.
- c. EPA and the MADEP shall appoint a standing committee advisory to the OMSAP, called the Inter-Agency Advisory Committee (IAAC), which will report to the OMSAP. The IAAC shall consist of no more than 11 members drawn from state and federal agencies. The committee will advise the OMSAP on environmental regulations.
- d. Criteria for selection:

The initial members of the OMSAP are to be chosen from a list of candidates developed by a selection committee appointed by EPA and the MADEP. The selection committee will review the credentials of each nominee and their relevance to the issues of importance and make recommendations for appointments of members to staggered two or three year terms. Each member may be appointed for two consecutive terms. After two consecutive terms, members must leave the Panel, but may be re-appointed after one year off of the OMSAP. Members of the OMSAP may not be current or imminent contractors to the MWRA, nor may they be employees of any governmental agency in the chain of command. If a member accepts a contract with the MWRA, he/she must resign from the OMSAP.

Membership of the PIAC and the IAAC shall rotate among organizations. OMSAP membership eligibility may include agencies that are not responsible for making direct regulatory decisions. Members of OMSAP, PIAC and IAAC who do not attend meetings on a regular basis may be replaced by the EPA Regional Administrator and the Massachusetts Commissioner, if the Chair of the OMSAP recommends such action.