

November 27, 2023

Michele Barden
U.S. environmental Protection Agency – Region 1
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Re: Public Comment
NPDES Permit No. MA0103284
Massachusetts Water Resources Authority (MWRA), Applicant

Dear Ms. Barden:

Please accept this correspondence as public comment for your consideration from the undersigned representatives of the Town of Arlington (“Arlington” or the “Town”) regarding proposed NPDES Permit No. MA0103284 (the “Draft Permit”).

As you know, the Draft Permit relates to proposed authorization of the discharge of waste and sewage into local waterways. Of particular concern to the Town are Combined Sewer Overflow Outfall (“CSO”) Number MWR003, with receiving water listed as “Little River” in Segment MA71-22 and CSO Number SOM001A, also known as the Tannery Brook outfall, with receiving water listed as the Alewife Brook. During the term of the expiring 2000 NPDES permit, the Alewife Brook has suffered significant damage due to the release of millions of gallons of sewage from the above identified CSO’s. Moreover, the flat topography of the low-lying Brook watershed has resulted in a disproportionate impact upon the surrounding area in Arlington. Unfortunately, the conditions contained within the existing permit have not led to a reduction or elimination of CSO events affecting Alewife Brook.

Although the Town recognizes the addition of a specific section addressing CSOs within the Draft Permit and the incorporation by reference therein of the terms of the Variance for limited CSO Discharges to the Alewife Brook/Upper Mystic River Basin that the Massachusetts Department of Environmental Protection (“DEP”) issued on August 30, 2019, it remains the Town’s position that the Draft Permit does not go nearly far enough to protect Alewife Brook and our citizens who live, work or recreate within its 100-year floodplain. Accordingly, while we continue to believe that CSOs should not be authorized, we urge you to revise the Draft Permit so that the practice of permitting CSO’s is at the very least, mitigated to the point that their frequency and volume are dramatically reduced. Now is the time to take action to protect the Alewife Brook.

More specifically, the Town requests that the Draft Permit be revised to address more effectively:

- an end to untreated sewage pollution;
- combined sewer separation;
- the construction of green storm water infrastructure including constructed wetlands, rain gardens, bio swales and tree trenches;
- CSO storage in underground holding tanks and, should other measures be unsuccessful in eliminating CSO events;
- a local Alewife CSO treatment facility.

The types of solutions suggested above are needed not only to protect the Alewife Brook and the surrounding watershed as a waterway and ecosystem, but more importantly, to protect the health of the people in the area. Arlington appreciates and understands the costs of implementing some of these suggested changes, but steps must be taken now to address what has become an untenable situation.

Should CSO events continue to be authorized through the issuance of the next NPDES permit, it is critical that the requirements for notification be upgraded to alert those in the area when an event occurs. A system that provides notification to those nearby in real time, via a wireless, remote controlled, solar powered warning sign with flashing lights, is desperately needed. Such technology exists and is in use in other parts of the country for similar notifications which must be delivered contemporaneously. As recently as this past summer, Alewife Brook overflowed its banks due to CSO discharges from other communities. Print and television news reports captured the accounts and images of cyclists, joggers and pushed baby strollers as they unknowingly made their way through sewage containing, standing water on the Alewife Greenway Bike Path. These events must not continue.

Further, odors emanating from combined sewers, particularly during the summer months, are having a deleterious and disproportionate impact on abutting Arlington residents. Persistent odors often trigger nuisance complaints and interfere with the enjoyment of rear yards and porches. Since impacted parties and passers-by should be able to easily identify parties responsible for inspection and remedial action, the final permit should require a contact phone number on the sign at each outfall for proper reporting of issues. A further condition should require the reporting within monthly maintenance reports of odor complaints relating to CSOs as well as steps taken in response thereto.

As to floatables emanating from CSOs, the Arlington Health Department has received complaints about toilet paper and other floatables, especially in the direct vicinity of SOM001A, caught in the vegetation surrounding the Alewife Brook following CSO discharges. Any revised floatables control plan contained within the next permit should require netting, screening or similar system for capturing and retaining these solids, coupled with a requirement for timely post-discharge removal of same.

An additional concern with the Draft Permit is the inclusion of Arlington, a sanitary sewer community, as a “co-permittee”. As an initial matter, Arlington disputes the authority of either the United States Environmental Protection Agency (“EPA”) or the DEP from designating Arlington as a “co-permittee” as part of the current permit application. Arlington is not a party to the current permit application. Absent a permit application from the Town, neither the EPA, nor

DEP, is empowered with the statutory or regulatory authority to impose conditions or obligations upon Arlington as a designated co-permittee. Accordingly, Arlington requests that it be removed from the Draft Permit as a co-permittee.

Further, Arlington objects to the requirement at Part I. E. 2e. of the Draft Permit that the Town develop and implement plans (Major Events Planning Provisions) to address its sewer system's climate change resiliency. The proposed plans, which would apply to CSO-responsible and sanitary sewer communities alike, contain no explanation of their merits, the process by which they would be formulated, or a source of funding to achieve them. Arlington already has an inflow/infiltration reduction plan that it has been operating for 13 years. Arlington expends significant funding every year to study, design and construct sewer solutions that address its system's effectiveness and climate change resiliency. Additional obligations assigned to a sanitary sewer community like Arlington take attention away from other issues, like those outlined above, that require immediate revision.

Finally, Arlington states that should the requirement at Part I. E. 2e remain as proposed, it will be impracticable for most communities, and especially Arlington, to meet the goal within the 6 months allotted. This is because Arlington will need to seek an appropriation at its Annual Town Meeting in April in order to obtain funding for the coming fiscal year. Once funding is available on July 1st, the Town would need to issue a Request for Proposals in accordance with procurement law in order to engage a consultant. Only once a contract is ratified can the chosen consultant begin to perform the necessary study and analysis. This process typically requires at least 24 months to complete, and this reality needs to be reflected in the Permit should the requirement endure.

Thank you for your consideration of the foregoing comments and for your continued attention to this important matter.

Best regards,



James Feeney
Town Manager, Arlington



Eric D. Helmuth
Chair, Arlington Select Board
(on behalf of entire Arlington Select Board -
Stephen W. DeCoursey, Lenard Diggins,
John V. Hurd, Diane M. Mahon)

cc: Senator Elizabeth Warren
Senator Edward Markey
Congresswoman Katherine Clark