



June 13, 2013

Ken Moraff, Acting Director
Office of Ecosystem Protection
United States Environmental Protection Agency, Region 1
5 Post Office Square
Boston MA 02109-3912

Re: Draft NPDES Permit for Taunton Wastewater Treatment Plant, #MA0100897

Dear Mr. Moraff:

On behalf of the Taunton River Watershed Alliance, Inc. and Mass Audubon we submit the following comments on the Draft National Pollution Discharge Elimination System (NPDES) Permit #MA 0100897 for the Taunton Wastewater Treatment Plant (WWTP). Our organizations are committed to the protection and restoration of the water quality and natural ecosystems of the Taunton River. For the reasons explained below, we support the proposed effluent limits in the draft permit, including the proposed limit for Total Nitrogen (TN) of 3.0 mg/l and 210 lbs/day (monthly average), in effect for the period of May through October.

The Taunton River is the largest freshwater source to Mount Hope Bay. It supports habitat for 45 species of fish, globally rare freshwater and brackish tidal marshes and, together with its tributary the Nemasket River, the largest alewife run in Massachusetts. It was added to the National Wild and Scenic Rivers System in 2009. The Taunton Wastewater Treatment Plant discharges 8.4 million gallons per day of effluent to a saltwater portion of the Taunton River that is considered part of the Taunton River Estuary. This segment is classified under the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 as SB waters with Restricted Shellfish Areas and impacted by discharge of Combined Sewer Overflows (CSOs). As such, it is designated as "habitat for fish, other aquatic life and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation." Under Section 303(d) of the Clean Water Act, the reach of the river immediately below the facility discharge is considered "impaired" for pathogens. Downstream reaches are impaired for organic enrichment/low dissolved oxygen as well as for pathogens. Mount Hope Bay is impaired for TN, dissolved oxygen (DO), temperature, fecal coliform and chlorophyll-a.

Information provided in the Fact Sheet that accompanied the draft permit demonstrates the scientific basis for the proposed discharge limits for TN. It describes a three-year water quality

monitoring study conducted by the School for Marine Science and Technology at UMass-Dartmouth (SMASST). The study involved monthly sampling at 22 sites across Mount Hope Bay and the Taunton River Estuary from 2004 to 2006. The results showed pervasive low DO conditions in violation of the state standard throughout the Estuary and Bay, pervasive elevated concentrations of chlorophyll-a and elevated TN concentrations throughout the system. To determine the contribution of the Taunton WWTP and other facilities to the water quality violations, EPA analyzed nitrogen loading to the Taunton River Estuary and major tributaries, using the USGS LOADEST program and focusing on the Estuary because "that area shows the greatest eutrophication impacts and greatest nitrogen concentrations." 40 CFR 122.44 (d)(1)(i) of the federal Clean Water Act states, "Limitations must control all pollutants or pollutant parameters which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause or contribute to an excursion above any state water quality standard." Because nitrogen loading is well recognized as a major cause of nutrient enrichment, eutrophication and subsequent oxygen depletion, it is EPA's responsibility to establish TN effluent limits for facilities discharging to the Taunton River Estuary.

For these reasons, we support the EPA's proposed effluent limits, including the proposed discharge limit for TN. We urge you to retain the effluent limits in the draft permit.

Additional issues we would like to address include:

Phosphorus (P) discharge. We commend EPA for including a requirement to report average monthly phosphorus discharge from the WWTP in pounds per day and concentration. On page 35 of the Fact Sheet EPA notes that salinities in the Taunton River in the vicinity of the WWTP discharge are "quite low" even though this segment is classified as marine waters and that P may cause or contribute to water quality violations under low-salinity conditions. We urge you to continue to review all future monitoring data regarding concentrations of P and other indicators of eutrophic conditions in the receiving waters in the vicinity of this discharge to determine whether an effluent limit for P for this facility should be developed.

Flow limit. We urge EPA to maintain the existing flow limit of 8.4 mgd. We understand that the City has requested that the flow limit be increased to 9 mgd. Absent a demonstration that the requested increase in flow would not result in increased discharge of regulated pollutants, increased flow from the WWTP would violate the antidegradation requirement of the Clean Water Act (Section 303(d)(4)(B)).

West Water Street Combined Sewer Overflow (CSO).

The West Water Street CSO is located in a section of the city where runoff from a large watershed drains to low-lying areas during heavy rainstorms, resulting in major flooding of streets and other areas. The draft permit allows continued discharge of storm water/wastewater from this CSO subject to several technology-based effluent limitations including implementation of EPA's "Nine Minimum Controls." The permit requires that the CSO discharges "shall not cause or contribute to violations of federal or state water quality standards." It also requires that the permittee record all discharges including estimated duration and volume and National Weather Service precipitation data from the nearest gages.

We commend the City for making progress in recent years on reduction of inflow and infiltration to the storm/sewer conveyance system. We understand that wet weather overflows from the West Water CSO have occurred in the last three years (2010 ó 2012), with the most prolonged discharges occurring during the heavy rains in March and April of 2010 (5-20-13 phone conversation between Priscilla Chapman and Susan Murphy). The draft permit does not establish a limit on number of discharge events, total volume or duration of discharges, or a specific calculation of whether federal or state water quality standards were violated. We urge you to require the City to assess whether violations of water quality standards are occurring as a result of discharges, and the frequency and severity of such violations; also to include benchmarks in the permit to determine whether acceptable progress is being made on reducing discharges from this CSO, and if not, what additional steps must be taken. We would welcome the opportunity to work with the City to identify low-impact development techniques that would increase infiltration of stormwater and reduce flooding impacts city wide, at a reasonable cost.

Thank you for considering these comments.

Sincerely,

Marta J. Nover
President
Taunton River Watershed Alliance, Inc.
1298 Cohannet Street
Taunton MA 02780

E. Heidi Ricci
Senior Policy Analyst
Mass Audubon
208 South Great Road
Lincoln MA 01773

Cc: David Ferris, DEP
Susan Murphy, EPA
City of Taunton