



March 4, 2024

Michael Cobb
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100 (06-4)
Via email: Cobb.Michael@epa.gov

RE: Comments on Draft Fall River **NPDES Permit No. MA0100382**

Dear Mr. Cobb:

On behalf of the Taunton River Watershed Alliance (TRWA)¹, I am writing to express our support for the issuance of the [draft Fall River Permit \(NPDES Permit No. MA0100382\)](#). We note that the last time this permit was reissued was December 7, 2000 making this action overdue. We believe that the permit limitations and conditions, as well as the Fact Sheet description of the technical and legal justification for the permit terms and conditions, are well reasoned and consistent with the Clean Water Act (CWA).

We hope that at the conclusion of the public comment period on April 1, 2024, EPA Region 1 quickly responds to all comments and reissues this important permit. It is important to note that TRWA supports this draft permit as proposed. TRWA does not believe that the draft permit's conditions may be made less stringent and still comply with the CWA.

Total Nitrogen: [TRWA monthly monitoring](#) of upstream waters in the watershed indicates a need to reduce nitrogen loads to the Taunton River estuary and Mount Hope Bay. As described in the permit Fact Sheet in section 5.1.9, pages 23 through 43, the case for TN effluent limitations is well supported. MassDEP continuous monitoring buoys in Mount Hope Bay and the mouth of the Cole River demonstrate low dissolved oxygen, high chlorophyll-a and show that at least 10% of the nitrogen samples demonstrate levels in Mount Hope Bay above the impairment listing target of total nitrogen (TN) 0.5 mg/L.

¹ Since 1988, TRWA has been a voice for the 562 square mile Taunton River watershed, an advocate for environmental protection, sustainable development, and responsible stewardship of our precious water resources. We are an Alliance of concerned residents, businesses, and organizations united to restore and properly manage water and related natural resources within the Wild and Scenic Taunton River Watershed.

We support the total nitrogen (TN) effluent limitation of 1,289 lbs/day based on a concentration of 5 mg/l² and the treatment facilities 30.9 MGD design flow, but strongly believe the city should design treatment facilities that can, with minor modifications such as addition of a carbon source, do better if needed. On page 38 of the fact sheet it states EPA used 2013 to 2015 to calculate the TN load from nonpoint sources and stormwater. The Narragansett Bay Estuary Program reports³ that from 2001 to 2011 the Taunton River Basin experienced especially dramatic changes, with forest land decreasing by 9 percent in the upper Taunton River and urban lands increasing by 18 percent around the middle Taunton River.

Growth since 2015, coupled with outdated MassDEP stormwater regulations for new development, no regulation of existing commercial stormwater, and more intense rain storms as a result of climate change, have resulted in a larger component of TN from nonpoint sources and stormwater since 2015. The increase in nonpoint source and stormwater pollution load is leaving less pollution assimilative capacity for wastewater treatment plants and combined sewer overflows. Unless EPA and MassDEP are able to better regulate pollution from nonpoint and stormwater sources, as well as make the watershed more resilient to climate change, the assimilative capacity of Mount Hope Bay will decline necessitating wastewater treatment plants and combined sewer overflows to do better.

Adaptive Management: TRWA supports the TN limitation proposed supplemented by further monitoring and adaptive management. Fact sheet page 42, “EPA highlights that adaptive management is beneficial because it allows for expeditious application of nitrogen reductions in the short-term (in this case, down to 5 mg/L) and the potential for further reductions in the long-term (down to 3 mg/L) as necessary based on observed water quality impacts.”

As also stated on Fact sheet page 42, “If water quality standards are not achieved once these load reductions are realized, further reductions may be required from the WWTFs and/or stormwater point sources and non-point sources. EPA considers these ongoing and anticipated events to be conducive to an adaptive management permitting approach.” EPA further states on fact sheet page 43, that “EPA notes that this limit is subject to reevaluation under an adaptive management paradigm with the goal of full attainment of water quality standards.”

TRWA recognizes that adaptive management is beneficial because as stated by EPA, it allows for expeditious application of nitrogen reductions in the short-term in this case, down to 5 (or 6 mg/L) and the potential for further reductions in the long-term (down to 3 mg/L) as necessary based on observed water quality impacts. We want to reiterate that any facility Fall River constructs should be designed so that it can be operated to achieve lower TN levels if further monitoring in Mount

² As noted on page 13 of the permit fact sheet the median rolling average plant flow over the last 5 years has been 25.8 MGD resulting in this mass limit being an effective permit limitation of 6.0 mg/l (not 5.0 mg/l).

³ [Narragansett Bay Estuary Program. 2017. State of Narragansett Bay and Its Watershed: Summary Report. Providence, RI. Page 15.](#)

Hope Bay indicates that this is necessary (such as by adding a carbon source).

Adaptive Planning: In light of the more intense storms and flooding we are seeing in the watershed as a result of climate change, we support the Adaptation Planning requirements in Special Condition C.1 of the permit.

Implementation Schedule: TRWA supports the schedule for providing facilities to meet the total nitrogen effluent limitations in Special Condition G.1 and 2. In particular G.1.e., “Within four years of the effective date of the permit, the Permittee shall substantially complete construction of the facility improvements required to achieve the new total nitrogen permit limit.”

PFAS Monitoring: In light of the pervasive PFAS levels in water supplies and ground water in the watershed, we support the monitoring for PFAS Analytes and Adsorbable Organic Fluorine. Part 1. A. 1. and Appendix E.

Combined Sewer Overflows: Fall River’s 18 combined sewer overflows have a significant adverse environmental impact in the waters they discharge into. Consequently, TRWA supports the requirements of Special Condition H of the permit and in particular the monitoring, effluent limitations and dye study requirements of H.5, 6 and 7.

In addition, on page 55 of the Fact sheet it states, “EPA is currently working with the City to prioritize and schedule projects for the subsequent 5 years which will be included in an updated Order that is expected to be issued by the end of 2024.” Table 8 on page 54 of the permit Fact sheet indicates that despite a federal court order in 1992 (32 years ago) there is still significant work to be done. In particular, the CSOs at Alton Street and City Pier in the North System (Taunton River), and Ferry Street and Birch Street in the South System (Mount Hope Bay) which discharge at high frequency and volume. Also, Lowell Street in the Central System (Quequechan River) a smaller by comparison in terms of frequency and volume CSO discharge but the last regularly discharging overflow to this sensitive river. TRWA believes EPA, MassDEP and Fall River must develop an aggressive program for abating the city’s remaining CSOs taking advantage of all available funding. Over 30 years is too long to allow this 150+ year old sewer technology to continue to pollute the Bay!

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Callahan". The signature is written in a cursive, somewhat stylized font.

Joseph Callahan, President

cc by email:

Ken Moraff, Director Water Division, EPA Region 1

Ellen Weitzler, Industrial and Municipal Permits Section Supervisor, EPA Region 1

Bonnie Heiple, Commissioner MassDEP

Topher Hamblett, Executive Director, Save The Bay

Michael Jarbeau, Save The Bay

Kate McPherson, Save The Bay

Kendra Beaver, Save The Bay

Julia Blatt, Massachusetts Rivers Alliance

Katharine Lange, Massachusetts Rivers Alliance

Heidi Ricci, Massachusetts Audubon

Alison Bowden, The Nature Conservancy

Jamie Fosburgh, National Park Service, Wild and Scenic River Program

Lauren Bonatakis, National Park Service, Wild and Scenic River Program

Richard Carey, Director Watershed Planning MassDEP

Danica Belknap, Southeastern Regional Planning & Economic Development District

Darcy Young, Interim Executive Director, Narragansett Bay Estuary Program

Our Mission: ...to protect and restore the watershed's natural resources for current and future generations.

Taunton River Watershed Alliance, at Sweets Knoll State Park, 1387 Somerset Ave., (Rt. 138), Dighton
Mailing address: P.O. Box 1116, Taunton, MA 02780 • 508 -828-1101 • www.savethetaunton.org