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October 30, 1997

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
FINAL FACILITIES PLAN/ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Combined Sewer Overflow Project
PROJECT LOCATION : Boston, Cambridge, Chelsea, Somerville
EOEA NUMBER : 10335
PROJECT PROPONENT : Massachusetts Water Resources Authority
DATE NOTICED IN MONITOR : August 25, 1997

As the Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (Final EIR) submitted on this project adequately and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). I note that the Department of Environmental Protection (DEP) expects to issue its findings on the Final Facilities Plan (Final FP) on or before October 31, 1997. As did the DEP in its comment letter I wish to praise the work of the Massachusetts Water Resources Authority (MWRA) in preparing this easily reviewable and comprehensive document and in analyzing feasible alternatives designed to improve water quality.

The MWRA plan takes a major step forward in improving water quality in Boston Harbor and its tributaries. This plan reduces Combined Sewer Overflow (CSO) discharges into these waters by 99.6 percent, which is a dramatic gain. CSOs will be entirely eliminated in some areas, such as North and South Dorchester Bays, the Neponset River and Constitution Beach. I therefore find this Final FP/EIR adequate and urge this plan to be implemented. At the same time, I recognize that additional work needs to be done. Some of this work is within MWRA's control and relates to further analysis of additional CSO reduction. In



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particular, I expect that the MWRA will analyze strategic sewer separation as part of its applications to DEP, which are due by December 31. I further expect that the MWRA will continue its analysis of sewer separation and storage options along the Charles River by filing a supplemental report (including a response to comments) with my office within the next 36 months before its Variance expires.

I am also announcing today my "Stormwater Challenge" in order to reduce untreated stormwater flows to the Charles River. It is principally stormwater which stands in the way of achieving our shared goal of a fishable and swimmable Charles River, and I intend to cause all the interested parties to move quickly to address this long-neglected problem. I am consequently directing my watershed basin team to prepare a comprehensive approach to stormwater control within 18 months by working with the Environmental Protection Agency (EPA), DEP, the Cities of Boston, Cambridge, Chelsea and Somerville, the Massachusetts Highway Department, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike Authority and the Metropolitan District Commission, and the Charles River Watershed Association. I believe that this effort will build on the foundation that the MWRA's present plan lays in the cause of improving water quality in Boston Harbor and its tributaries as efficiently and effectively as is feasible.

Introduction

As requested in my January 9, 1997 Certificate on the Draft Facilities Plan/EIR (Draft FP/EIR), the MWRA has presented a comprehensive plan to control and treat discharges of CSOs to the 14 receiving water body segments that make up Boston Harbor and its tributaries. The MWRA has proposed 25 distinct projects that (in combination with conveyance to the Deer Island treatment plant) will result in the treatment of 99.6 percent of the total CSO volume entering Boston Harbor. There will be no CSO discharges to existing critical use areas (bathing and shellfishing). In those segments where CSO discharges remain, exceedances of Class B standards will occur less than 5% of the

time, in compliance with the Bcso designation, except where non-CSO (i.e., stormwater) sources require remediation.

Project Changes

The MWRA has made significant project changes since the filing of the Draft FP/EIR including: greater CSO controls in the Reserved Channel (disinfection of all CSO events); near elimination of CSO activations at Stony Brook through sewer separation (this project alone will reduce CSO volumes from 42.6 million gallons to 10,000 gallons per year from the Stoney Brook conduit and will allow compliance with Massachusetts Water Quality Standards 99 percent of the time); elimination of the BOS 032 outfall in Brighton and additional storage at BOS 019. Also since the Draft FP/EIR, the DEP has finalized its CSO policy and the MWRA has made changes to the conceptual CSO plan presented in the Draft FP/EIR to assure compliance with that policy. Both DEP's CSO policy and the MWRA's final CSO plan are the culminations of extraordinary public outreach efforts that have shaped the outcome of both documents. Over the past several years, both the MWRA and DEP have consistently involved and/or requested the involvement of EPA throughout the conceptual planning and policy-making determinations for this important project.

The substitution of sewer separation for the Stony Brook treatment facility will achieve between 80-90 percent separation and will reduce combined sewer overflows that discharge to the Charles River from the Stony Brook Conduit from 26 events to one event per year. I also note that, during implementation of the project, the Boston Water and Sewer Commission (BWSC) has offered to make every effort to achieve a higher degree of separation with the hopes of further reducing the frequency of CSOs to less than one per year.

DEP's CSO Policy

DEP has adopted a CSO policy that it asserts will require the highest level of CSO control and the highest level of water

quality that is feasible, consistent with federal requirements. In my view, the Final FP/FEIR presents an adequate analysis of potential impacts and alternatives (and cost-benefit analysis) to allow the DEP to analyze the MWRA's CSO control project in light of the policy requirements. I believe that the MWRA, DEP and EPA can act on the UAA and Variance based on the information in the Final FP/EIR. Although some have criticised DEP's approach to Bcso designation, I believe that this is a necessary step to begin the process that will ultimately lead to improved water quality.

I recognize that additional CSO control may some day prove necessary and appropriate. For MEPA purposes, I accept the MWRA's cost-benefit analyses as supporting its contention that additional treatment and expenditures for CSO control are not the most appropriate means for providing additional benefit to the water quality of receiving water bodies. As I note above, I therefore believe that financial resources will now be better directed on first, identifying contaminating watershed influences (other than CSOs), and second, cleaning up these polluting sources, such as stormwater. My findings on this Final FP/EIR and DEP's findings on the matters before it do not mean that further work should not be done; they simply acknowledge the importance of taking a step today and then continuing to move forward in the future.

DEP Responsibilities

DEP will be submitting Use Attainability Analysis (UAA) where Bcso or SBcso designations are proposed. The UAAs are technology-based and water quality-based evaluations required by EPA for changes proposed to existing water quality standards. The UAA is required to demonstrate that attaining a higher level of CSO control is not feasible and therefore that the water quality standard recommended for a particular segment is appropriate.

DEP has requested additional information to be used in support of the UAA for the Dorchester Brook Conduit Storage. In

addition, I note that DEP and others have commented on the need for, or additional analyses on the need for, underflow baffles for floatables control prior to accepting the technology recommended. I expect that MWRA to provide these analyses to DEP in a timely way.

DEP points out that if partial separation is feasible elsewhere along the Charles River, CSO activations could potentially be further reduced. Therefore, the DEP will require that additional partial separation be evaluated to complete the alternatives analysis in support of the Variance request. The MWRA will need to complete this analysis quickly as DEP is required by Court Order to make administrative determinations on the water quality designations of CSO-impacted receiving waters by December 31, 1997.

Variance Designation for the Charles River

The majority of comments are directed at the proposal to change the water quality standard of the Charles River from Class B (which has never been attained) to a Variance designation. The Variance designation is a short-term modification (no more than three years) in water quality standards, which will allow the issuance of National Pollutant Discharge Elimination System (NPDES) permits consistent with then-applicable water quality standards. The Variance designation also requires that the proponent implement the so-called "nine minimum controls" (which the MWRA has already implemented) and any other controls that can be shown to be cost-effective.

In the case of the Charles River, the MWRA argues that additional CSO controls will not serve to make the water resource fishable or swimmable any more often than under the proposed plan. I believe the present plan makes good environmental and economic sense, given that achieving a swimmable/fishable Charles River by 2005 requires greater emphasis to be placed on the cost-efficient cleanup of non-CSO pollution sources in the basin, with a revisiting of the CSO issue in the future to see if further steps prove feasible at that time.

Stormwater Control Issues

EPA, DEP, the Charles River Watershed Association, the Cities of Boston, Cambridge, Chelsea and Somerville and various agencies (including the Massachusetts Highway Department, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike Authority and the Metropolitan District Commission) are taking action for better assessment and mitigation of adverse impacts from separate stormwater discharges. As I noted above, I pledge the assistance of my staff in coordinating the efforts of these organizations to develop and implement a comprehensive and appropriate plan for controlling and treating stormwater.

I also note that funding for improving existing and constructing new drainage facilities is available through the State Revolving Fund and the Intermodal Surface Transportation Efficiency Act (ISTEA). I will continue to seek ways in which current funding mechanisms may be used to improve existing drainage infrastructure.

I acknowledge the efforts of others, such as EPA's Charles River 2005 Task Force, which is working with watershed communities to eliminate other pollution sources, and the Charles River Watershed Association in its Integrated Monitoring, Modeling and Management (IM3) project. I encourage the MWRA to review the results of these studies to determine whether additional CSO controls are justified in economic and environmental terms.

Future Actions Specific to the Charles River

By December 31, 1997 the court parties will have reassessed the need for additional CSO facilities and/or studies for the Charles River. If additional facilities or studies are required, a schedule for their implementation will also be developed at that time.

DEP has already requested, for example, that the proponent examine additional sewer separation in the drainage area of the

Cottage Farm facility before it will process the Variance application. The Charles River Watershed Association has suggested that a different tank configuration, location, size or other alternative may further alleviate overflows from this facility. I expect that once the results of the stormwater impact analysis are available, the MWRA will reexamine these storage options and document its analysis in a supplemental report to be filed with the MEPA office. I believe that the timeline for this additional analysis should coincide with the three-year period allotted to the Variance designation. Therefore, the MWRA should begin to explore the feasibility (i.e., cost-effectiveness) of providing additional CSO control to remediate overflows at Cottage Farm immediately after the completion of the stormwater analysis, which I expect to be completed within 18 months of the issuance of the Variance. I will notice the availability of this supplemental report in the Environmental Monitor to allow an opportunity for public review and comment.

South Boston Odor Control Facility

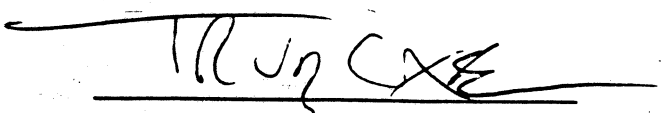
I have received several comments suggesting that the odor control facility proposed to be constructed near I and First Streets in South Boston will adversely impact the neighborhood. I have asked and the MWRA has agreed to work directly with the neighborhood to ensure that the facility is built, operated and maintained without impact to the neighborhood.

Conclusion

As there are a number of regulatory processes and other reviews still to come, MWRA should continue to be flexible and be open to project modifications as the circumstances warrant. I commend the MWRA for taking this first important step and I pledge my own efforts as we continue to move forward on realizing better water quality in Boston Harbor and its tributaries.

October 30, 1997

Date


Trudy Cox, Secretary

Comments received :

Sean McDonnell (10/2/97)
Roger Webb (10/2/97)
Arthur D. Baldwin, M.D. (10/3/97)
Houghton Chemical Corporation (10/7/97)
Peter W. Castle (10/7/97)
John & Dorothy Mandingo (10/7/97)
Cambridge City Clerk (10/8/97)
Joan L. Jay (10/8/97)
Sybil Schleinger (10/10/97)
H. Shippen Goodhue (10/14/97)
Dedham Conservation Commission (10/15/97)
James Hayes (10/15/97)
Gillette (10/15/97)
Maria Trulow (10/15/97)
Sue Klein (10/15/97)
Ana M. Statsky (10/15/97)
Angela R. Critelli (10/15/97)
Martha Wood Schroeder (10/15/97)
Joseph & Lesley Maher (10/15/97)
John Dougla Leith (10/16/97)
John F. & Louise L. Canavan (10/16/97)
Sanjay Gulati, M.D. (10/16/97)
Sate Senator Stephen F. Lynch (10/17/97)
Jane Babine (10/17/97)
Assembly Square Mall (10/17/97)
Mrs. Marilyn Milone (10/20/97)
S. David Graber for the Winthrop Board of Selectmen (10/20/97)
James M. & Celcia C. Doyle (10/21/97)
Claire M. O'Rourke (10/20/97)
Joseph & Lesley Maher w/petition against odor control facility
proposed near I and First Streets in South Boston (10/20/97)
Kara & Michael McCarthy (10/21/97)
Deborah Max (10/21/97)
John Walker Pfister (10/21/97)

Charles River Watershed Association (10/23/97)
TAC on the CSO Control Plan (10/22/97)
Boston Water and sewer Commission (10/23/97)
The Boston Harbor Association (10/23/97)
U.S. EPA; Attn John DeVillars, Regional Administrator (10/23/97)
DEP-Boston; Attn: Steven G. Lipman, P.E.
Wastewater Advisory Committee (10/23/97)
Mystic River Watershed Association, Inc. (10/23/97)
City of Boston Planning and Policy Division (10/23/97)
City of Boston The Environment Department (10/23/97)
Massachusetts Highway Department (10/23/97)
City of Somerville-Housing & Community Dev. (10/23/97)
MWRA Advisory Board (10/23/97)
Massport; Attn: Deb Haddon (10/23/97)
Frederick L. Makrauer, M.D. (10/23/97)
Roger Frymire (10/23/97)
MCZM (10/23/97)
Judith M. McCarthy (10/23/97)
Boston Edison (10/23/97)
City of Cambridge City Manager (10/24/97)
BRA/EDIC (10/24/97)
John R. Reinhardt, Somerville Conservation Commission (10/24/97)
Massachusetts Highway Department (10/27/97)
Maryann Pappanikou (10/24/97)
Tom Cooney (10/24/97)
David Standley, P.E. for the City of Quincy (10/24/97)

Communications and Reports from City
Officers #2

S-722

A communication was received from
D. Margaret Drury, City Clerk, transmitting
a letter from Trudy Cox, Secretary of
Environmental Affairs, regarding the
Final Facilities Plan/Environmental
Impact Report.

In City Council November 17, 1997

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