



Minutes

August 16, 2023

Remote via zoom

Attendees:

WAC Members: Kannan Vembu (Chair), Dan Winograd (Vice Chair), Adriana Cillo (BWSC), Craig Allen, Wayne Chouinard, George Atallah, James Guiod (AB), Karen Lachmayr, Martin Pillsbury, Stephen Greene, Taber Keally (NepRWA), Alfredo Vargas, Jim Ferrara (Members in attendance in **bold**)

Guests: Wendy Leo, Betsy Reilley, Denise Ellis-Hibbett, Jeremy Hall, David Wu, David Duest, Meg Tabacscko, Maret Smolow, Rose Souliotis (all MWRA), Matt Romero (MWRA Advisory Board), Gwen Speeth, David Stoff, Kristin Anderson (Save the Alewife), David White (Arlington ConComm), Judy Pederson (OMSAP), Erika Casarano (AECOM), Michele Barden, Alexa Sterling (EPA), Charlie Jewell (BWSC), Juliet Simpson (MIT Sea Grant, OMSAP), Max Rome (CRWA), Joann Lai (Charles River Conservancy), Clara Kierce (Pai)

Staff: Andreae Downs (WAC)

VOTE: July minutes approved.

DISCUSSION

Deer Island Draft NPDES Permit

EPA has extended the comment period until November 28th, so WAC will meet to discuss the permit at its October 13th meeting (September 21st, 10 am meeting will be the joint one with the Advisory Board and WSCAC)

Members requested a one-page outline (*outline, not one-page, sent to members 8/24*)
Members agreed that having the references in the comment footnotes was helpful.

Some had questions about nitrogen limits given that climate change may make nitrogen more damaging to the environment, and the likely increase in nitrogen in runoff from more extreme storms. Others noted that the outfall isn't a huge contributor when contrasted with stormwater, and that its location 9 miles from shore is unlikely to overlap with runoff and river contributions to the Bay.

Andreae asked about ratepayers picking up the full cost of the monitoring plan.

Question about impact on the permit

Andreae explained that the harbor and bay monitoring is currently mostly borne by MWRA ratepayers. EPA is recommending a regional entity, not the OMSAP, for further monitoring, but is silent on who and how it would be paid for. Andreae noted that the Harmful Algal blooms and some other objects of the EPA's suggested monitoring plan have been examined and the question of whether the outfall affects them has been answered—the outfall has no detectable effect on the algae or the warming of the Harbor and Bay.

And in the Massachusetts Bay, the Deer Island outfall is a minor contributor, particularly when contrasted with the Merrimack River, for instance.

A: there is mention of models in the fact sheet, and gesturing at a possible framework, including mention of the Mass Bays National Estuary Partnership (<https://massbays.wpengine.com/>). Another question for WAC is whether it wants to support that possible home for the harbor and bay monitoring.

A member commented that a regional monitoring program would probably mean at least as much effort and cost to MWRA as its current monitoring program. “pandora’s box,” although it might be best for the environment.

How much does the MWRA monitoring effort cost? On average about \$1.5m.

Comment: if EPA is thinking about a regional effort, needs a framework and a mechanism for paying for it. Is there any plan for that mentioned?

Comment—it's fine to use this comment letter as a bully pulpit to advocate for something like a regional monitoring effort. It is concerning that a bigger program may end up being more expensive, so it's another related but separate issue. I don't think any comment we make here would rein in costs borne by MWRA.

Betsy—I think I agree that creating a new advisory group will probably not be done within the context of MWRA's NPDES permit. OMSAP has been promoting a larger, regional group to investigate larger issues in the Bay, since not all issues are outfall related. The issue of creating a new oversight panel for our permit and requirements for monitoring is a separate issue—you can comment on it, but it is bigger than MWRA. Clearly, not going to create this new replacement group via this permit or this comment.

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Harmful Algal Blooms—the comments are fine with the committee

Time to create a new plan—also

OMSAP—also

Comment—wording on Blending confusing—

Add WAC appreciation for reporting on blending events.

PFAS testing—one comment supporting language. Estimated costs are in the draft. Don't think costs will persuade EPA. Committee asked to leave the cost language in for now as a reference for committee members.

Does WAC want to add a comment about the cost of the PFAS testing requirements?

Q: will it make a difference?

Comment: would err in the side of caution—may be a big expense. And as PFAS

proliferate, WAC may want to have standing.

Comment: agree. Put something in.

Wendy—part of the purpose of WAC’s letter is to communicate about wastewater issues with the public. So, the costs to ratepayers of testing that may not be useful or necessary would be important to note for those reasons.

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Does WAC want to comment on the cost and practicality of a full video inspection of the 55 diffuser heads on the seabed? Such a visual inspection is redundant: MWRA regularly monitors outfall hydraulics, which ensure that MWRA would know of any outfall defects or blockages.

Q: Doesn’t MWRA do video monitoring now?

A: yes, but not as often as EPA mentions in the draft permit, and only two of the active diffusers (external).

Comment: the hydraulics should show if something unexpected is going on—and then you might want to use a tool like video, but not unless there is an indication of trouble.

Q: Has the inside of the outfall ever been video inspected?

A: No. All the diffusers were video inspected in the third year after it opened. It was not done again. MWRA does a video survey of hard-bottom communities on two of the active diffuser heads (out of 55) as part of a hard bottom monitoring of what is growing on the seafloor near the outfall—that is removed in the draft permit along with benthic monitoring. This is done every three years.

Betsy: I am not sure what they expect to see from a video, but we would certainly know about any issues through the hydraulic modeling. We think hydraulic modeling is a more sensitive measure. Also remember that most of the outfall pipe is underground, you can’t really see it. Not sure what EPA expects to see.

Wendy: to an extent this seems to be copied from other permits where an outfall pipe lies on the sea or riverbed, not under miles of rock where it can’t be damaged by a ship

anchor or by sediment piling up on top.

Q: in the permit how often do they want this video monitoring?

A: I think once in the 5-year term of the permit

Q: so, we aren't talking about inside the pipe monitoring? Interpreting to just be the diffuser heads?

A: don't think it's physically possible to video the inside of the outfall pipe.

Q: so, in 2003, there was no video monitoring of the inside of the pipe?

A: no—just diffuser sites

Comment: so, we should say it's not clear what they want. It's expensive, and MWRA can't video the inside. If it's just the diffuser heads, it possibly could be done every 10 years.

Comment: don't want to put ideas in their heads, inspection every 10 years, I think maybe just say it isn't clear.

Wendy: can probably dig up the inspection report from 2003, but may take time.

Does the committee want to see that? Yes, if it isn't too time consuming for Wendy.

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Running short on time.

Andreae suggested WAC try to finish up co-permittee and I/I Regional Plan comments before ending this meeting, and return after Labor Day to discuss Major Storm Events (Climate Change) planning.

I/I—WAC had no recommended changes to the comments. Andreae noted that MWRA had found errors in the EPA fact sheet, and members asked that this information be forwarded (done 8/31 via email).

O&M Plan comments—Andreae asked if WAC wanted to recommend a more realistic time frame for an O&M plan (exclusive of the major storms part).

Comment—needs to be more than 6 months, but not sure how long. 4 months just to

vote an item through Town Meeting and start procurement. But utility directors will need a year or so to educate Town Meeting Members ahead of such a vote. Sounds like at least a two-year process. EPA sometimes needs to be reminded about the state's home rule provisions and how town meeting works.

Two year minimum? For all the reasons discussed—procurement, educating the legislative body, time for that body to meet....

Consensus that at least two years should be allowed.

Betsy: there are other communities, Chelsea, Revere, Everett, places like that, which have far fewer resources to dedicate to this, and it will be a big challenge to raise the funds to do this.

Question: would joint procurement documents, maybe boilerplate language with spaces for community-specific data, generated regionally, be efficacious for communities in this situation?

Alfredo Vargas (Newton)—this is really complicated, combining communities. I am not sure.

Community comment: Don't extend the timeline more than a year. All communities, even Arlington, are stretched. If the timeline is too long, they lose the sense of urgency to find the money to do the work.

Q: don't we expect significant challenge from communities?

Andreae reminded the committee that the discussion was still just about the O&M planning, not the storm event/climate planning. She noted Newton needed 3 years of study and education to get a 10 year I/I plan together, which will need renewal at the end of the 10-year plan.

Newton DPW had to educate—not just the council, but the community, about why you would raise the sewer rates, create an enterprise fund, etc.

Betsy—additive effects of requirements on communities. The basic O&M plan—maybe that kind of effort should be done on a quicker time line. But the storm planning—is much larger. Is that going to take away from routine O&M planning because they are both happening at the same time?

Comment that the work is what's important here, and funds spent planning will come

from the work budget.

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On the annual reporting requirement part of the basic O&M plan—does WAC want to suggest a less-frequent report, say, 5 years?

Question: How difficult is it to produce an annual report? Aren't communities doing this anyway?

Held question for time.

Question on I/I achievable and enforceable targets—do we know what those would look like? Do we want to specify or leave it more alone?

Andreae—this is language built off WAC's July meeting, but I don't know what these would look like.

Comment: good to investigate this question and come back to it later.

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Andreae asked about using the October meeting for finalizing comments and moving the Nut Island tour to May.

Members agreed on the schedule change.

Kannan suggested reorganizing the flow of the comments.

Andreae noted that WAC had agreed on the concept of starting with the positive message (thank-yous) first. Members agreed this was a successful method.

Andreae previewed the upcoming WAC schedule:

August 17—Quabbin Tour with the Advisory Board

Sept. 21 –Joint meeting with AB/WSCAC at 10 am

October 13—WAC meeting at 10:30