COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

FINAL DETERMINATION TO EXTEND VARIANCE FOR COMBINED SEWER OVERFLOW DISCHARGES TO ALEWIFE BROOK/UPPER MYSTIC RIVER

The Department of Environmental Protection (the "Department") hereby extends the Variance for CSO Discharges to the Alewife Brook/Upper Mystic River from September 1, 2010 for a period of three years (to September 1, 2013). This action, which authorizes limited CSO discharges, is taken in connection with NPDES permit Nos. MA0103284, MA0101974, and MA0101982, issued to the Massachusetts Water Resources Authority (MWRA), the City of Somerville, and the City of Cambridge, respectively. The Variance extension is issued pursuant to the Massachusetts Surface Water Quality Standards at 314 CMR 4.00, and subject to the specific conditions which follow. The Variance is intended to provide a timeframe to implement the revised recommended CSO control plan for the Alewife Brook/Upper Mystic River watersheds.

The Department grants this Variance based on the technical and cost information in the 1997 MWRA CSO Facilities Plan, the July 1, 2003 MWRA Final Variance Report, and affordability analyses demonstrating that implementation of more stringent CSO controls at this time would result in substantial and widespread social and economic impact as specified in 314 CMR 4.03(4). Issuance of this Variance for CSO discharges to the Alewife Brook/Upper Mystic River is consistent with EPA Guidance: *Coordinating CSO Long-Term Planning with Water Quality Standard Reviews (July 31, 2001)*, which states that longer term variances and renewal of variances are warranted given the extended duration necessary for implementation of Long-Term Control Plan(s).

MWRA and the Cities of Cambridge and Somerville shall implement the revised recommended plan included in the July 1, 2003 MWRA Final Variance Report for the Alewife Brook/Upper Mystic River. The implementation schedule will be as set forth in modifications to the Federal Court Order.

It is anticipated that this Variance will be incorporated into NPDES permits for the MWRA and the Cities of Cambridge and Somerville. Failure by the MWRA and/or the Cities of Cambridge or Somerville to comply with the conditions of this Variance following its effective date and prior to and following permit modification or reissuance will constitute a violation of

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

MassDEP on the World Wide Web: http://www.mass.gov/dep
Printed on Recycled Paper

the permit as in effect on the date of such violation, as well as the Massachusetts Surface Water Quality Standards and Permit Regulations, 314 CMR 3.00.

VARIANCE CONDITIONS

The CSO Variance is conditioned upon MWRA and the Cities of Cambridge and Somerville complying with the following requirements:

A. Implementation of the Revised Recommended Plan

MWRA and the Cities of Cambridge and Somerville shall implement the $117 million Revised Recommended Plan in the Alewife Brook/Upper Mystic River watershed to abate CSO discharges. The implementation schedule shall conform to the requirements of the federal court order, as modified. CSO discharges shall be limited in accordance with the performance of the Revised Recommended Plan, as characterized in the July 1, 2003 MWRA Final Variance Report after implementation of the Revised Recommended Plan and upon completion of subsequent monitoring to verify that the Long-Term CSO control goals are achieved.

B. Other Actions to Minimize CSO/Sanitary Discharges

i. MWRA and the Cities of Cambridge and Somerville shall continue to implement the Nine Minimum Controls (NMC), and monitor CSO activations and volumes. Cambridge and Somerville each shall submit a report to the Department on an annual basis that contains estimates of CSO activations and volumes in the Alewife Brook/Upper Mystic River. The first report shall be submitted by April 30, 2011 for the preceding calendar year. On or before April 30 of each year, MWRA shall submit to the Department the estimated CSO activations and volumes for all CSO outfalls for the previous calendar year in the Alewife Brook/Upper Mystic River using the MWRA sewer system model.

ii. MWRA shall continue to provide technical assistance related to the identification and removal of I/I to member communities.

iii. The Cities of Cambridge and Somerville shall respond to any DEP comments on the Infrastructure Studies submitted pursuant to the 2004 Variance Extension, or any other DEP information requests to clarify the conditions of the combined sewer system, including the frequency and volume of CSO discharges, within 90 days of receiving such comments.

C. Notification to the Public of CSO Discharges and Impacts:

i. MWRA and the cities of Cambridge and Somerville shall maintain outfall signs which are visible both from the shore and from in stream locations for their permitted

CSO discharges. Pursuant to the NPDES permit, the following language, at a minimum, shall be included:

WARNING:
WET WEATHER
SEWAGE DISCHARGE
OUTFALL (discharge serial number)

ii. MWRA and the Cities of Cambridge and Somerville shall maintain informational signs at John Waldo Park and other public access locations identified by the Department to advise the public of CSO discharges and potential public health impacts and to provide contact information and website links. The text of the notice shall be subject to prior approval by the Department.

iii. MWRA and the Cities of Cambridge and Somerville shall issue a joint press release by April 15 of each year to watershed advocacy groups, local health agents, property owners subject to flooding in the Alewife Brook watershed (as defined by the Department in consultation with FEMA and DCR), and newspapers of local circulation in the Alewife Brook/Upper Mystic River watershed, which shall include general information on CSOs, their locations in the Alewife Brook/Upper Mystic River watershed, and potential health risks posed by exposure to CSO events.

iv. The City of Cambridge, in collaboration with MWRA and Somerville, shall provide email notice to EPA, the Department, local health agents, and the Mystic River Watershed Association of CSO discharge events in the Alewife Brook watershed within 24 hours of the onset of the discharge.

v. MWRA and Cities of Cambridge and Somerville shall update and maintain their respective websites to include general information regarding CSOs, potential health impacts, locations of CSO discharges, the status of the CSO abatement program, web links to CSO communities and watershed advocacy groups, and information from the most recent information on CSO activations and volumes in the Alewife Brook/Upper Mystic River watershed.

D. Receiving Water Monitoring

The MWRA shall continue to perform water quality monitoring in the Alewife Brook/Upper Mystic River to assess the impacts of CSO discharges.

Each year, on or before July 15 for the duration of this Variance, MWRA shall submit to the Department and EPA a report on the previous year's sampling program. The report shall include:

i. A summary of the receiving water sampling data collected over the past calendar year, including sampling locations and parameters, and comparisons between results during wet and dry weather.

ii. MWRA has a sampling plan for the Alewife Brook/Upper Mystic River on its website at http://www.mwra.state.ma.us/harbor/enquad/pdf/2005-12.pdf . Changes in schedule, sampling sites, and/or parameters will be provided to the Department for review and approval in advance of implementation of the sampling plan, for each year of this variance.

Subject to the conditions included in this Variance, MWRA, and the Cities of Cambridge and Somerville shall be authorized to have CSO discharges during wet weather events to the Alewife Brook/Upper Mystic River, CSO discharges shall be consistent with the performance of the Revised Recommended Plan, as characterized in the July 1, 2003 MWRA Final Variance Report, upon implementation of the Revised Recommended Plan and after completion of subsequent monitoring to verify that the Long-Term CSO control goals are achieved.

8/26/10
Date Issued

Glenn S. Haas
Assistant Commissioner
Bureau of Resource Protection

9/1/10
Effective Date