



December 10, 2015

Ms. Robin Johnson
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100 (OEP06-1)
Boston, MA 02109-3912

Mr. David Ferris
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: The Buzzards Bay Coalition's Supplemental Comments on the Draft NPDES Permit No. MA 0100030 for the Town of Marion's Water Pollution Control Facility

Dear Ms. Johnson and Mr. Ferris,

Please accept the following as supplemental comments to the Buzzards Bay Coalition's (Coalition) February 6, 2015 comments on the town of Marion's (Town of Marion) Water Pollution Control Facility's (WPCF) Draft NPDES Permit, No. MA 0100030 (Draft Permit). The Coalition reiterates its strong endorsement of the EPA's Draft Permit to reduce the nutrient load to Aucoot Cove and Sippican Harbor through remediation of the town of Marion WPCF's twenty acres of unlined sewage lagoons.

The Coalition is a nonprofit membership organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed. We represent more than 8,000 individuals, families, organizations, and businesses in Southeastern Massachusetts and have approximately 470 members in Marion. Staff and volunteers have collected nutrient-related water quality samples from Marion's coastal waters since 1992 and a number of our members use and enjoy Aucoot Cove and Sippican Harbor through swimming, kayaking, boating and fishing.

The Coalition offers these comments in response to recent requests by CDM to supplement Marion's comments on the record.

The WPCF Draft Permit requires a monthly average nitrogen limit.

The Coalition urges the EPA to reject CDM's request for a seasonal average nitrogen limit. A seasonal average nitrogen limit is not sufficiently stringent to achieve compliance with water quality standards for Aucoot Cove. Instead, compliance must be measured by using a monthly average. Meeting a monthly nitrogen limit during this time period provides better water quality protection to Aucoot Cove and the ecological resources therein. The town of Marion's neighbor to the east, the town of Wareham, operates a wastewater treatment facility within the Buzzards Bay watershed. The town of Wareham's Final NPDES permit, MA0101893, sets an effluent limit for total nitrogen measured on an average

www.savebuzzardsbay.org

114 Front Street, New Bedford, Massachusetts 02740 | Tel: 508-999-6363 Fax: 508-984-7913

21 Luscombe Avenue, Woods Hole, Massachusetts 02543 | Tel: 508-540-6222



monthly basis between the months of April 1 to October 31. The town of Marion's Draft Permit total nitrogen limit should also be measured on a monthly average basis.

The Draft Permit's proposed April 1 to October 31 seasonal limit should be maintained in the Final Permit.

The Coalition urges the EPA to reject CDM's request for a shortened season. An examination of the Coalition's long-term dataset shows that the temperature in the waters around Buzzards Bay are warming over time, including Aucoot Cove which has warmed at a rate of approximately 1.2°F per decade¹. The average July and August water temperature was 72.3°F in 1992 in Aucoot Cove, whereas the average July and August water temperature was 74.8°F in 2013. The warming waters over time results in a lengthening of the time during which water temperatures are favorable for algae growth. The growing season is lengthening, not shortening. It is therefore reasonable, and consistent with the town of Wareham's seasonal nitrogen limit, to require Marion to meet its nitrogen limit between April 1 and October 31.

The Coalition supports an expedited schedule for achieving compliance with the Lagoon Condition (Condition I.E.) in Draft Permit Condition I.F.

Marion does not dispute that the twenty acres of unlined sewage lagoons are leaking. Concern over the integrity of the lagoons was initially discussed in the WPCF's 1995 Draft Wastewater Facility Plan, produced by Camp Dresser & McKee, stating that "[t]here are two possible sources of contamination from the treatment facility: the wastewater lagoons and the septage lagoons."² The 1995 Plan goes on to report that Well 1 contained nitrate levels above primary drinking water standards and total nitrogen concentrations as high as 19.4 mg/L.³ Now, twenty years later, Marion's consultants, CDM Smith's recent investigations further clarify that the lagoons are leaking. Specifically, in their supplemental comments to EPA on September 16, 2015, CDM finds that the leakage from the lagoons could be "on the order of 0.01 to 0.05 mgd."

It is clear that federal regulations require that all facilities and systems of treatment and control, including all related appurtenances, be properly operated and maintained at all times.⁴ This requirement applies to the WPCF's wastewater lagoons as well. The continued operation of unlined leaking lagoons and the practice of sludge disposal in unlined lagoons is inconsistent with proper operation and maintenance requirements of the WPCF.⁵ The Coalition urges EPA to maintain an expedited compliance timeframe to line or otherwise remediate the lagoons to protect Marion's sensitive coastal waters.

¹ Rheuban, J. E., S. C. Williamson, J. E. Costa, D. M. Glover, R. W. Jakuba, D. C. McCorkle, C. Neill, T. Williams, and S. C. Doney. Spatial and temporal trends in summertime climate and water quality indicators in the coastal embayments of Buzzards Bay, Massachusetts. *In review*.

² Town of Marion Draft Wastewater Facilities Plan, Camp Dresser & McKee, June 1995 at 6-10; Town of Marion Draft Wastewater Facilities Plan, Camp Dresser & McKee, May 2001 at 2-3.

³ Town of Marion Draft Wastewater Facilities Plan, Camp Dresser & McKee, June 1995 at 6-15.

⁴ 40 CFR §122.41(e); Fact Sheet at 19.

⁵ Fact Sheet at 19.

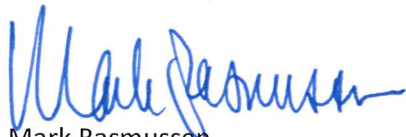
Conclusion

The Coalition is optimistic that the Town is taking the necessary steps to comply with the Draft Permit's requirement that the lagoons be properly lined and maintained. CDM presented a construction schedule in support of this end in their September 23, 2015 comments and we look forward to supporting Marion's completion of this task.

Furthermore, the Coalition was recently pleased to partner with Marion on a grant application to expand municipal sewer to existing homes serviced by on-site septic systems around Aucoot Cove. If awarded, the project will take a critical step towards reducing nitrogen to Aucoot Cove from other wastewater sources.

The ongoing, persistent nutrient pollution of Aucoot Cove, Sippican Harbor and the Sippican River from Marion's leaking sewage lagoons cannot be allowed to continue and we urge EPA to issue a final NPDES permit that expedites lagoon cleanup as its top priority.

Sincerely,



Mark Rasmussen
President

CC: Town of Marion Board of Selectmen

W. B. R. 10/11