



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION



APR 28 2006

Nancy Stevens
Mayor, City of Marlborough
City Hall
140 Main Street
Marlborough, Massachusetts 01752

Donald Cowles
Chairman, Westborough Wastewater Treatment Plant Board
238 Turnpike Road
Westborough, Massachusetts 01581

Paul Blazer
Executive Assistant, Town of Hudson
78 Main Street
Town Hall
Hudson, MA 01749

Walter Sokolowski
Superintendent, Town of Maynard Department of Public Works
195 Main Street
Maynard, Massachusetts 01754

Re: Assabet River TMDL and NPDES Permitting

Dear Mayor Stevens, Mr. Cowles, Mr. Blazer and Mr. Sokolowski:

On April 12, 2006, the Environmental Appeals Board dismissed the final remaining appeal filed in connection with the National Pollutant Discharge Elimination System ("NPDES") permits issued last year to the Westborough Wastewater Treatment Plant Board, the City of Marlborough and the Towns of Hudson and Maynard for POTW discharges to the Assabet River. We applaud all of the parties for their cooperative efforts to resolve each of the permit appeals and to avoid what would likely have been contentious, extended litigation.

As your communities proceed with planning the necessary POTW upgrades to comply with NPDES permit requirements, we wish to highlight a very important consideration regarding the current growing season phosphorus effluent limit of 0.1 mg/l.

As we earlier indicated in our response to comments to the draft permits and elsewhere on the public record, EPA and DEP intend to follow the recommended implementation plan and schedule that accompanies the Assabet River Phosphorus TMDL ("TMDL"). As explained in the TMDL implementation plan, the current phosphorus limit is an interim "Phase 1" limit. Depending on whether sediment remediation can reduce sediment phosphorus contributions enough to achieve water quality standards in the Assabet River, your facility may be required in the next permitting cycle to meet a more stringent "Phase 2" limit by 2014.

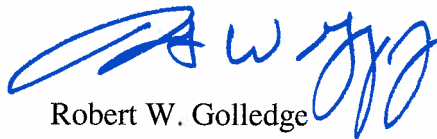
Consistent with the TMDL implementation schedule, EPA and DEP will initiate development of Phase 2 permits in Spring 2008. If we determine that sediment remediation is unlikely to achieve necessary phosphorus reductions based upon the information available at that time, the agencies will establish new Phase 2 phosphorus effluent limits designed to ensure compliance with water quality standards. As set forth in the TMDL schedule, the agencies will reissue NPDES permits to the Assabet communities upon expiration of the current permits, or five years after their effective dates. Compliance with any new phosphorus effluent limits will be required no later than April 2014. As Phase 2 phosphorus limits may be lower than the limits in the current permits, we once again strongly recommend that you give serious consideration to phosphorus removal technologies compatible with achieving phosphorus effluent limits lower than 0.1 mg/l.

We look forward to working closely with each of the communities over the coming months and years to facilitate an informed, efficient POTW upgrade process and to advance our concerted effort to restore the Assabet River watershed.

Sincerely,



Ira W. Leighton
Deputy Regional Administrator
U.S. Environmental Protection Agency
1 Congress Street
Boston, Massachusetts 02114-2023



Robert W. Golledge
Commissioner
Massachusetts Department of Environmental Protection
One Winter Street
Boston, Massachusetts 02108

cc: Senator Edward M. Kennedy, US Senate
Senator John F. Kerry, US Senate
Senator James McGovern, US House of Representatives
Senator Pamela P. Resor, Massachusetts State Senate
Representative Stephen P. LeDuc, Massachusetts House of Representatives
Representative Patricia A. Walrath, Massachusetts House of Representatives
Glenn Haas, DEP
Selectman Edward P. Perry, Jr., Town of Stow Board of Selectmen
Julia Blatt, OAR
Chris Hatfield, U.S. Army Corps of Engineers