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Via E-mail & U.S. Mail

April 12, 2006

Jeanne Voorhees
Office of Ecosystem Protection
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (CMP)
Boston, MA 02114-2023

Paul Hogan
MA Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, MA 01608

Re: Draft NPDES Permit No. MA0039853 – Town of Wayland Wastewater Treatment Plant

Dear Ms. Voorhees and Mr. Hogan:

I have reviewed the above-referenced draft NPDES Permit for the Wayland Wastewater Treatment Plant and offer the following comments:

1. **The Record Does Not Support The Proposed Flow Limit.**

From a review of the information contained in the EPA "Fact Sheet", it appears that the proposed Permit discharge limitations and conditions were determined almost entirely on a "quantitative description of the effluent parameters" contained in Discharge Monitoring Reports for the period January 2002 through November 2004. As shown on Table 1 of the "Fact Sheet", although the then permitted monthly average flow was 52,000 GPD, the actual monthly average flow throughout that period was only 10,344 GPD.

Given that the flow throughout this period was only 20% of the allowed monthly average, it does not seem as though EPA and DEP have a sufficient basis for determining that the proposed new flow and effluent limits will, in fact, be protective of surface water quality standards if and when the treatment plant returns to a full capacity.

There are currently only 27 users connected to the Wastewater Treatment Plant. Those users represent approximately 5 households, some existing businesses, and one municipal use (newly constructed after issuance of the 1998 NPDES Permit).

I mention the new construction only because the State statute that created the Wayland Wastewater Management District Commission (i.e., the Town body that oversees and operates the Wayland Wastewater Treatment Plant), states at Chapter 461 of the 1996 Acts and Resolves of Massachusetts that "the commission shall not provide service to: (2) a new facility's system or for an increase in design flow to an existing facility's system if that new system or increase in design flow could not have been permitted in the absence of this act" That is, Wayland should not be relying on this NPDES Permit and discharges to the Sudbury River to promote new growth. Rather, all of the regulatory agencies involved should be attempting to curtail new or increased discharges to the River.

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The Sudbury River is currently on a State list of water bodies that have water quality impairments and the Sudbury-Assabet-Concord (SuAsCo) watershed is suffering from an over-allocation of nutrients, resulting in serious eutrophic conditions. Therefore, it would seem appropriate and more protective of the environment at this time to issue a Permit for the 15,514 GPD maximum recorded monthly flow.

2. The Proposed Phosphorus Limit Is Too Low.

Given the current eutrophic conditions in the Sudbury River and the fact that in low flow conditions, the river system is dominated by sanitary wastewater discharges, it is imperative that EPA and DEP impose lower discharge limits on the effluent, similar to the limits imposed in the Hop Brook.

Please be aware that there are currently three large development projects that have been either permitted or are being proposed for the center of Wayland. One is a 48-unit 40B condominium housing project (Wayland Commons, Old Sudbury Road) already approved by the Zoning Board of Appeals. Another is a 372,500 sq. ft. mixed-use development comprised of 205,000 sq. ft. of retail, restaurant, and municipal use; and another 167,500 sq. ft. of residential use consisting of 200 bedrooms. The third is a possible 40B condominium development (Residences at Wayland Center) consisting of 480 bedrooms comprised of mid-rise and town house residences adjacent to the Sudbury River. It appears each of these projects expects to connect to the Wayland Wastewater Treatment Plant and take advantage of the ability to discharge to the Sudbury River.

Once these new developments are added to the wastewater system, it will be difficult, if not impossible, to curtail their flow into the system and the river. That is why it is imperative to take these prospective new users into account now when setting the discharge limits. Each of these new users will have washing machines, dishwashers, and residential bathroom facilities, all of which will add to the phosphorus levels in the discharge. The amount of phosphorus likely to be contained in their wastewater will far outweigh what would be contained in a typical general office building use.

3. If New Development Is Going To Be Allowed To Discharge To The Treatment Plant, It's Contribution Should Be Considered In Setting Effluent Limits.

4. Page 8 of 14 of the Draft Permit – Footnote No. 7 appears to have an error. The text states that "Toxicity test samples shall be collected during the second week of August, and the results shall be submitted by September 30th." But, the table states that the tests should be conducted during the second week in September and the results should be submitted by October 31st.

5. Page 10 of 14 of the Draft Permit – Part I.A. (Continued), # 2.b. seems to be missing some words. The sentence probably more correctly should read "2. The permittee must provide adequate notice to the Director of the following: b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at or after the time of issuance of the permit." (insert underlined words).

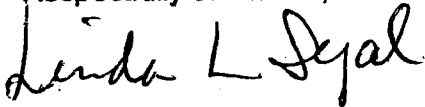
I will leave the remainder of the technical issues to the comments of others more adept in these matters. I trust you will seriously consider, however, each of the points raised in my comments and my sincere concern that we stop using our rivers to dispose of our sewage.

Because the Wastewater Management District Commission has not shared with its users or the Town the range of potential costs that may be incurred in order to comply with this draft permit, it is imperative that the users have the benefit of understanding the issues before the draft NPDES Permit becomes final. If the costs are too great, the 27 users may decide that a smaller treatment plant that discharges to a location other than the wetlands or the river is preferable.

I hereby request that the EPA and DEP, in conjunction with the Wastewater Management District Commission, hold a public hearing in Wayland to discuss each of the issues raised above.

Thank you for the opportunity to comment on this most important matter of environmental concern. Your extension of this public comment period until today is also greatly appreciated.

Respectfully submitted,



Linda L. Segal

cc: Wayland Wastewater Management District Commission
Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council

NOTE: This public comment submittal represents my own personal opinion and not that of any municipal governmental bodies or environmental groups with whom I have served or been associated.