

Thomas B. Arnold

Creative Photography

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April 11, 2006

Linda M. Murphy, Director
Office of Ecosystem Protection
Environmental Protection Agency
1 Congress St.
Boston, MA 02114

Glenn Haas, Director
Division of Watershed Management
Massachusetts Department of Environmental Protection
1 Winter St.
Boston, MA 02108

Dear Ms. Murphy and Mr. Haas,

I am writing to object to the terms of the Draft NPDES permit for the Town of Wayland Wasterwater Treatment Plant.

I am a long time user of the Sudbury River and consider it one of the most important *natural resources* in the MetroWest area. In 1977 I organized and led a three day canoe trip from Cedar Swamp Pond in Westborough down the Sudbury, Concord and Merrimac Rivers to the city of Newburyport. Just in the past three years I have participated in over 10 canoe or kayak trips on the Sudbury River. This June 11 I am leading a public canoe trip on the river as part of the River Fest Celebration. I have photographed much of the Sudbury River and have created a slide show showing the river. I am attaching to these comments two photographs (taken from the Sudbury Road bridge last summer) which show the extent of the green algae which covers the river during summer months. My use and enjoyment of the river will be adversely affected if this permit is issued and these levels of eutrophication are allowed to continue or to get worse. Because of my interest and concern for the health of the river I became a member of the Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council in 2004.

My concerns about the draft permit are as follows:

- 1) the Draft Permit allows an average flow of 52,000gpd, even though the average daily flows in 2002-2003 were slightly over 10,000gpd. As far as I can tell, no

one knows when, or even if, flows will ever exceed 10,000gpd. Nor has it been shown what types of commercial, industrial or residential wastes will be discharged to the Wayland WWTP at some unknown time in the future, or the volume of such increased flows. Without knowing the composition and volume of the expected waste flow into the WWTP, it is premature to authorize such an increase, much less to attempt to set effluent limits. Moreover, it is anticipated that the existing WWTP will either be rebuilt or a new one constructed. Until details about the treatment plant are known, it is premature to try to set effluent limits. I would urge EPA to issue a permit for 10,000 gallons at this time, and to defer any action on greater amounts of effluent until more is known about the chemical and biological makeup of the increased flow.

2) The Draft Permit allows total phosphorus discharges of up to 0.2mg/l from April-October 31, and 0.5mg/l from November 1 to March 31. These technology-based limits are not stringent enough to meet water quality standards. As well documented in the EPA Permit Fact Sheet and the MA DEP's SuAsCo Watershed Concord River TMDL Study Assessment Final Report, the Sudbury and Concord rivers are already eutrophic. Any wastewater discharge that increases the total phosphorus load in the Sudbury and Concord Rivers will increase the severity and duration of eutrophic conditions. EPA regulations require that the Wayland permit must contain water quality-based total phosphorus limits which will achieve water quality standards.

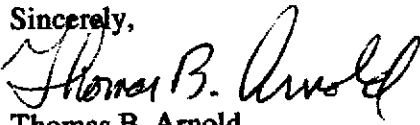
The EPA-funded Mitchell, Liebman, Ramseyer and Clark (2004) determined that instream TP concentrations of 0.020-0.022 mg/L were necessary to protect designated uses in waters such as the Sudbury and Concord Rivers. From May, 2003 thru November 2004, the average TP concentration in the Sudbury River below the proposed wastewater discharge site was 0.108 mg/L, or five times the levels necessary to protect designated uses. The maximum TP concentration measured at the site during the same period was 0.68 mg/L, or 30 times the recommended levels.

Consequently, this study, along with other EPA guidance documents and the Sudbury River water quality data, require that the total phosphorus effluent limit in the final permit should not exceed 0.02 mg/l, which is an order of magnitude lower than the proposed 0.20 mg/l TP limit. By contrast, the proposed technology-based limits of 0.2 mg/L and 0.5 mg/L in the Draft Permit will contribute to the existing eutrophication problems and use impairments in both the Sudbury and Concord Rivers.

3) The Fact Sheet attempts to justify the proposed TP limits by arguing that because they are more stringent than the existing permit the anti-degradation requirements have been met. It should be obvious that this is not the legal standard for determining limitations on wastewater flows.

I request that EPA and DEP hold a public hearing to address these issues.

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. Arnold". The signature is written in black ink and is positioned above the printed name.

Thomas B. Arnold