

Exhibit 6



United States Department of the Interior

NATIONAL PARK SERVICE
NORTHEAST REGION
15 State Street
Boston, Massachusetts 02109-3572

IN REPLY REFER TO:

L5815 (BSO-W&SR)

April 12, 2006

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

Dear Ms. Murphy and Mr. Haas,

Thank you for the opportunity to comment on the recently issued draft NPDES permit MA0039853 for the Town of Wayland Wastewater Treatment Plant. The National Park Service is especially interested in this draft permit because it discharges directly into that part of the Sudbury River that has been designated as a Wild and Scenic River.

As you know, 29 miles of the Sudbury Assabet and Concord Rivers have been nationally designated as part of the Wild and Scenic River System. The National Park Service as the administering agency is responsible for long term protection and stewardship of the rivers' 'outstandingly remarkable resources' including scenic, historic, cultural, recreational and ecological values. One of the greatest threats to these resources is impaired water quality, especially due to high nutrient loads. Section 7 of the Wild and Scenic Rivers Act gives the National Park Service the responsibility to evaluate this permit to ensure the proposed discharge will not adversely affect the resource values for which the river was designated.

Following are our comments on this permit.

1. Recent water quality data confirms that the Sudbury River both upstream and downstream of this discharge currently violates water quality standards. In fact, as reported in the Permit Fact Sheet, results of instream monitoring of total phosphorus, chlorophyll a and dissolved oxygen indicate the existence of eutrophic conditions. For this reason, the final permit should include a water quality based limit for phosphorus which will eventually enable the river to meet water quality standards. The Sudbury River water quality data, along with EPA's most current nutrient guidance documents, clearly show that the 0.2 mg/L technology-based total phosphorus limit will not meet

state water quality standards and has reasonable potential to contribute to the Sudbury and Concord Rivers' existing cultural eutrophication problems.

2. Because Massachusetts does not yet have a numeric criteria for phosphorus, regulators should depend on current relevant studies which suggest appropriate phosphorus limits for effluent discharges. All guidance documents produced by EPA and discussed in the fact sheet suggest numeric phosphorus criteria for this ecoregion and this type of slow moving river system, ranging from 0.1mg/l to 0.02 mg/l. However, the most recent EPA funded analysis, done by Mitchell, Liebman, Ramseyer and Clark (2004) utilizing the most current data and having been subjected to quality assurance measures suggests the need for even more conservative concentrations (0.020 -0.022 mg/l). In light of this growing body of information, a total phosphorus limit of 0.02 mg/L, which is an order of magnitude lower than the proposed 0.2mg/L limit, is required to protect and restore water quality in the Sudbury and Concord Rivers.

3. Wastewater treatment technologies are commercially available that can achieve a phosphorus limit of 0.02 mg/L. EPA and DEP should make information on these technologies available to Wayland.

4. Utilizing the growing body of information, including the recent work by EPA (2004), MA DEP should expedite the development of numeric phosphorus criteria that will better protect water quality. Excessive nutrient enrichment poses a serious water quality threat to many of the rivers in this watershed and through out the State. It would be very helpful if DEP presented a timeframe within which these criteria would be adopted.

5. Additional important questions must be answered before it is decided where the discharge outfall should be placed. Before the pipe is extended to discharge into the river, an evaluation of potential impacts must occur. Much of the river bottom sediments are laden with mercury from an upstream Superfund site. It is imperative to know whether the laying of the pipe, or the use of a diffuser or sparger as part of the discharge, will disturb these sediments.

In addition, the State should immediately list this segment of the Sudbury River as impaired by nutrients on the 303(d) list and, as soon as possible, conduct a nutrient TMDL for the Sudbury and Concord Rivers, as requested by the SuAsCo Watershed Team over 4 years ago. Before a decision is made to place the discharge in the river, a load allocation should be established.

Impacts of a pipe discharge into the river should also be evaluated for effects on the recreational and scenic values of the river. These are two resource values for which the Sudbury River was designated a Wild and Scenic River.

Similarly, there is little information available on impacts to the wetland of continuing the discharge there. Impacts to flora and fauna from the effluent should be assessed, and made available, before deciding where to place the discharge pipe. The discharge point is adjacent to wetlands which have recently been restored as part of the Raytheon

remediation. New native species have been planted and are now being monitored to ensure their survival. This monitoring should continue to ensure that the wastewater discharge does not contribute to any compromise of the wetland.

6. DEP and EPA are to be commended for imposing a phosphorus limit in the winter months. Monitoring requirements to determine the amount of particulate phosphorus will also be very helpful. Ultimately, only 10% of the phosphorus discharge should be in particulate form during the winter. These limits should apply whether the discharge is into the wetland or the river.

7. In the recently circulated revisions to the surface water quality standards (314 CMR 4.00) DEP has added new wording to protect 'special resource waters' defined as 'those waters of exceptional significance, such as waters in national or state parks and wildlife refuges'. This portion of the Sudbury River has not only been designated by Congress as a Wild and Scenic River, because of its outstanding resources, it also flows through the U.S. Fish and Wildlife Service's Great Meadows National Wildlife Refuge. Maintaining the highest possible level of water quality in the River is necessary in order to achieve the goals of the national wildlife refuge system and the wild and scenic river system including conserving, managing and restoring wildlife, fish and plant resources and their habitats. Any discharge must be evaluated to ensure that "... no new or increased discharge ...that would result in lower water quality in the Special Resource Water may be allowed..." (proposed section 4:04(4) of MA. Water Quality Standards revisions).

8. Based on the convincing data presented in the Permit Fact Sheet regarding the over-allocation of nutrients in the watershed and the existing eutrophic conditions in the river, there should not be an increase in flow from this discharge to the river which exacerbates water quality problems. Alternatives such as water conservation, low impact development, groundwater discharge and/or treated wastewater irrigation should be seriously evaluated as ways to accommodate more flow without increasing a discharge to the river.

Thank you for the opportunity to comment. If you have any questions please contact Lee Steppacher at lee_steppacher@nps.gov.

Sincerely,

Jamie Fosburgh, Director
River Program