

Comments for EPA Science Advisory Board on WOTUS

I am a retired marine scientist and grassroots environmental activist living on Cape Cod, Ma. I have been involved in the EPA/US Army Corps of Engineers WOTUS (Water of the US) dialog since 2017, when I participated in an online public hearing. I live in the Waquoit Bay Watershed on Cape Cod which is has eutrophication problems in Ashumet Pond from “P” enrichment from the former wastewater treatment plant at Joint Base Cape Cod (JBCC) and “N” enrichment from septic systems which has caused loss of habitat for marine biota and water quality problems in Waquoit Bay. When I worked at the Northeast Fisheries Science Center in Woods Hole, I participated in the EPA-lead Waquoit Bay Watershed Ecological Risk Assessment project which identified nutrients as the major human stressor in the watershed. This project explored the relationship between bay scallops; loss of eelgrass beds and “N” enrichment from the watershed.

The Cape Cod Commission; Massa. Department of Environmental Protection and EPA Region 1 have been overseeing the Comprehensive Wastewater Management Plans/Targeted Watershed Management Plans (CWMP/TWMP) program to reduce “N” loading from septic systems to our > 50 coastal embayments suffering from eutrophication. The Conservation Law Foundation consent decree was folded into the CWMP/TWMP process.

There are 14 “N” sensitive embayments in the Town of Falmouth (which includes Waquoit Bay which is occupied by the towns of Falmouth; Mashpee and Sandwich). I recently submitted comments to Ma. DEP on the Falmouth Notice of Project Change for the South Coast Embayments and West Falmouth Harbor for Phase 1 of the CWP/TWMP. (see Letter to Editor in CapeCodToday).

In more recent times, PFOS and PFOA from the Ashumet Valley Plume (AVP) at Joint Base Cape Cod has contaminated public and private drinking water wells in Falmouth and Mashpee. This required GAC (granular activated carbon treatment) to remove PFOS and PFOA from the drinking water wells. The source areas for the AVP include: former fire training area and wastewater treatment plant at JBCC plus the water/sediments of Ashumet and Johns Ponds. Thus the plume has expanded to a big blob effecting both public and private drinking water in Falmouth and Mashpee. I represent the Sierra Club on the University of Rhode Island STEEP (Sources, Transport, Exposure, Effects of PFAS) grant Cape Cod Advisory Committee. The STEEP grant project includes monitoring of 150 private drinking water wells on Cape Cod for 25-30 PFAS chemicals and research on the uptake of PFAS chemicals by fish in Ashumet Pond (US Geological Survey endeavor). I have spent over 20 years engaged in the CERCLA/SDWA cleanup at JBCC.

My specific concerns about the proposed EPA changes to WOTUS include:

- * Dropping groundwater based watersheds (like those here on Cape Cod) from the jurisdictional of the Clean Water Act) is a bad idea
- * Need to address wastewater (“N” enrichment of coastal embayments and “P” pollution of freshwater

ponds) and drinking water challenges (toxic chemicals and contaminants of emerging concern) simultaneously in an integrated and cost effective fashion

* Since the treatment systems and waste site cleanup standards will require a lot of resources (\$ and people), Environmental Justice and polluter pays concerns need to be addressed

* Since the NOAA Fisheries Essential Fish Habitat regulations extend into state jurisdictional water(0—3 miles), the effects of nutrients; increased water temperature and ocean acidity; periodic hypoxia; microplastics; etc. need to be considered in addition to water quality improvements. I used to serve on the New England Fishery Management Council’s Habitat Plan Development Team which helped develop Omnibus Habitat Amendments 2 which was published in 2018

* There is a need to use the best available science in developing targeted “N” cleanup standards for coastal embayments and “P” for freshwater ponds and maximum contaminant levels for PFAS chemicals in drinking water. When I participated in the online WOTUS public hearing, no mention was made of science and environmental protection as the basis for the proposed changes. President Trump’s Executive Order and the Trump Administrations new definition of federalism were given as the justification. Since the wastewater and drinking water problems on Cape Cod will take many years to resolve and be quite costly, we can’t afford to have the infrastructure costs funded entirely by state/local entities.

Thanks for your consideration of these comments.

Dr. David D. Dow

Attachment:

Letter to editor, capecodtoday, January 4, 2020 - Implementation of Comprehensive and Targeted Wastewater Management on Cape from Dr. David Dow, East Falmouth

The attachment is available at the following URL:

<http://www.capecodtoday.com/article/2020/01/04/250840-Letter-Implementation-Comprehensive-and-Targeted-Wastewater-Management>