



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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PUBLIC NOTICE
TENTATIVE DETERMINATION TO
EXTEND THE VARIANCES FOR CSO DISCHARGES
to
LOWER CHARLES RIVER/CHARLES BASIN
and
ALEWIFE BROOK/UPPER MYSTIC RIVER

On October 1, 1998, the Department of Environmental Protection (MassDEP), in connection with NPDES permits MA0103284, MA0101982, and MA0101192, issued a Variance to the Massachusetts Water Resources Authority (MWRA), the City of Cambridge, and the Boston Water and Sewer Commission for discharges of combined sewer overflows (CSOs) to the Lower Charles River/Charles Basin. The Variance was subsequently extended on three occasions and presently extends to October 1, 2007. On March 5, 1999, MassDEP, in connection with NPDES permits MA0103284, MA0101974, and MA0101982, issued a Variance to the MWRA and the Cities of Cambridge and Somerville for discharges of CSOs to Alewife Brook/Upper Mystic River. The Variance was subsequently extended on three occasions and presently extends to September 1, 2007.

Based on a review of the extensive planning and reports conducted by the MWRA, the cities named above and the Boston Water and Sewer Commission (together, "the communities") and moreover based upon the status of the implementation of the \$804 million MWRA CSO Abatement Plan, MassDEP has determined that it is not feasible at this time for the MWRA and communities to fully attain the Class B water quality criteria for bacteria for the Lower Charles River/Charles Basin and Alewife Brook/Upper Mystic River as implementation of more stringent controls at this time beyond those included in the MWRA CSO Abatement Plan would result in substantial and widespread economic and social impact.

The Variance Extensions are proposed to be issued pursuant to the Massachusetts Surface Water Quality Standards, 314 CMR 4.00. The proposed Variance Extensions establish and reaffirm a number of requirements for the MWRA and the communities in regard to management of CSOs, including, but not limited to: implementation of the \$804 million CSO Control Plan, which includes over \$130 million in abatement work in the Charles and Mystic River watersheds; continued implementation of system controls and operations to minimize CSO discharges; actions to monitor and quantify CSO discharges; actions to advise the public of CSO discharges and their impacts; and continued receiving water monitoring programs. In

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consideration of these conditions, MassDEP has tentatively determined that fourth extensions to the Variances for the communities' CSO discharges to the Lower Charles River/Charles Basin and the Alewife Brook/Upper Mystic River are warranted so that based on resulting information and analyses, it ultimately can be determined whether uses can be attained.

Pursuant to its authority in the Massachusetts Clean Waters Act, G.L. c. 21, sections 26 - 53, and 314 CMR 3.00 and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, MassDEP is proposing to extend the Variance for CSO discharges by the MWRA, the City of Cambridge and the Boston Water and Sewer Commission to the Lower Charles River/Charles Basin (Watertown Dam to New Charles River Dam) for a period not to exceed three years (October 1, 2010), and to extend the Variance for CSO discharges by MWRA and the Cities of Cambridge and Somerville to the Alewife Brook/Upper Mystic River for a period not to exceed three years (September 1, 2010).

MassDEP will be accepting written comments on the proposal to extend the CSO Variances until 5:00 PM on Thursday, July 19, 2007. MassDEP will also hold a public hearing on Wednesday, July 18, 2007 from 10:00 AM to 12:00 PM in the Alderman's Chambers in Somerville City Hall, 93 Highland Avenue, at which time written and oral comments will be accepted. Written comments can be sent to:

Mark Casella, P.E.
MassDEP CSO Coordinator
5th Floor, One Winter Street
Boston, MA 02108

Copies of the draft Variance Extensions and Fact Sheets can be obtained by contacting Mr. Casella at (617) 654-6517.