



# MCWRS

Massachusetts Coalition for  
Water Resources Stewardship

## BOARD OF DIRECTORS AND OFFICERS

### Officers

Philip D. Guerin  
*President and Chairman*  
Director, Water, Sewer, &  
Environmental Systems,  
Worcester Department of  
Public Works & Parks

Vonnie M. Reis, P.E.  
*Executive Vice President and  
Vice Chair*  
Director of Capital Projects,  
Town of Framingham

Cheri Cousens, P.E.  
*Treasurer*  
Executive Director, Greater  
Lawrence Sanitary District

Robert E. Ward, P.E.  
*Secretary*  
Deputy Director, City of  
Haverhill Department of Public  
Works

### Directors

Thomas M. Holder  
Director, Department of Public  
Works, Town of Wayland

Jane Madden, P.E., BCEE  
Senior Vice President,  
CDM Smith

David Michelsen, P.E.  
District Engineer,  
South Essex Sewerage District

Robert L. Moylan, Jr., P.E.  
Former Commissioner,  
Worcester Department of  
Public Works & Parks,  
Representing City of Worcester

Kent Nichols, P.E.  
Vice President,  
Weston & Sampson

Karla Sangrey, P.E.  
Engineer-Director and  
Treasurer, Upper Blackstone  
Water Pollution Abatement  
District

Joshua Schimmel  
Executive Director, Springfield  
Water and Sewer Commission

March 14, 2017

Kevin Weiss  
Office of Wastewater Management  
Water Permits Division (MC4203)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
Submitted via [www.regulations.gov](http://www.regulations.gov)

RE: Docket ID EPA-HQ-OW-2016-0376, Public Notification Requirements for  
Combined Sewer Overflows to the Great Lakes Basin

Dear Mr. Weiss:

The Massachusetts Coalition for Water Resources Stewardship (MCWRS) appreciates the opportunity to comment on the development of public notification requirements for combined sewer overflows (CSO) into the Great Lakes. MCWRS represents more than 40 municipalities and utilities in Massachusetts. Our members are on the front line in protecting public health and the environment through wastewater collection, transport and treatment, stormwater management and providing clean drinking water and other essential services. We are committed to our stewardship role in the most practical and cost-effective way to avoid diverting scarce financial and staff resources to programs with unproven benefits and away from schools, police and fire, public works and other essential community services. We understand that the U.S. Environmental Protection Agency (EPA) introduces new rules and regulations in phases across the nation. Since what is decided for the Great Lakes will likely also be implemented in New England, our members will ultimately be affected by the Great Lakes rulemaking, and we submit these comments with that in mind.

Although the Public Notification Requirements for Combined Sewer Overflows to the Great Lakes have provided flexibility in how the public notification process and plan can be undertaken, significant concerns remain with regard to many aspects of the proposed rule.

### *Timely Notice and Accurate Information/Modeling and Monitoring*

A focus of the rule is to provide timely notice to the public of CSO discharges. However, the rule should be equally focused on providing accurate information.

Providing timely notice that is inaccurate has the potential to be misleading and alarming to the public and may negatively impact the perception of those who commercially use or recreate in the receiving water body. Furthermore, this may negatively impact the business community that supports the recreational and commercial use of those water bodies. False reporting is a reality even with the most advanced available technologies.

Although there have been significant advances in the technology for flow measurement, hydraulic modeling, rain measurement, and wireless communication, there remain numerous limitations. As technology has advanced, so has its sensitivity. However, the more sensitive models and instrumentation require comprehensive data analysis, which can only effectively be performed on a larger data set, and not in real-time. Analysis of large data sets allows system trending, comparative analysis of rain gauge data, model development and analyses, and classification of CSO events and storm events. The spatial and temporal nature of rain events can significantly impact the correlation between individual CSOs and their tributary areas performance in relation to storm size and model predictions. Because of this, predictive notifications would almost certainly over-predict CSOs across a broad area, when in reality the storm may only impact a portion of the CSOs in any area. Truly accurate reporting of CSOs requires a combination of data gathering through multi-sensor metering and a rain gauge program to accurately reflect the spatial and temporal nature of storm events. Once data is collected it can then be compared to the model with the specific rain data from the most representative rain gauge. Rain events can then be categorized as to type (typical year storms such as 3 Month, 6 Month, etc.) to see if CSO performance matches design criteria for CSO control. This process requires skilled technical staff or consultants and cannot be performed on an as-needed basis within 4 hours of a storm event. EPA should allow communities to develop plans and programs that work best under their particular conditions and within specific locations, rather than requiring a one-size-fits-all approach.

#### *Definition of CSO Event*

Another issue is that the requirements do not provide a clear definition of “CSO event.” For example, if a meter indicates a CSO activates six times (starts and stops) in the course of a 12-hour storm what should the notification process be? Is it six different notifications? Is it a single notification? EPA must clarify this point.

#### *Notification Methods*

EPA should allow flexibility in how utilities notify the public, since they are the ones best suited to judge the most effective way to reach their residents and businesses.

#### *Implementation Schedule*

Creation of an accurate Public Notification Plan within 6 months of the publishing of the rule is not feasible. Procuring, installing, and calibrating a metering program alone can take more than a year. A concurrent rain gauge program and creation of an accurate hydraulic model requires historical data from meters and gauges and takes at least a year to capture the seasonal variations related to CSOs, storm events, snow melt, and impacts of high river levels that are forecast due to climate change. Accurate models require detailed assessments and mapping of sewer systems, which alone can take years and cost millions to accomplish.

### *Notification Timeframe*

Notification within 24 hours could be achieved if it was based on a qualitative analysis rather than a quantitative measurement. Reliability of equipment and data requires technical review of information to verify accuracy. Additionally, depending on when the activation occurs, municipal staff may not be immediately available. As a result, this cannot be accomplished in 4 hours and is not practical within 24 hours. EPA must clarify the ambiguous phrase “...after becoming aware of a CSO” for notification requirements or it leaves communities open to legal challenges. For the reasons above, the supplemental notification timeframe should also be extended from 24 hours to 7 days due to the need to collect and analyze more detailed information.

### *Reporting*

EPA is also proposing to require an annual report that includes statistical information about CSO events. This information would be included in supplemental notifications and is duplicative. Developing and completing a report of this nature is a significant effort and will require considerable resources. The requirement should be removed and EPA or the state be assigned the responsibility of compiling the supplemental notifications into a report on whatever timeframe they think is necessary.

### *Flexible Implementation Schedule and Program Costs*

EPA allows some flexibility by stating that compliance dates for notifications and a notification plan could be extended if the community would face undue economic hardship. However, EPA states that this is not a “significant regulatory action” and has grossly underestimated program costs per CSO. EPA estimates that cost will be \$2,000 per year per CSO. Actual costs are \$15,000-\$20,000 per year for communications, maintenance, and data analysis, not including purchase or lease of the actual meters and sensors. These costs do not include a rain gauge program. Daily analysis or analysis of each storm as it occurs would cost more. Additionally, these costs do not include the development and calibration of a hydraulic model, nor the costs of comparative analysis of storm events to control design strategies and system metered performance to modeled performance. It is concerning that EPA has so grossly underestimated

the cost and financial impacts of this program. EPA estimates the total cost of the program for 182 communities at \$385,257. That equates to \$2,116 per community, or by EPA's estimates 1 CSO per community, which is far from the actual number of CSOs in the region.

*Seasonal Use Variations*

Lastly, the notification requirements do not incorporate variations in the seasonal use of the receiving water bodies and there may be important differences in public access and commercial usage depending on the specific season, location, and specific use of the water body.

The notification process and program will divert already limited resources from needed maintenance, repairs, and replacement. Limiting the requirement to periods of use could reduce impacts to critical municipal resources.

Thank you for your careful consideration of these comments. Please contact me at [guerinp@worcesterma.gov](mailto:guerinp@worcesterma.gov) or 508-929-1300 x 2109.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip D. Guerin". The signature is fluid and cursive, with a large initial "P" and "G".

Philip D. Guerin  
President/Chairman

CC: MCWRS Board of Directors