

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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May 13, 2022

Ms. Catherine Daly Woodbury
Senior Project Manager
City of Cambridge DPW
147 Hampshire Street
Cambridge, MA 02139

Re: Cambridge MA Updated CSO Control Plan Scope of Work and Schedule

Dear Ms. Woodbury:

The Massachusetts Department of Environmental Protection (MassDEP) has received and reviewed the City of Cambridge's Updated CSO Control Plan Scope of Work and Schedule submitted on April 1, 2022. The Scope of Work was submitted for MassDEP review and approval in accordance with the Variance for Combined Sewer Overflow ("CSO") Discharges to the Alewife Brook/Upper Mystic River Basin and the Variance for Combined Sewer Overflow Discharges to the Charles River Basin (collectively referred to as the Variance or "Variances").

MassDEP has prepared the following comments on the Updated CSO Control Plan Scope of Work and Schedule:

1. Regulatory Framework: The regulatory framework for Cambridge's CSO discharges encompasses the water quality standards, the discharge permit/CSO Variance, and the MWRA obligations under the federal court order, specifically the *March 15, 2006 Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflow Control*. The City should review all of these documents carefully in advancing the development of the Updated CSO Control Plan.
 - Collaboration with Somerville and MWRA: Since there are complicated regulatory issues as noted above, it will be essential that the City collaborate closely with MWRA and the City of Somerville in proceeding with this work, since Cambridge's outfalls are hydraulically connected to MWRA and City of Somerville CSO outfalls. CSO abatement plans by these other permittees can and

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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will affect the CSO activations and volume of Cambridge's outfalls. Since all three parties are required to do CSO control plan updates, without close collaboration (and potentially cost-sharing agreements) on recommended CSO abatement work, the highest feasible level of CSO control, collectively and individually amongst the parties, may be difficult to determine.

- Water Quality Standards: Where the City's recommended CSO Control Plan falls short of eliminating CSO discharges, such plan must be supported by a demonstration that further CSO Controls are not feasible pursuant to one or more of the criteria in 314 CMR 4.03(4). If such a plan is advanced, as a watershed-based alternative to CSO elimination, The City must also document how the alternative CSO control plan provides superior environmental benefits to the receiving waters in supporting existing and proposed uses and associated water quality standards.
2. Nine Minimum Controls: While the Scope identifies the Nine Minimum Controls (NMC) as regulatory requirement, it does not indicate that the work will involve a review of the City's efforts to address the NMCs, or if the current level of effort can be enhanced or expanded. That work should be included in the Scope. The City should also note any sewer and drain improvements, or other public works projects underway or for which commitments have been made that can or will impact the level of CSO control, or the implementation of further CSO abatement projects.
 3. Schedule and Deliverables: While the implementation chart includes timelines for the work and some critical milestones, the list of deliverables during development of the plan should be expanded to include all critical technical information which will form the basis for the Updated CSO Control Plan. The deliverables must include, at a minimum:
 - Technical Memorandum on Assessment of Nine Minimum Controls;
 - Affordability Analysis;
 - Alternatives Development and Evaluation Report;
 - Draft Updated CSO Control Plan; and
 - Final Updated CSO Control Plan.
 4. Typical Year/Climate Change Analysis: MassDEP notes that the City's Scope includes close collaboration with MWRA on this task, so that there will be use of a uniform and updated Typical Year in assessing CSO control alternatives. MassDEP concurs with this approach and refers the City to MassDEP comments on this element of the MWRA Scope of Work.
 5. Public Participation: MassDEP also concurs with the extensive Public Participation program included in the City's Scope. MassDEP strongly urges the City to coordinate public meetings with MWRA and the City of Somerville at key junctures of the planning process. Any and all technical documents developed during the planning process should be accessible on the City's website, including materials used in public outreach, and summaries of public meetings.

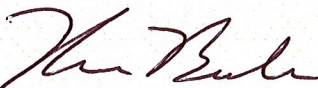
The City failed to include any indication in the scope that a MEPA filing will be made. The City should confer with MEPA staff to establish the type of submittal that will be required to meet their regulatory requirements. This is a variance requirement and will be a critical element of the public participation plan. A public meeting should also be included during the MEPA review period(s) to better facilitate public comment.

6. Affordability Analysis: The City has cited use of the EPA's November 24, 2014 *Memorandum on the Financial Capability Assessment Framework for Municipal Clean Water Act Requirements*. The Analysis also needs to incorporate the requirements of the EPA's 1997 *Financial Capability Assessment Guidance*.

- MassDEP/EPA Coordination: The City should confer with MassDEP/EPA on the approach to be used to determine The City's affordability. While the cited references above should be used, they can and should be supplemented where additional information or factors need to be considered in establishing affordability.

MassDEP looks forward to its collaboration with the City of Cambridge on the development of the Updated CSO Control Plan. Please contact Kevin Brander at kevin.brander@mass.gov, or at (978) 694-3236 with any questions, or if you require additional information.

Sincerely,



Eric Worrall
Regional Director

Cc: Kathy Watkins, City of Cambridge (via e-mail)
Richard Raiche, City of Somerville (via e-mail)
Brian Postlewaite, City of Somerville (via e-mail)
David Coppes, MWRA (via e-mail)
Kathy Baskin, MassDEP Assistant Commissioner, BWR (via email)
Lealdon Langley, MassDEP, Director of Watershed Permitting (via email)
Todd Borci, EPA (via e-mail)
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