

May 14, 2007

Dave Pincumbe
United States Environmental Protection Agency
Region 1
Congress Street
Suite 1100
Boston, Massachusetts 02114-2023

**Re: *Upper Blackstone Water Pollution Abatement District
MA0102369***

Dear Mr. Pincumbe:

Save The Bay has received and reviewed the Draft NPDES Permit Modifications for the above-referenced facility located in the Town of Millbury, Massachusetts. Water quality and the health of Narragansett Bay and its watershed have been at the core of Save The Bay's mission for more than 35 years. We represent more than 20,000 members and supporters who share our goals of protection and restoration of the Bay and its rivers. In addition to our oral testimony presented at the public hearing on May 9, 2007, Save The Bay respectfully submits the following written comments for your consideration.

Save The Bay strongly supports EPA's draft permit but submits that an aggressive and enforceable time-table for these upgrades is essential. We believe the limits are practical, feasible, and necessary to comply with the Clean Water Act. Once in force, this permit will result in significant water quality improvements in the Blackstone River and Narragansett Bay. The upgrades represent an investment in the River that will result in measurable economic, ecological, and public usage benefits both to the Commonwealth of Massachusetts and to the State of Rhode Island.

As water quality has improved through wastewater treatment facility upgrades for primary treatment and removal of toxic chemicals, the people of Rhode Island and Massachusetts have rediscovered our urban rivers as valuable recreational boating and fishing resources. The Blackstone, Seekonk, and Providence Rivers and Narragansett Bay, are among our regions most important resources.

There is broad scientific agreement that the 2003 Narragansett Bay fish and clam kill came about as a result of excessive nitrogen loading, primarily from wastewater. Rhode Island responded by implementing new laws and policies calling for a 50% reduction in nitrogen loading to the Bay from Rhode Island treatment plants by 2008. Additionally, the citizens of Rhode Island passed a Clean Water Bond by a 78% majority to help fund the necessary upgrades. Nearly all Rhode Island facilities, including the largest point source, the Narragansett Bay Commission facilities, are in the process of

implementing advanced treatment to reduce total nitrogen, and the remaining facilities will do so over the next few years. Nevertheless, large areas of hypoxic and anoxic conditions in Narragansett Bay are a recurrent and growing problem and will continue to be without significant nitrogen discharge reductions at the Upper Blackstone facility (“UBWPAD”).

UBWPAD plays a significant role in the overall efforts to improve water quality in upper Narragansett Bay. The Rhode Island Department of Environmental Management estimates that 87% of the total nitrogen load from the UBWPAD reaches Rhode Island waters, representing the second largest point source of wastewater nitrogen to Narragansett Bay. It is imperative for the health of Narragansett Bay that UBWPAD and the EPA work together to implement these upgrades in a timely manner. The full value of the tremendous investments being made by Rhode Island will only be realized if matched by a similar effort from our upstream neighbors.

Due to impacts of excess nutrients, Narragansett Bay has lost about 95% of the eelgrass habitat that once flourished in the Bay. Eelgrass is valuable as both habitat for important fish species as well as protection against shoreline erosion. Save The Bay, along with our federal funders, has made a significant investment in eelgrass restoration, but we’ve only been successful in the lower Bay where water is clear enough to support eelgrass. With the UBWPAD and other facilities’ upgrades, a clean, healthy Bay will not only support marine life, but the habitats that marine life needs to survive.

The argument that these draft permit limits would represent an unfair and disproportionate burden to sewer ratepayers should not be accepted on its face. Communities and ratepayers discharging waste into common resources like the Blackstone River and Narragansett Bay are obliged to comply with Federal water quality regulations as part of basic operational requirements. Save The Bay campaigned actively for the 2004 Clean Water Bond referendum, of which \$10.5 million (leveraging nearly \$30 million) dollars will provide funding for implementing nutrient reductions at Rhode Island Wastewater Treatment plants. Save The Bay recognizes the high level of investment required to operate a wastewater treatment facility and has worked at the state and national level for adequate resources – particularly Clean Water Revolving Loan Funds. We are proud to partner with the Narragansett Bay Commission in advocating for a new Federal funding corollary to the Clean Water Act to authorize additional federal funds for improvements to municipal wastewater treatment. Similarly, the Blackstone River Coalition has pledged its willingness to work with the District to find creative solutions with State and Federal Agencies to fund the necessary upgrades.

Save The Bay fully supports the limits as a strong step toward compliance with the Federal Clean Water Act, and implores the expeditious implementation of modifications to reach these limits which are legally required under state and federal

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water quality standards. These limits are essential to reach the goal of fishable and swimmable by the year 2015. We believe all parties should act to implement these permit limits as quickly and efficiently as possible. Delay in the form of additional studies, appeals, or other legal intervention will only serve to detract from these strong, urgent, and necessary improvements. Rhode Island has demonstrated its commitment to achieving its targets and urges its Massachusetts neighbors to do the same.

Thank you for the opportunity to submit these comments and your consideration thereof. Should you have any questions, please do not hesitate to contact either of the undersigned.

Respectfully submitted,

Marci Cole Ekberg, PhD

Wendy A. Waller, Esq.