



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR  
**THOMAS M. MENINO**

August 6, 2007

Robert W. Varney, Regional Administrator  
Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

Ian A. Bowles, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Administrator Varney and Secretary Bowles:

I am pleased to submit for your review an application to designate Boston Harbor as a “No Discharge Area” (NDA) under the Federal Clean Water Act. Boston Harbor has undergone a miraculous resurgence over the past twenty years following more than \$4 billion of investments in wastewater treatment facilities and storm water controls. This proposed NDA designation would further protect Boston Harbor’s marine resources and the recreational opportunities that the public now enjoys.

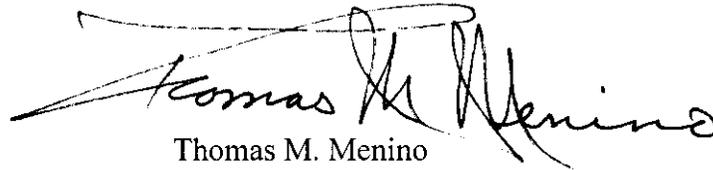
New beaches on Spectacle Island and restored beaches around the Inner Harbor attract thousands of visitors each summer. The return of striped bass and harbor seals signaled a turning point in what was once labeled the “filthiest harbor in America.” While our efforts to eliminate sewage discharges and cleanup storm water have significantly reduced the number of beach closings, some beach closing unfortunately still occur.

One source of pollution that we can eliminate through appropriate education, outreach, regulation, and enforcement is from commercial and recreational vessels that are still allowed to pump-out holding tanks into coastal waters. In Boston and in surrounding harbor communities, pump-out facilities have been installed at marinas and other shore facilities that provide recreational boaters and commercial mariners ample opportunity to empty holding tanks into the sanitary sewer system for proper treatment. The operational challenges and economic hardships

that may have once existed have largely been resolved. Today, we are well positioned to move forward with this NDA designation.

I have directed my staff to work with state and federal agencies and with other Boston Harbor communities to expedite the review of this NDA application in hopes that it will be in place for the 2008 boating season. The NDA designation is the logical next step to protect the water quality of Boston Harbor and I look forward to working with you to make this a reality.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Menino". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a large loop at the end.

Thomas M. Menino  
Mayor of Boston

## **EXECUTIVE SUMMARY**

### Proposed Designation of Boston Harbor as a No Discharge Area

The City of Boston is working with coastal communities along Boston Harbor to seek a No Discharge Area (NDA) designation for Boston Harbor under the Clean Water Act section 312(f)(3). The US Environmental Protection Agency (EPA) can designate a body of water an NDA, in which the discharge of treated and untreated sewage from all recreational and commercial vessels is prohibited. Even treated sewage that is discharged from boats contains microorganisms, nutrients and chemical products which are harmful to human and aquatic life as well as have an adverse affect on water quality. While operating within an NDA, boaters use pumpout facilities or boats to remove their waste. If approved, Boston would be the largest city and working port on the East Coast to achieve the NDA designation.

Once labeled the “filthiest harbor in America,” Boston Harbor has made considerable progress in becoming a popular locale for swimming, recreational boating, tourism, fishing and other activities. In the late 1800’s, millions of gallons of waste from storage vats were released into the Harbor as the tide receded. The flow of the tide did little to exchange the waters and as early as the 1900’s the water in the Harbor was so polluted that it would cause skin to boil upon contact.

The dire state of the Harbor was first seriously addressed in 1952 when a primary wastewater plant was built on Nut Island in Quincy. Another wastewater plant was built on Deer Island in Boston to handle the waste from the rest of the Boston metropolitan area. In 1985, the Massachusetts legislature established Massachusetts Water and Resources Authority (MWRA) to manage water and sewer services. That same year, the MWRA was found liable for federal violations of the Clean Water Act due to discharges of sewage into Boston Harbor.

Based upon this lawsuit, a \$4 billion, 20-year project to restore the Harbor began with the court-ordered construction of a new primary and secondary waterwaste treatment facility, which began on Deer Island in 1990. These facilities were completed, as well as a Nut Island-to-Deer Island sewage transport tunnel. As of 1999, a 9.5 mile-long outfall tunnel carries Deer Island’s fully treated wastewater out to Massachusetts Bay. Since wastewater has been receiving this secondary treatment, the bacterial water quality of the Harbor has improved so that most of the Harbor meets the EPA’s most stringent swimming criteria.

Many organizations, such as the Boston Harbor Association, the Island Alliance, and Save the Harbor / Save the Bay, and several watershed associations, have dedicated themselves to protecting and promoting the Harbor and its resources through public education, programming, and research. These Harbor advocates have aided in such things as working to improve waterfront access, restore and improve Boston Harbor beaches, eelgrass restoration projects, watching and testing the water quality of the Harbor and its rivers and tributaries. Though much has been done to improve Boston Harbor, there are concerns to address such as the still present exceedances of the federal water quality standard for swimming at certain Boston Harbor beaches. The NDA designation will effectively aid in the continued improvement to the Harbor water.

An NDA designation occurs when a community or state believes that certain waters are ecologically and recreationally important enough to garner greater protection. Boston Harbor is recreationally and economically significant, offering countless amenities and activities such as: cruises, ferry shuttles, whale-watching expeditions, the Boston HarborWalk, marinas, yacht clubs, bathing beaches, shopping and dining experiences. Shellfish and eelgrass beds, Areas of Critical Environmental Concern, and Harbor Islands within Boston Harbor also makes this area ecologically important.

Due to the revitalization of the Boston Harbor and its waterfront, there has been an increase in the number of boats that travel the Harbor's water. For example, according to Massport, for the 2007 seasons the number of cruise ship calls are expected to increase 20% from 2006, totaling around 103 calls. There is a state-wide increase in registered recreational boats as well; the number in the Boston area alone is roughly 1,800 registered boats. This increase in boat traffic equates to an increase in boat sewage that is being discharge into the Harbor's water. The NDA designation is a valuable tool that will help ensure the health of the Harbor while facilitating continued growth.

Further, with such improvements as the newly restored Spectacle Island (part of the Boston Harbor Islands National Park Area that has roughly 60,000 visitors a year), rejuvenated beaches through such programs as "Back to Beaches" and the establishment of the Metropolitan Beach Commission, as well as the continued success of the Boston Harbor clean-up, an NDA designation is the next logical and important step to take in order to further protect and enhance Boston Harbor.

The City of Boston is submitting a draft application to the Massachusetts Executive Office of Energy and Environmental Affairs through its Office of Coastal Zone Management (CZM). CZM will work with other municipalities and state agencies in order to submit the final NDA request to the EPA for approval. The draft application from the City of Boston is comprehensive and the City has engaged many stakeholders including the coastal communities of the Boston Harbor. Thus, it is envisioned that this NDA application will be submitted to EPA and processed in time to have Boston Harbor designated an NDA for the 2008 boating season. Currently there are eight NDAs in Massachusetts, including the waters of Plymouth, Kingston, and Duxbury, all of Buzzards Bay, Waquoit Bay in Falmouth, Harwich, Three Bays/Centerville Harbor in Barnstable, Stage Harbor in Chatham, Wellfleet Harbor, and Nantucket from Muskeget Island to Great Point, including Nantucket Harbor. All of Connecticut and Rhode Island are also NDAs. Designating Boston Harbor an NDA will not only aid in making certain that the Harbor is kept healthy and vibrant, but will also aid in the goal of making the entire Massachusetts coast discharge free. The City of Boston, CZM, and EPA have pledged to work cooperatively to meet the goal of having Boston Harbor designated as an NDA for the 2008 boating season.