



REGION 1

BOSTON, MA 02109

Dated by Signature

VIA EMAIL – READ RECEIPT REQUESTED

Ms. Shawna Sullivan
Commissioner of Public Works
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459
ssullivan@newtonma.gov

Dear Ms. Sullivan:

On October 30, 2025, Woodard and Curran submitted a Phase 1 Alternative Schedule Request (ASR) on behalf of the City of Newton for the Massachusetts Small Municipal Separate Storm Sewer System (MS4) General Permit's Charles River Watershed Phosphorus TMDL Requirements. The 2016 Small MS4 General Permit Appendix F Part A.I.1.a.3, as modified in 2020, requires that a "Phase 1 Alternative Schedule Request shall include an analysis demonstrating that the schedule to meet phosphorus reduction requirements in Table F-1 is unaffordable within the timeframe of Phase 1" and provides a list of elements that must be included in this analysis.

EPA commends Newton for generally following EPA's 2024 Clean Water Act Financial Capability Assessment Guidance in developing the Financial Capability Assessment (FCA) in support of its ASR. EPA's Guidance standardizes what is generally considered when determining a municipality's financial capability to implement stormwater controls and meet implementation schedules. In this way, the 2024 Guidance serves as a framework for understanding the economic impacts of installing controls to meet the Phase 1 milestones. EPA has reviewed Newton's ASR to assess whether it includes all Appendix F Part A.I.1.a.3 elements and that the FCA and the underlying economic information is clearly described and consistent with EPA's 2024 Guidance. At this time, EPA deems the ASR incomplete because several elements from this list are missing or unclear and because more information is necessary for EPA to complete its review of the affordability analysis.

ASR Section 3 lists the planned Phase 1 structural controls for which a schedule adjustment is requested, which is a required element in Appendix F Part A.I.1.a.3. ASR Section 3 describes sites which were evaluated for feasibility of subsurface infiltration (identified in the Request as the "best phosphorus reduction cost-benefit") and identifies five sites as "potentially suitable" (while noting that nearby soil and groundwater contamination may limit infiltration at three of the five sites) and 17 sites as "currently unsuitable." Thus, ASR Section 3 appears to concentrate on structural controls that Newton is not planning to implement in Phase 1. While EPA recognizes that site suitability limitations

can affect implementation of structural stormwater control measures, the ASR for Phase 1 is strictly limited to consideration of affordability.

ASR Section 4 includes estimated costs of the planned Phase 1 structural controls for which a schedule adjustment is requested, which is a required element in Appendix F Part A.I.1.a.3. ASR Section 4 provides a capital cost of \$111.98 million for Phase 1 planned structural SCMs, but the ASR does not include a demonstration of how this capital cost was estimated and which structural SCMs are included in the cost estimate. Newton’s 2023 Phosphorus Control Plan (PCP) lists an estimated cost of \$111.98 million for planned structural controls (derived using EPA cost estimates) but this ASR, as well as information in the 2024 and 2025 Performance Evaluations, suggest that many of the planned controls included in this cost estimate are not feasible. In addition, in the analysis of Scenario 3 of Alternative 2 in the FCA (p. 11-12 of ASR Appendix A), the capital cost of planned structural controls for Phase 1 seems to use a different cost estimate based on cost per pound of phosphorus removed. EPA requests that Newton provide a detailed description and costs of the planned structural controls to meet the Phase 1 reduction requirements for which Newton is requesting a schedule adjustment. Please also explain the justification for using a different capital cost estimate for different scenarios evaluated in the FCA.

In the FCA, Newton includes consideration of drinking water costs in its analysis. EPA’s 2024 Guidance indicates that drinking water costs may be included to supplement critical metrics and to evaluate the impacts of rates for the total cost of water on household bills. However, the Guidance (p. 24) indicates that Newton should provide detailed descriptions and cost estimates for the drinking water requirements, including:

1. Describe the specific improvements and costs required.
2. Describe the underlying requirements for the drinking water improvements (for example, whether the drinking water improvements are required by a state or federal permit, regulation, or enforcement action).
3. Describe the relationship of the wastewater system service area to the drinking water system service area(s) geographically and in terms of households served, specifically the overlap of drinking water system service area relative to wastewater system service area.
4. If the drinking water system and wastewater system are operated by the same utility, identify and explain any issues related to future financing and financial capability expected.
5. Provide the last three years of financial reports for the drinking water system.
6. Provide the current and approved future rate schedules for the drinking water system.
7. In addition to the Residential Indicator for wastewater costs, provide a cost per household analysis for drinking water costs following the Residential Indicator worksheets in Appendix A of the Guidance.
8. Propose an implementation schedule that integrates the CWA improvements and drinking water improvements, including a detailed description of the proposed sequencing of the improvements.

Please provide this information for consideration of drinking water costs in the FCA.

ASR Section 5 indicates that Newton considered the cost per household as a percentage of median household income (MHI) for the lowest income Census Tracts and select populations. EPA requests that Newton provide information on the number of people and percent of total population these tracts account for in Newton to provide context for the overall impact. EPA's 2024 Guidance also recommends that Newton should document whether the community has considered feasible steps to reduce costs and address impacts to low-income households, including use of variable rate structures, CAPs, and applications for grants or subsidies from the CWSRF. Specifically, Newton should provide a list of the programs or steps already implemented or being considered, the actions that would be necessary to put such measures into place, and the plan for taking those actions. Where available tools are not included in Newton's plans to mitigate financial impacts, Newton should provide a written explanation of why those approaches are not being pursued. See Appendix C: Financial Alternatives Analysis and Example Worksheet of the 2024 Guidance for more information on this requirement.

Please update the submission to include the information requested above. Once EPA receives a complete ASR, the ASR will go on a 30-day public comment period. During this comment period, EPA will make the request available on its website, notify interested parties, and take public comment on the ASR. Should you have any questions on the information requested, please reach out to Michelle Vuto of my staff at 617-918-1222.

Sincerely,

MICHAEL COBB

Digitally signed by MICHAEL
COBB

Date: 2025.11.26 09:14:29 -05'00'

Michael Cobb
Acting Manager
Water Permits Branch

cc: Doug Coppi, MassDEP
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