



For a thriving New England

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February 10, 2015

Via Certified First Class Mail

Gina McCarthy, Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

RE: Conservation Law Foundation's Notice of Intent To Sue The United States Environmental Protection Agency for Failure To Notify Stormwater Dischargers That They Must Obtain Clean Water Act Effluent Discharge Permits

Dear Administrator McCarthy:

The Conservation Law Foundation (CLF) submits this letter pursuant to section 505 of the Clean Water Act as notice of its intent to sue the Administrator of the Environmental Protection Agency (Administrator) for violations of the Clean Water Act (CWA or the Act). *See* CWA § 505, 33 U.S.C. § 1365; 40 CFR § 135.2.

When heavy rain falls and snow melts, water pools in the strip-mall parking lots and industrial park along the shores of Mashapaug Pond and Spectacle Pond in Providence, Rhode Island. The water gathers pollutants, which are collected and conveyed through pipes and other manmade conduits, and ultimately are discharged to the pond. The result: Mashapaug Pond has not been suitable for fishing or swimming in generations.

The same rainfalls and snowmelt cause polluted stormwater to be conveyed from parking lots and other impervious surfaces on Aquidneck Island. In Portsmouth, this pollution travels through and across manmade conduits and into Lawton Brook and other waters, rendering them unsuitable for fish and wildlife habitat. In Middletown and Newport, the water is directed into Bailey's Brook, from there to Easton's Pond (a drinking-water reservoir), and eventually into the Atlantic Ocean at First Beach and the Atlantic Beach Club. Because of polluted stormwater discharges, these beaches are rarely clean, and on several days of especially severe pollution they were deemed unsafe for swimming and closed this past summer.

These polluted waters are just a small part of the severe water-quality problems that stormwater causes in Rhode Island. Stormwater collects in parking lots and on paved surfaces throughout the state and then drains into our public waters carrying oil and grease, feces, nutrients, and other bacterial and chemical contaminants. This polluted stormwater degrades water quality, chokes aquatic life, causes public health concerns, and limits or even eliminates commercial and recreational use of these waters.

The Administrator has determined that certain Rhode Island dischargers significantly contribute pollution to our water, thereby triggering an obligation for the operators of such discharges to obtain permits. But the Administrator has failed to fulfill her mandatory duties to notify these stormwater dischargers that they must apply for permits and to provide dischargers with a permit application form. As a result of these failures, the many harmful effects of stormwater pollution continue uncontrolled and unmitigated.

To remedy these failures and the harmful effects of stormwater pollution in Rhode Island, CLF submits this letter pursuant to section 505 of the Clean Water Act as notice of our intent to file a citizen suit against the Administrator for violations of the Clean Water Act. *See* CWA § 505, 33 U.S.C. § 1365; *see also* 40 CFR § 135.2. CLF intends to bring the following claims:

- By approving Total Maximum Daily Loads (TMDLs) finding that stormwater runoff discharged from commercial, industrial, and institutional (CII) sites is damaging Mashapaug Pond and Spectacle Pond in Providence, Rhode Island, the Administrator has determined that these discharges contribute to violations of water quality standards and that additional controls are needed to address stormwater pollution. 40 CFR § 122.26(a)(9)(i)(C) & (D). As a result of these determinations, these CII dischargers “shall be required to obtain a NPDES permit.” *Id.* at § 122.26(a)(i). Despite these determinations, the Administrator has failed to carry out its mandatory duty to notify these CII dischargers that they must obtain discharge permits, and has failed to fulfill its mandatory duty to “send an application form with the notice.” 40 CFR § 124.52(b).
- By approving TMDLs and otherwise finding that stormwater runoff from CII sites in Newport, Middletown, and Portsmouth, Rhode Island (collectively, Aquidneck Island) is damaging water bodies on and around Aquidneck Island, the Administrator has determined that these discharges contribute to violations of water quality standards and that additional controls are needed to address stormwater pollution. 40 CFR § 122.26(a)(9)(i)(C) & (D). As a result of these determinations, these CII dischargers “shall be required to obtain a NPDES permit.” *Id.* at § 122.26(a)(i). Despite these determinations, the Administrator has failed to carry out its mandatory duty to notify these CII dischargers that they must obtain



discharge permits, and has failed to fulfill its mandatory duty to “send an application form with the notice.” 40 CFR § 124.52(b).

Under the Clean Water Act, citizens can bring suit to obtain a court order directing the Administrator to perform a non-discretionary duty. CWA § 505(a), 33 U.S.C. § 1365(a). CLF intends to file suit any time after sixty (60) days following the postmarked date of this letter to obtain an order directing the Administrator both to notify stormwater dischargers of their obligation to obtain NPDES discharge permits and to include an application form with such notice, to recover attorneys’ fees and costs of litigation, and to obtain any other appropriate relief. CWA § 505(a) & (d), 33 U.S.C. § 1365(a) & (d).

This notice contains several sections. First, it identifies CLF in more detail. Then it provides background for CLF’s citizen suit, describing the harmful effects of stormwater runoff on Mashapaug Pond and Spectacle Pond and on the waters of Aquidneck Island. Next, the notice sets forth the legal and factual bases for the Administrator’s non-discretionary duty to notify Aquidneck Island and Mashapaug Pond stormwater dischargers of their obligations and asserts the Administrator’s failure to carry out this duty. Finally, the notice reiterates that CLF intends to sue to remedy the violations identified herein.

Identification of Plaintiff

Founded in 1966, CLF is a nonprofit, member-supported organization that operates advocacy centers in Providence, Rhode Island; Boston, Massachusetts; Concord, New Hampshire; Portland, Maine; and Montpelier, Vermont. CLF’s corporate headquarters is located at 62 Summer Street, Boston, MA 02110 and its Rhode Island office is located at 55 Dorrance Street, Providence, RI 02903. CLF protects New England’s environment for the benefit of all people. CLF has members in each of the New England states and works with its membership and other environmental and community-based organizations and individuals to ensure that the region’s polluters maintain compliance with applicable laws.

CLF will file suit on behalf of itself and its members living and working on Aquidneck Island and in the vicinity of Mashapaug Pond and Spectacle Pond, and its members throughout Rhode Island, who are harmed by EPA’s failure to notify stormwater dischargers that they must apply for permits for their polluting stormwater discharges.

Background

The Administrator has found that waters throughout New England are badly polluted as a result of contaminated stormwater runoff. This runoff contains oil and grease, sediments, feces, bacteria, toxins, nutrients, and other pollutants. In addition to creating water pollution problems, extensive paved areas cause excess runoff that disrupts the natural water flow of rivers and streams and prevents recharge of groundwater. The Administrator’s documentation shows that stormwater pollution has caused especially severe damage to certain water bodies throughout New England, among which are Mashapaug Pond and the waters of Aquidneck Island.

Stormwater Harms Mashapaug Pond and Spectacle Pond

Mashapaug Pond in Providence is listed by the Administrator as impaired for several criteria and is covered by a TMDL addressing violations of water quality standards relating to phosphorus impairment. The TMDL states that elevated phosphorus levels in the pond “contribute to algae concentrations, which in turn contribute to low dissolved oxygen concentrations that impair fish and animal survival.”¹ Excess phosphorus levels also “contribute to the growth of blue-green algae species ... that have been identified as hazardous to humans (through skin contact), making the pond unsafe for swimming.”²

Mashapaug Pond is severely impaired as a result of excessive phosphorus loading to the pond. Sampling of Mashapaug Pond in 2001 showed phosphorus concentrations averaging 0.039 mg/L – over 1.5 times the standard of 0.025 mg/L.³ The same monitoring showed dissolved oxygen levels “near zero between late June through late August” of 2001, several species of blue-green algae in the pond, and a Trophic Status Index between 68.6 and 70.5, at the border between eutrophic and hypereutrophic.⁴

The primary cause of Mashapaug Pond’s phosphorus impairment is stormwater runoff. Six storm drains discharge directly to the pond, “contribut[ing] 22% of the total phosphorus loading”⁵ Direct stormwater runoff is responsible for 13% of the phosphorus load to the pond.⁶ The TMDL states

¹ Mashapaug Pond TMDL, p. 5, available [here](#).

² *Id.*

³ *Id.* at 19.

⁴ *Id.* at 18-19.

⁵ *Id.* at 12-13. These storm drains constitute the second-largest source of phosphorus to the Pond. *Id.* at 46. The largest source is discharge from Spectacle Pond, which is itself deeply impacted by stormwater pollution. *Id.* at 46-47.

⁶ *Id.* at 13.

that “the area surrounding Mashapaug Pond is entirely urban.”⁷ Charts show that areas contributing to storm drains that discharge into the pond are 75% industrial, and areas contributing runoff to the pond directly are 95% industrial.⁸

The TMDL focuses on reducing stormwater discharges to Mashapaug Pond as the primary means of addressing the pond’s phosphorus impairment. The TMDL calls for total phosphorus reduction of 65% from storm drains.⁹ The TMDL also concludes that “in addition to pollutant reduction, the volume of stormwater that directly discharges to Mashapaug Pond must be reduced” in order to achieve water quality standards, in particular by reducing impervious cover.¹⁰ To accomplish reduction of impervious cover, the TMDL concludes that “commercial and industrial property owners ... must be made aware of their responsibility to institute good housekeeping practices and cognizant of the fact that they contribute to the impairment to Mashapaug Pond.” Finally, the TMDL establishes a Waste Load Allocation (WLA) expressed as “a 62% reduction in stormwater point source loads,” plus a 3% margin of safety, and characterizes discharges from storm drains, direct stormwater discharges, and flow from Spectacle Pond all as point sources subject to this WLA.¹¹

The Administrator approved the Mashapaug Pond TMDL, explicitly including its stormwater WLA, on September 27, 2007.

Mashapaug Pond also receives phosphorus from neighboring Spectacle Pond via a culvert that passes under Rhode Island Route 10. Spectacle Pond is listed by the Administrator as impaired for phosphorus and is covered by a TMDL addressing violations of water quality standards relating to phosphorus impairment. The TMDL states that Spectacle Pond is located “in a highly urbanized area” where “commercial and industrial land use make up 17% and 10% of the watershed, respectively.”¹² Nineteen storm drains and thirteen “areas of concentrated surface water flow” discharge to Spectacle Pond and hydrologically connected waters.¹³

The Spectacle Pond TMDL requires that the phosphorus load to Spectacle Pond be reduced by 68% and establishes a WLA of 38.6 kg of phosphorus per year to meet this requirement.¹⁴

⁷ *Id.* at 6.

⁸ *Id.*

⁹ *Id.* at 55.

¹⁰ *Id.*

¹¹ *Id.* at 41.

¹² Nine Eutrophic Ponds TMDL, p. 9, available [here](#).

¹³ *Id.* at 10.

¹⁴ *Id.* at 52-53.

Implementation of this WLA focuses on reducing stormwater discharges to the pond. The TMDL (which includes other ponds as well) finds that “the volume of stormwater generated by the large amounts of impervious areas within the eutrophic pond watersheds suggest that it is the major source of impairments to the eutrophic ponds.”¹⁵ It finds that the percentage of impervious cover is significantly higher for commercial and industrial land uses than other land uses.¹⁶ With respect to Spectacle Pond, the TMDL requires a focus on certain priority outfalls and a feasibility study “to determine the types and locations of BMPs that will be most effective in reducing stormwater volumes and phosphorus loading to the pond to the maximum extent feasible.”¹⁷

The Administrator approved the TMDL for Spectacle Pond, explicitly including its stormwater-focused WLA, on September 27, 2007.

Stormwater Harms Aquidneck Island

Several water bodies on Aquidneck Island are listed as impaired and covered by TMDLs addressing violations of a host of water quality standards including in particular phosphorus and bacteria. This Notice of Intent to Sue focuses on four impaired waters on Aquidneck Island that are subject to TMDLs: Bailey’s Brook, North Easton Pond, the Sakonnet River and the Cove, and Lawton Brook.

Bailey’s Brook in Middletown is listed by the Administrator as impaired for bacteria and is covered by a TMDL addressing violations of water quality standards with respect to bacteria. The TMDL states that Bailey’s Brook “is a tributary within the Newport public drinking water supply system” but contains elevated levels of the bacterium *Enterococcus*, an indicator of feces carried by stormwater runoff.¹⁸ Sampling of the brook between 2006 and 2008 showed mean bacteria levels ranging from 84 to 713 colonies/100 mL, all significant exceedences of the 54 colonies/100 mL standard for bacteria.¹⁹

The TMDL states that the Bailey’s Brook watershed is 32% impervious cover, and concludes that stormwater runoff contributes to the Brook’s impairment.²⁰ The TMDL identifies five Rhode Island Department of Transportation outfalls within the Bailey’s Brook watershed, as well as “additional outfalls” and “numerous locations where stormwater runoff [is] directly connected to

¹⁵ *Id.* at 55.

¹⁶ *Id.* at 53.

¹⁷ *Id.* at 79.

¹⁸ Bailey’s Brook TMDL, p. 4, available [here](#).

¹⁹ *Id.* at 4, 11-12.

²⁰ *Id.* at 5.

the brook.”²¹ The TMDL does not further describe these additional outfalls and connections. It states that, while “first steps” have been taken to address stormwater runoff, “additional efforts are needed to restore the river’s water quality.”²²

The Administrator approved the Bailey’s Brook TMDL on September 22, 2011.

North Easton Pond, which spans Middletown and Newport, is listed as impaired for phosphorus and is covered by a TMDL addressing water quality violations with respect to phosphorus. The TMDL states that “North Easton Pond, along with eight other reservoirs, comprises the drinking water source utilized by the Newport Water Division.”²³ Sampling of North Easton Pond in 2002 showed phosphorus concentrations averaging 0.110 mg/L – over 4 times the standard of 0.025 mg/L.

Though the TMDL does not identify the extent of impervious cover in the North Easton Pond watershed, approximately 19% of the Pond’s watershed is commercial, industrial, and mixed urban development.²⁴ The TMDL states that “stormwater is likely the most significant source of external phosphorus to the pond.”²⁵ However, the TMDL asserts that “there are no outfalls discharging directly to the pond”; instead, “Bailey’s Brook appears to be the single biggest source of external phosphorus to the pond.”²⁶ The TMDL establishes a WLA of 101.0 kg/yr phosphorus and concludes that “achieving standards requires that both the volume of storm water and its phosphorus concentration be reduced.”²⁷ Indeed, the TMDL requires a study to identify best management practices specific to North Easton Pond that will “reduc[e] stormwater volumes and phosphorus loading to the pond to the maximum extent feasible.”²⁸

The Administrator approved the TMDL for North Easton Pond, explicitly including its stormwater-focused WLA, on September 27, 2007.

Stormwater flows from Bailey’s Brook to North Easton Pond and from there, via South Easton Pond, to First Beach and the Atlantic Beach Club in Newport, Rhode Island. After periods of heavy rain, these beaches are frequently closed due to elevated bacteria levels.

²¹ *Id.*

²² *Id.* at 7.

²³ Nine Eutrophic Ponds TMDL, p. 7, available [here](#).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 39.

²⁷ *Id.* at 55.

²⁸ *Id.*

At the north end of Aquidneck Island, portions of the Sakonnet River and the Cove in Portsmouth are listed by the Administrator as impaired for bacteria and are covered by a TMDL addressing water quality violations with respect to bacteria. These waters do not exceed applicable bacteria standards; however, the TMDL finds that parts of the Sakonnet River and the Cove are “closed to shellfishing due to the potential public health risk associated with direct discharges of groundwater seeps and storm drain outfalls contaminated by human waste.”²⁹ The TMDL additionally finds that these waters are “adjacent to Portsmouth Park and Island Park, two densely developed areas ... with a mix of commercial and industrial facilities, some of which are located directly adjacent to the shorelines.”³⁰ Stormwater traveling from developed areas in the Sakonnet/Cove watershed collects sewage from “failing septic systems that flow (via groundwater seeps and/or overland flow) into storm drains, illegal connections to storm drains, and illegal direct discharges,” carries this sewage through stormwater infrastructure, and eventually is discharged through stormwater outfalls, leading to elevated bacteria levels in the Sakonnet River and the Cove.³¹ For this reason, the TMDL is focused on eliminating pathways between sewage and stormwater infrastructure; however, the TMDL also includes a non-numeric WLA requiring the Town of Portsmouth to create and implement a Stormwater Management Plan including runoff control measures in order to achieve water quality standards.³²

The Administrator approved the Cove TMDL, specifically reiterating the TMDL’s stormwater-focused WLA requirements, on April 1, 2005.

Also in Portsmouth, Lawton Brook flows from Lawton Valley Reservoir to the East Passage of the Narragansett Bay. The Administrator has listed the brook as impaired for benthic macroinvertebrates. CII sites in the brook’s watersheds include a large industrial property owned by The Raytheon Company that is directly adjacent to the brook’s northern bank and for which the Administrator has listed Lawton Brook as a “receiving water.”³³ From at least 2002 through 2006, EPA listed as one source of Lawton Brook’s impairment “Urban-Related Runoff/Stormwater.”

Legal Analysis

The Administrator has violated the Clean Water Act by failing to notify CII dischargers responsible for stormwater runoff on Aquidneck Island and in the Mashapaug Pond and Spectacle

²⁹ The Sakonnet River – Portsmouth Park and The Cove – Island Park TMDL, p. 1, available [here](#).

³⁰ *Id.* at 3.

³¹ *Id.* at 6, 35.

³² *Id.* at 35.

³³ See EPA Integrated Compliance Information System (ICIS), available [here](#).

Pond watersheds that they must apply for NPDES discharge permits and by failing send a permit application form with the notice.

Sections 301 and 402 of the Clean Water Act establish the basic requirement that the discharge of pollutants into water bodies requires a permit. Section 301 of the Clean Water Act provides that “except as in compliance with ... section ... 1342 ... of this title, the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). Section 402 of the Clean Water Act (codified at 33 U.S.C. § 1342) establishes an effluent discharge permit program and provides that “compliance with a permit issued pursuant to this section shall be deemed compliance ... with section[] 1311 ... of this title.” 33 U.S.C. § 1342(k).

Section 402 of the Clean Water Act specifies how the Act’s permit requirements apply to stormwater runoff. Section 402(p)(1) requires permits for any stormwater discharge where “the Administrator or the State, as the case may be, determines that the stormwater discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.” 33 U.S.C. § 1342(p)(2)(E). Section 402(p)(6) further authorizes the Administrator to issue regulations “which designate stormwater discharges, other than those discharges described in paragraph 2, to be regulated to protect water quality.” 33 U.S.C. § 402(p)(6).

The Administrator has issued regulations confirming that permits are required for any “discharge which the Director, or in States with approved NPDES programs, either the Director or the EPA Regional Administrator, determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.” 40 CFR § 122.26(a)(1)(v). These same regulations extend the permit requirement to any discharge for which “the Director, or in States with approved NPDES programs, either the Director or the EPA Regional Administrator, determines that storm water controls are needed for the discharge based on wasteload allocations that are part of ‘total maximum daily loads’ (TMDLs) that address the pollutants of concern,” 40 CFR § 122.26(a)(9)(i)(C), as well as any discharge for which “the Director, or in States with approved NPDES programs, either the Director or the EPA Regional Administrator, determines that the discharge, or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States,” 40 CFR § 122.26(a)(9)(i)(D).

In sum, the Clean Water Act and EPA’s regulations implementing the Act require permits where there has been a determination either that stormwater controls are needed as part of WLAs established in TMDLs, or that stormwater discharges contribute to a violation of a water quality standard.

TMDLs governing the water bodies set forth above and EPA letters approving these TMDLs on the Administrator's behalf are determinations that operators shall obtain permits under these provisions of the Clean Water Act and EPA's regulations implementing the Act.³⁴

The Mashapaug Pond TMDL and the Administrator's approval letter include determinations that stormwater controls are needed for CII discharges based on the WLA that is part of the TMDL. The TMDL and approval letter likewise include determinations that CII stormwater discharges contribute to a violation of a water quality standard (phosphorus) in Mashapaug Pond.

The Spectacle Pond TMDL and the Administrator's approval letter include determinations that stormwater controls are needed for CII discharges based on the WLA that is part of the TMDL. The TMDL and approval letter likewise include determinations that CII stormwater discharges contribute to a violation of a water quality standard (phosphorus) in Spectacle Pond.

The Bailey's Brook and North Easton Pond TMDLs and the Administrator's approval letters include determinations that stormwater controls are needed for paved lots, many of which are commercial and industrial property, based on the WLA that is part of the North Easton Pond TMDL. The TMDLs and approval letters likewise include determinations that stormwater from paved surfaces, many of which are commercial and industrial property, contribute to violations of water quality standards (phosphorus and bacteria) in Bailey's Brook and North Easton Pond.

The Sakonnet/Cove TMDL and the Administrator's approval letter include determinations that stormwater controls are needed as part of the WLA established by the Sakonnet/Cove TMDL. The TMDL and approval letter likewise include determinations that stormwater discharges contribute to a violation of a water quality standard (bacteria) in the Sakonnet River and the Cove.

The Administrator's listing of Lawton Brook as impaired because of stormwater is a determination that stormwater discharges contribute to a violation of a water quality standard (benthic macroinvertebrates) in Lawton Brook.

³⁴ A March 11, 2014 letter from EPA Region 1 to American Rivers, the Conservation Law Foundation, and the Natural Resources Defense Council documents EPA's agreement that there are watersheds in the Region where "EPA or a state agency has already *determined* that stormwater is a significant contributor of pollutants or is contributing to a water quality standard (or standards) being exceeded." (Emphasis added). The *determinations* referenced by EPA Region 1 are almost certainly contained in TMDLs – detailed assessments of how pollutants cause water-quality impairments – and EPA letters approving these TMDLs. Again, EPA regulations provide that operators "shall be required to obtain a NPDES permit" once such a determination has been made. 40 CFR § 122.26(a)(9)(i).



These determinations that stormwater controls are needed and that stormwater runoff contributes to water-quality-standard violations constitute determinations that operators shall obtain permits for CII stormwater dischargers in the affected watersheds. *See* 40 CFR § 122.26(a)(1)(v), (a)(9)(1)(C) & (a)(9)(1)(D).

EPA's regulations spell out what the Agency *must* do when it determines that a stormwater discharger requires a permit: referring specifically to 40 CFR § 122.26, these regulations require that "the Regional Administrator *shall* notify the discharger in writing of that decision and the reasons for it, and *shall* send an application form with the notice." 40 CFR § 124.52(b)(emphases added). Once the Regional Administrator has notified a discharger that a permit is required, the discharger has 60 days to apply for a permit. *Id.*

The Administrator has failed to notify commercial, industrial, and institutional stormwater dischargers in the Mashapaug Pond, Spectacle Pond, Bailey's Brook, North Easton Pond, Sakonnet/Cove, and Lawton Brook watersheds that they shall obtain permits governing their stormwater discharges because of determinations contained in TMDLs governing these watersheds and the Administrator's letters approving these TMDLs. Furthermore, the Administrator has failed to include an application form with any such notice. These failures are violations of nondiscretionary duties subject to citizen-suit enforcement.



Notice

By this letter, CLF now gives notice that it intends to sue the EPA Administrator for her failure to carry out her non-discretionary duty to notify stormwater dischargers on Aquidneck Island and in the Mashapaug Pond and Spectacle Pond watersheds that they must apply for permits for their stormwater discharges. CLF reserves all rights to amend this notice and identify additional claims as further facts are developed.

Sincerely,

A handwritten signature in blue ink that reads "Tricia K. Jedele". The signature is written in a cursive style with a horizontal line underneath it.

Tricia K. Jedele, Esq., RI Bar No. 5958
Vice President and Director of the RI Office
Max Greene, Esq., RI Bar No. 7921
Staff Attorney
Conservation Law Foundation
55 Dorrance Street
Providence, RI 02903



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 10, 2015, I caused a true and accurate copy of the *Conservation Law Foundation's Notice of Intent to Sue the United States Environmental Protection Agency* to be mailed via certified first class mail to:

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Eric Holder, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Courtesy copies of the same document were mailed via postage pre-paid, first class mail to:

Curt Spalding, Region 1 Administrator
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Janet Coit, Director
R.I. Dept. of Environmental Management
235 Promenade Street
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Peter Kilmartin, Attorney General
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Kimberly Twist