



MASSACHUSETTS Rivers Alliance

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October 23, 2017

Arthur S. Johnson
MassDEP
Division of Watershed Management
Watershed Planning Program
8 New Bond Street
Worcester, MA 01606

Re: Comments on 2016 Integrated List of Waters

Dear Mr. Johnson,

Thank you for the opportunity to provide comments on the *Proposed Massachusetts Year 2016 Integrated List of Waters*.

The Massachusetts Rivers Alliance is a non-profit organization whose mission is to protect and restore rivers across the Commonwealth. Mass Rivers currently includes 67 member organizations from across the state, several of whom are submitting comments on their concerns with the listing of water bodies in their individual watersheds. For this reason, our comments will focus on our overarching concerns with the Proposed Integrated List of Waters, as this document plays an important role in the protection and restoration of water bodies across the Commonwealth.

We would like to first acknowledge and express our appreciation for the improvements made to the *Massachusetts Consolidated Assessment and Listing Methodology (CALM) Guidance Manual for the 2016 Reporting Cycle*. We appreciate the addition of appendices A, B, C, D, E and F which provide critical information regarding the assessment of impaired waterbodies. We also applaud MassDEP for the new addition of “presence of active CSO discharges” in evaluating *Primary Contact Recreational Use*. We ask that MassDEP further clarifies in the *Massachusetts Consolidated Assessment and Listing Methodology (CALM) Guidance Manual for the 2016 Reporting Cycle* how CSOs with variances will be assessed for these criteria.

We are aware that substantial budget and staffing cuts at MassDEP have created a significant challenge for water quality monitoring and assessments. While we recognize that the practice of watershed management is resource-intensive, we find it discouraging that MassDEP is not able to produce and validate new data (< 5 years old) for each of the 33 major watersheds for use in

biannual integrated list updates. Furthermore, despite collection of considerable water quality data and field assessment information by science-based watershed associations, MassDEP has also been slow to adopt the use of external data, although in many cases it is the best available data source for a water body. While recognizing that there are many external data sources which inform the Integrated List, more detail should be made public regarding the external data qualifications as described in the *Massachusetts Consolidated Assessment and Listing Methodology (CALM) Guidance Manual for the 2016 Reporting Cycle*. Specifically, more detail is needed for the description of the criteria for each level and how they are used to inform the report. Since Level 3 data is most likely to be used by the report, it would be useful to know how non-MassDEP stakeholders such as watershed associations can advance their data from Level 2 to Level 3.

We ask that MassDEP contact relevant watershed associations and Mass Rivers in advance of assessments with the monitoring plan, including field assessments schedules, sampling site locations, and proposed sampling parameters, for both the probabilistic and deterministic monitoring described in the Integrated List. In addition, we ask that the final Integrated List include a complete description of the MassDEP deterministic and probabilistic sampling network, specifically including information on the frequency, number of locations, wet or dry weather monitoring and time of year for monitoring for all sites statewide monitored across the five year wadable stream survey and the three-year lakes survey. We ask that the final Integrated List also reports which watersheds have received probabilistic and deterministic monitoring since 2012.

In reviewing the list, it is difficult to interpret which data sources are currently informing decisions to alter or remove impairments in the draft Integrated List of Waters. We ask that MassDEP reference specific data sources for its decisions to list and delist any segment or waterbodies in the final Integrated List of Water. For example, it would be useful to know the data sources MassDEP is using when the explanation for removal of a segment is “Applicable WQS attained; reason for recovery unspecified.” The New Hampshire Department of Environmental Services draft 303(d) list for 2016 provides an ideal, transparent model for source descriptions in impairment evaluations.

Mass Rivers also noted multiple “delistings” (removal from category 5) for fecal coliform bacteria with the provided explanation “Applicable WQS attained; due to change in WQS.” A change in the water quality standards from fecal coliform as the indicator bacteria to *E. coli* should not in itself justify a delisting of this impairment. The waterbody should be listed as impaired for *E. coli* until recent data is available to confirm or negate this listing. If that is the case, the rationale provided in the document should be modified. The Alliance also has concerns regarding segments delisted with the only explanation “Original basis for listing was incorrect.” In the final List of Integrated Waters, we ask that MassDEP provide a detailed data-based justification to show that the basis for the original listing was incorrect and provide recent data to show that the water body is not in fact impaired by the relevant impairment.

The list of waters where no assessment has been completed (Category 3) is extensive and many others have been only partly assessed for some designated uses (Category 2). We ask that MassDEP report the percentage of water bodies (river and streams by mile, lakes and ponds by

acre, and estuaries by square mile) that have never been assessed and those that have been assessed within the previous five years by the agency in the final Integrated List. The list of waters in Category 5, where MassDEP needs to develop a Total Maximum Daily Load (TMDL) is also extensive. We ask that MassDEP uniformly include in the final Integrated List of Waters how TMDLs are matched with impairments.

Finally, Mass Rivers and our member groups are extremely concerned about the pace of review and updating of the Massachusetts surface water quality standards (WQS). As noted in the *Proposed List*, the Clean Water Act specifies that states hold public hearings at least once every three years (triennial review) to review and, where appropriate, revise their water quality standards. To our knowledge, Massachusetts has failed to meet this obligation; in fact, page 8 of the Proposed List says that there have been no updates in a decade. The Proposed List also notes proposed revisions for 2017 to the WQS but does not provide adequate detail on the substance of these proposed changes or where this information can be found. Nor does it provide information about when public hearings will be held regarding these changes, which by now should be scheduled if the revisions are truly on track for 2017. The state should commit to the public triennial review.

Thank you for considering our comments. Please contact us if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Gabby Queenan". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Gabby Queenan
Policy Specialist
Massachusetts Rivers Alliance