



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100  
Boston, MA 02109-3912**

January 2, 2020

Martin Suuberg, Commissioner  
Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Re: 2016 §303(d) List

Dear Commissioner Suuberg,

Thank you for submitting Massachusetts' 2016 §303(d) list of water quality limited segments (WQLSs) on December 5, 2019. In accordance with §303(d) of the Clean Water Act (CWA) and 40 CFR §130.7, the U.S. Environmental Protection Agency (EPA) has conducted a review of the Commonwealth's list, including supporting documentation. Based on this review, EPA has determined that Massachusetts' list of WQLSs still requiring total maximum daily loads meets the requirements of §303(d) of the Clean Water Act ("CWA" or "the Act") and EPA implementing regulations. Therefore, EPA hereby approves Massachusetts' 2016 final §303(d) list.

We understand that Massachusetts has not been able to assess the aquatic life use for waterbodies in the Taunton River watershed (and some others) for the 2016 §303(d) list cycle given its rotating basin assessment approach. Therefore, the Commonwealth's 2016 §303(d) list does not reflect a conclusion about the impairment status of the Taunton River. For the Commonwealth's 2018 §303(d) list, however, we strongly encourage the Commonwealth to consider all existing and readily available data and information collected for the Taunton River, including recent data and information collected by the City of Taunton, data collected by MassDEP in Mount Hope Bay, as well as the data and information relied on by EPA in issuing a National Pollution Discharge Elimination System permit to the Taunton treatment plant. EPA believes that MassDEP should analyze this data in relation to concerns about eutrophication in the Taunton River estuary based on nutrient loadings. EPA understands that MassDEP's website indicates that data for the 2018 §303(d) list should be submitted by March 2018, but given that the 2018 §303(d) list won't be submitted to EPA until sometime in 2020 EPA believes it is important and reasonable to consider all data and information closer in time to submission of the 2018 §303(d) list. That would ensure that the more recent data and information relating to the Taunton River watershed referenced above, and other watersheds, would be included in MassDEP's listing decisions for its 2018 §303(d) list.

Thank you for your hard work in developing the 2016 §303(d) list. My staff and I look forward to continuing our work with MassDEP to implement the

requirements under §303(d) of the CWA. If you have any questions or need additional information please contact Ralph Abele at 617-918-1629 or Ivy Mlsna at 617-918-1311.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Moraff', followed by a long horizontal line extending to the right.

Ken Moraff, Director  
Water Division

Enclosure

cc: MassDEP: Laura Blake, Art Johnson, Richard Chase, Laurie Kennedy  
EPA: Ralph Abele, Ann Williams, Greg Dain