



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

June 30, 2023

Bonnie Heiple, Commissioner
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: 2022 §303(d) List

Dear Commissioner Heiple,

Thank you for submitting Massachusetts' 2022 §303(d) list of water quality limited segments (WQLSs) on May 23, 2023. In accordance with Section 303(d) of the Clean Water Act and Title 40 of the Code of Federal Regulations (CFR) Section 130.7, the U.S. Environmental Protection Agency (EPA) conducted a complete review of Massachusetts' 2022 303(d) list and supporting documentation and information. The enclosed supporting documentation describes the statutory and regulatory requirements and EPA's review of Massachusetts' compliance with them. Based upon EPA's review of the submittal, EPA is partially approving and partially deferring on the Massachusetts 2022 303(d) list. Specifically, EPA is deferring action on waters subject to the Secondary Contact Recreation Use that meet the following two conditions: 1) the waters are not included as impaired or threatened on the list submitted by the state, and 2) there are data and information for the waters pertaining to bacteria impairment status. EPA is deferring action on these waters while EPA works in the near term with the State on approaches for assessing data and information regarding bacteria and the Secondary Contact Recreation Use. Therefore, EPA hereby partially approves Massachusetts' 2022 final §303(d) list.

The Section 303(d) list was submitted as part of the "Final Massachusetts Integrated List of Waters for the Clean Water Act 2022 reporting cycle," beginning on page 121. This comprises the list of those waters for which technology-based and other required controls for point and nonpoint sources are not stringent enough to attain or maintain compliance with the state's water quality standards. The submittal also presents Massachusetts' TMDL strategy, which describes the priority setting approach and identifies those waters for which TMDLs, alternatives, and/or protection plans will be completed and submitted during the next year. The statutory and regulatory requirements, and EPA's review of Massachusetts' compliance with each requirement, are described in detail in the enclosed review document. The Massachusetts Department of Environmental Protection (MassDEP) has also completed a public participation process during which the public was given the opportunity to review and comment on the 2022 Section 303(d) list. As a result of this effort, Massachusetts has considered public comments in

the development of the final list. The public comments and MassDEP's responses to those comments were included in the Commonwealth's final submittal.

Thank you for your hard work in developing the 2022 §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 Ivy Mlsna at 617-918-1311.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Moraff".

Ken Moraff, Director
Water Division

Enclosure

cc: MassDEP: Kathleen Baskin, Richard Carey, Richard Chase, Laurie Kennedy
EPA: Ivy Mlsna, Greg Dain, Jackie LeClair