

EPA REVIEW OF MASSACHUSETTS' 2018-2020 SECTION 303(d) LIST

I. INTRODUCTION

EPA has conducted a review of Massachusetts' combined years 2018-2020 section 303(d) list, supporting documentation and other information. Based on this review, EPA has determined that Massachusetts' list of water quality limited segments (WQLSs) still requiring total maximum daily loads (TMDLs) meets the requirements of section 303(d) of the Clean Water Act ("CWA" or "the Act") and EPA implementing regulations. Therefore, by this action, EPA hereby approves Massachusetts' 2018-2020 final section 303(d) list. The statutory and regulatory requirements for Massachusetts' 2018-2020 section 303(d) list, and EPA's review of Massachusetts compliance with each requirement, are described in detail below.

II. STATUTORY AND REGULATORY BACKGROUND

Identification of Water Quality Limited Segments for Inclusion on the Section 303(d) List

Section 303(d)(1) of the Act directs States to identify those waters within its jurisdiction for which effluent limitations required by section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard, and to establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters. The section 303(d) listing requirement applies to waters impaired by point and/or nonpoint sources, pursuant to EPA's long-standing interpretation of section 303(d).

EPA regulations provide that States do not need to list waters where the following controls are adequate to implement applicable standards: (1) technology-based effluent limitations required by the Act, (2) more stringent effluent limitations required by State or local authority, and (3) other pollution control requirements required by State, local, or federal authority. See 40 CFR §130.7 (b) (1).

Consideration of Existing and Readily Available Water Quality-Related Data and Information

In developing section 303(d) lists, States are required to assemble and evaluate all existing and readily available water quality-related data and information, including, at a minimum, consideration of existing and readily available data and information about the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the State's most recent section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate non-attainment of applicable standards; (3) waters for which water quality problems have been reported by governmental agencies, members of the public, or academic institutions; and (4) waters

identified as impaired or threatened in any section 319 nonpoint assessment submitted to EPA. See 40 CFR §130.7(b) (5). Massachusetts considered all existing and readily available data that it was able to validate for this listing cycle pertinent to the specific uses and watersheds identified for assessment during this cycle per its rotating basin plan.

In addition to these minimum categories, States are required to consider any other data and information that is existing and readily available. Given that the external data submission deadline for the 2018-2020 list passed on November 1, 2019, it is EPA's understanding that none of the data submitted solely through the public comment process (i.e., not through the WQX by the communicated deadline) will be considered in this cycle. EPA's 2006 Integrated Report (IR) Guidance describes categories of water quality related data and information that may be existing and readily available. All EPA integrated reporting guidance under CWA Section 303(d), 305(b) and 314 may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>. While States are required to evaluate all existing and readily available water quality-related data and information, States may decide to rely or not rely on particular data or information in determining whether to list particular waters.

In addition to requiring States to assemble and evaluate all existing and readily available water quality-related data and information, EPA regulations at 40 CFR §130.7(b)(6) require States to include as part of their submissions to EPA, documentation to support decisions to rely or not rely on particular data and information and decisions to list or not list waters. Such documentation needs to include, at a minimum, the following information: (1) a description of the methodology used to develop the list; (2) a description of the data and information used to identify waters; and (3) any other reasonable information requested by EPA.

Priority Ranking

EPA regulations also codify and interpret the requirement in section 303(d)(1)(A) of the Act that States establish a priority ranking for listed waters. The regulations at 40 CFR § 130.7(b)(4) require States to prioritize waters on their section 303(d) lists for TMDL development, and also to identify those WQLSs targeted for TMDL development in the next two years. In prioritizing and targeting waters, States must, at a minimum, take into account the severity of the pollution and the uses to be made of such waters. See section 303(d)(1)(A). As long as these factors are taken into account, the Act provides that States establish priorities. States may consider other factors relevant to prioritizing waters for TMDL development, including immediate programmatic needs, vulnerability of particular waters as aquatic habitats, recreational, economic, and aesthetic importance of particular waters, degree of public interest and support, and State or national policies and priorities. See 57 FR 33040, 33045 (July 24, 1992), and EPA's 2006 Integrated Report Guidance and the 2006, 2009, 2011, 2013, 2015, and 2017 memoranda and attachments.

III. ANALYSIS OF MASSACHUSETTS' SUBMISSION

On April 28, 2021 the Massachusetts Department of Environmental Protection (MassDEP) released for public comment and review a draft version of its 2018-2020 section 303(d) list as part of the State's 2018-2020 Integrated Report (IR). Public comments on the draft version of the 2018-2020 Integrated Report were accepted until June 21, 2021 (extended at public request following an initial May 28, 2021 deadline). The final version of the 2018-2020 Integrated Report including the Section 303(d) list was issued on January 5, 2022. The State's January 5, 2022 Integrated Report submittal included the following specific components:

1. The Commonwealth of Massachusetts' 2018-2020 Integrated Report narrative document containing summary tables for each integrated list category, including Category 5, the section 303(d) list;
2. IR Appendices 1-5 which presents a list of EPA-approved "actions" addressed since the 2016 IR cycle, tables of Assessment Unit (AU) and integrated list categories by major watershed, impairments changed from the prior reporting cycle, and impairments added to or removed from the 2018-2020 Integrated List, including the section 303(d) list;
3. IR Appendices 6-24 containing supporting data and rationale for delisting decisions for each of the 18 watersheds assessed (for Aquatic Life Use only) during this cycle;
4. Massachusetts' Response to Public Comments on the April 28, 2021 draft Integrated Report and 303(d) list.

Massachusetts' section 303(d) list contains water segments for which available data and/or other information indicates that a water segment is not meeting water quality standards because it is impaired or threatened by one or more pollutants for one or more designated uses, and for which a TMDL is therefore required to be established. EPA's regulations at 40 CFR §130.7 require EPA to review and approve, or disapprove, a state's section 303(d) list.

The 2016 integrated reporting cycle included a statewide assessment (i.e., all watersheds) of the shellfish harvesting, primary and secondary contact recreation and aesthetic uses, as well as the assessments of the aquatic life use-attainment status of 15 watersheds and/or coastal drainage systems. Therefore, for the 2018-2020 reporting cycle, MassDEP focused its efforts on the assessment of the aquatic life use for the watersheds that were not completed for the 2016 IR. The 2018-2020 IR assigns each of 2,694 assessment units (AUs) to one of the following five categories depending upon their status with respect to the support of their designated uses: 1) Unimpaired and not threatened for all designated uses; 2) Unimpaired for some uses and not assessed for others; 3) Insufficient information to make assessments for any uses; 4) Impaired or threatened for one or more uses, but not requiring the calculation of a TMDL; or 5) Impaired or threatened for one or more uses and requiring a TMDL.

Pursuant to EPA’s Integrated Report Guidance related to assessment and listing of waters pursuant to sections 305(b) and 303(d) of the CWA, States list their waters in one or more of five categories, depending on the status of each water body’s attainment of water quality standards. Category 5 corresponds to the section 303(d) list. Category 4 is comprised of waters that are not meeting water quality standards, but for which a TMDL need not be established due to one of three reasons. Category 4A contains waters for which a TMDL has already been established and approved by EPA. Category 4B includes waters, for which a “functionally equivalent” control action has been developed and is being implemented, i.e., an impairment caused by a pollutant is being addressed through other pollution control requirements. Category 4C contains waters that are not attaining water quality standards due to pollution that is not associated with a pollutant. Although waters in Category 4 are not on the section 303(d) list, EPA reviews a State’s Category 4 list to ensure that the waters are categorized appropriately and do not, in fact, belong on the section 303(d) list. MassDEP included waters in Category 4 with its 2018-2020 submission to EPA.

On May 3, 2018, MassDEP released the Massachusetts Consolidated Assessment and Listing Methodology (CALM) Guidance Manual for the 2018 Reporting Cycle which provides the methods and rationale for making the assessment decisions embodied in the 2018-2020 IR.

For MassDEP’s 2018-2020 Integrated Report, quality-controlled data submitted to MassDEP prior to the pre-established deadline of 11/1/2019 were considered, relative to the 18 watersheds assessed.

Public Participation

MassDEP conducted a public participation process, in which it provided the public an opportunity to review and comment on the State’s draft 2018-2020 Integrated Report and section 303(d) list. A public comment period opened on April 28, 2021 and closed on June 21, 2021. MassDEP posted its draft Integrated Report on the Department’s website, as well as publishing notifications in Vol. 98, Issues 9 and 10 of the Massachusetts Environmental Monitor. MassDEP also notified approximately 150 environmental organizations and other interested stakeholders by direct email notification. MassDEP received a total of 25 comment submissions on the April 28, 2021 version of the draft Integrated Report and 303(d) list. On January 5, 2022 MassDEP released the final version of the 2018-2020 Integrated Report and section 303(d) list which included the responses to all comments received on the draft Integrated Report and section 303(d) list. MassDEP responded to comments in two parts: Part 1 consists of responses to comments that were common themes from multiple commenting parties; and Part 2 consists of responses to individual comments. Comment letters were submitted by: Environmental Protection Agency Region 1, Massachusetts Rivers Alliance, Indians Ponds Association, City of Framingham, City of Chicopee, Town of Auburn, Hyde Park Historical Society, City of Worcester, Upper Blackstone Clean Water, Organization for the Assabet, Sudbury, and Connecticut Rivers (OARS), Nashua River Watershed Association, Neponset River Watershed Association, Muddy River Restoration Project, MassBays-South Shore

Region, Lake Archer Association, Jones River Watershed Association, Fore River Residents Against the Compressor Station (FRRACS), Charles River Watershed Association, Connecticut River Conservancy, City of Taunton, Town of Middleborough, Town of Raynham, City of Brockton, Blackstone River Coalition, Blackstone River Valley National Heritage Corridor, and Buzzards Bay Coalition.

Common themes from commenters, included, notably: that supporting data should be provided for all listing decisions, not just for delistings; concern for the age of data used in making listing determinations; request for increased external data use and feedback to external data provisioners on how to improve the quality of their data; and recommendations for continued and increased coordination with interdepartmental colleagues to improve fisheries assessments. MassDEP provided adequate justifications and plans for future reporting cycles in the Response to Comments document.

EPA has reviewed the language within MassDEP's Integrated Report and associated documents addressing areas of public concern as well as MassDEP's responses to public comments. EPA concludes that Massachusetts has appropriately and adequately responded to the public comments and concerns.

IV. IDENTIFICATION OF WATERS AND CONSIDERATION OF EXISTING AND READILY AVAILABLE WATER QUALITY RELATED DATA AND INFORMATION

EPA has reviewed the State's submission and has concluded that the State developed its Integrated Report and section 303(d) list in compliance with section 303(d) of the Act and 40 CFR § 130.7. EPA's review is based on its analysis of whether the State reasonably considered existing and readily available water quality-related data and information and reasonably identified waters required to be listed. As noted earlier, Massachusetts considered all existing and readily available data that it was able to validate for this listing cycle pertinent to the specific uses and watersheds identified for assessment per its rotating basin plan.

Massachusetts used the MassDEP assessment database to develop its 2018-2020 section 303(d) list. The same database was used to assist in the preparation of the biennial section 305(b) report. MassDEP provides ongoing notice on its website to request data from outside sources. Information received from outside sources was assessed in accordance with the State's assessment methodology. In the development of the 2018-2020 section 303(d) list, Massachusetts began with its existing EPA-approved 2016 section 303(d) list and relied on new or previously unused water quality assessments to update the list accordingly. Massachusetts believes that information pertaining to impairment status must be well substantiated, preferably with actual monitoring data, for it to be used in section 303(d) listing.

The assessment and listing decisions for the 2018-2020 IR were based on MassDEP's water and biological monitoring data, effluent and ambient water quality data submitted in fulfillment of NPDES permit requirements, and data from external sources. Although

specific data sources are cited in the individual watershed decision summaries, most of the external sources of data used for the 2018-2020 assessments are listed below:

- Massachusetts Department of Conservation and Recreation – Wachusett, Ware and Quabbin Subwatersheds
- Massachusetts Department of Fish and Gamefish community sampling and Target Fish Community Models
- Massachusetts Division of Marine Fisheries diadromous fish passage information
- Massachusetts Department of Public Health – Harmful algae bloom reports and fish consumption advisories
- MWRA
- UMass-Dartmouth School of Marine Science and Technology (SMAST) MEP
- SMAST/Plymouth Ponds
- Housatonic Valley Association
- Upper Blackstone Water Pollution Abatement District
- Charles River Watershed Association
- Nashua River Watershed Association
- OARS for the Assabet, Sudbury and Concord Rivers
- Neponset River Watershed Association
- U.S. Geological Survey (USGS)
- EPA

EPA tracks the states' progress with completing TMDLs and Alternative Restoration Plans in the Assessment and TMDL Tracking and Implementation System (ATTAINS), which can be accessed at <https://www.epa.gov/waterdata/attains>. Note that ATTAINS calculates the category for both the individual impairments and the overall AU. The overall AU category is dictated by use-attainment and the combination of impairment categories. For example, if a waters' Recreational Use is impaired by bacteria and the Aquatic Life Use is impaired by nitrogen, but only the bacteria TMDL has been developed, the overall categorization for the AU is 5, due to need to develop an additional TMDL. MassDEP reports the overall AU classification. It should be noted that the Massachusetts Department of Public Health statewide advisory pertaining to the prohibitive consumption of finfish by sensitive populations precludes any waters from being in full support of the fish consumption use and, therefore, no waters are listed in Category 1.

Waterbody Segment/Impairments newly listed on Massachusetts' 2018-2020 section 303(d) list

A total of 816 impairments were added to new or existing AUs (see Appendix 3 of the Integrated Report), 151 of which were refinements of existing impairments (e.g., clarification of listing cause). Of the new impairments added, 249 were pollutants requiring the development of TMDLs, while 43 were covered under new or previously developed TMDLs. The remaining 524 non-pollutant impairments will require the implementation of various types of pollution control plans. The waterbody

segment/impairments noted in Appendix 3 were identified by new assessments during this listing cycle and were thus placed in Category 5, the Section 303(d) list.

Waterbody Segment/Impairments removed from Massachusetts’ section 303(d) list in the 2018-2020 cycle

As noted above, MassDEP reports the overall AU category for each water, which can result in the delisting of impairments from impaired waters (i.e., additional impairments for the AU remain). The following tables list impairments removed or changed within Category 5 waters. For each of the waterbody segment/impairments delisted from Category 5, EPA agrees that the State has reasonably concluded that the identified waterbody segment/impairments no longer need to be on the 2018-2020 Section 303(d) list. This may be because the segment is now meeting water quality standards for the identified impairment or has an EPA-approved TMDL that addresses that impairment or an Alternative Restoration Plan in place. Additionally, some impairments have been “refined,” or removed and substituted with a more appropriate impairment. This includes the “remapping” of some impairments from a “pollutant” to “pollution”, or vice versa.

Category 5 waters with impairments changed

Watershed	Waterbody	AU_ID	Impairment	Explanation
Blackstone	Blackstone River	MA51-03	Trash	Not caused by pollution, impairment still exists
Blackstone	Middle River	MA51-02	Trash	Not caused by pollution, impairment still exists
Blackstone	Unnamed Tributary	MA51-08	Trash	Not caused by pollution, impairment still exists
Blackstone	Unnamed Tributary	MA51-20	Trash	Not caused by pollution, impairment still exists
Boston Harbor (Proper)	Boston Harbor	MA70-01	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Boston Inner Harbor	MA70-02	Enterococcus	TMDL approved or established by EPA (4a)

Boston Harbor (Proper)	Boston Inner Harbor	MA70-02	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Dorchester Bay	MA70-03	Enterococcus	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Dorchester Bay	MA70-03	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Hingham Bay	MA70-06	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Hingham Bay	MA70-07	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Hull Bay	MA70-09	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Pleasure Bay	MA70-11	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Quincy Bay	MA70-04	Enterococcus	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Quincy Bay	MA70-04	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Quincy Bay	MA70-05	Enterococcus	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Quincy Bay	MA70-05	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Winthrop Bay	MA70-10	Enterococcus	TMDL approved or established by EPA (4a)
Boston Harbor (Proper)	Winthrop Bay	MA70-10	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Aberjona River	MA71-01	Dissolved Oxygen	Alternative Restoration Plan in place

Boston Harbor: Mystic	Aberjona River	MA71-01	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Aberjona River	MA71-01	Phosphorus, Total	Alternative Restoration Plan in place
Boston Harbor: Mystic	Belle Isle Inlet	MA71-14	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Chelsea River	MA71-06	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Chelsea River	MA71-06	Trash	Not caused by pollution, impairment still exists
Boston Harbor: Mystic	Lower Mystic Lake	MA71027	Dissolved Oxygen	Alternative Restoration Plan in place
Boston Harbor: Mystic	Malden River	MA71-05	Dissolved Oxygen	Alternative Restoration Plan in place
Boston Harbor: Mystic	Malden River	MA71-05	Dissolved Oxygen Supersaturation	Alternative Restoration Plan in place
Boston Harbor: Mystic	Malden River	MA71-05	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Malden River	MA71-05	Flocculant Masses	Alternative Restoration Plan in place
Boston Harbor: Mystic	Malden River	MA71-05	Phosphorus, Total	Alternative Restoration Plan in place
Boston Harbor: Mystic	Malden River	MA71-05	Transparency / Clarity	Alternative Restoration Plan in place
Boston Harbor: Mystic	Malden River	MA71-05	Trash	Not caused by pollution, impairment still exists

Boston Harbor: Mystic	Mill Brook	MA71-07	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Mill Creek	MA71-08	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Mystic River	MA71-02	Chlorophyll-a	Alternative Restoration Plan in place
Boston Harbor: Mystic	Mystic River	MA71-02	Dissolved Oxygen Supersaturation	Alternative Restoration Plan in place
Boston Harbor: Mystic	Mystic River	MA71-02	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Mystic River	MA71-02	Phosphorus, Total	Alternative Restoration Plan in place
Boston Harbor: Mystic	Mystic River	MA71-02	Transparency / Clarity	Alternative Restoration Plan in place
Boston Harbor: Mystic	Mystic River	MA71-03	Dissolved Oxygen	Alternative Restoration Plan in place
Boston Harbor: Mystic	Mystic River	MA71-03	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Mystic River	MA71-03	Flocculant Masses	Alternative Restoration Plan in place
Boston Harbor: Mystic	Upper Mystic Lake	MA71043	Dissolved Oxygen	Alternative Restoration Plan in place
Boston Harbor: Mystic	Upper Mystic Lake	MA71043	Dissolved Oxygen Supersaturation	Alternative Restoration Plan in place
Boston Harbor: Neponset	Mother Brook	MA73-28	Trash	Not caused by pollution, impairment still exists

Boston Harbor: Neponset	Neponset River	MA73-02	Trash	Not caused by pollution, impairment still exists
Boston Harbor: Neponset	Neponset River	MA73-03	Trash	Not caused by pollution, impairment still exists
Boston Harbor: Neponset	Neponset River	MA73-04	Trash	Not caused by pollution, impairment still exists
Boston Harbor: Weymouth & Weir	Cochato River	MA74-06	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Cochato River	MA74-06	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Hingham Harbor	MA74-18	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Hingham Harbor	MA74-18	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Monatiquot River	MA74-08	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Monatiquot River	MA74-08	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Town Brook	MA74-09	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Town Brook	MA74-09	Fecal Coliform	TMDL approved or established by EPA (4a)

Boston Harbor: Weymouth & Weir	Town River Bay	MA74-15	Enterococcus	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Town River Bay	MA74-15	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weir River	MA74-02	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weir River	MA74-02	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weir River	MA74-11	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weymouth Back River	MA74-05	Escherichia Coli (E. Coli)	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weymouth Back River	MA74-05	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weymouth Back River	MA74-13	Fecal Coliform	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weymouth Fore River	MA74-14	Enterococcus	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Weymouth Fore River	MA74-14	Fecal Coliform	TMDL approved or established by EPA (4a)
Buzzards Bay	Acushnet River	MA95-33	Trash	Not caused by pollution, impairment still exists

Buzzards Bay	New Bedford Inner Harbor	MA95-42	Trash	Not caused by pollution, impairment still exists
Charles	Unnamed Tributary	MA72-31	Trash	Not caused by pollution, impairment still exists
Chicopee	Unnamed Tributary	MA36-39	Trash	Not caused by pollution, impairment still exists
Concord (SuAsCo)	Assabet River	MA82B-03	Trash	Not caused by pollution, impairment still exists
Concord (SuAsCo)	Assabet River	MA82B-05	Trash	Not caused by pollution, impairment still exists
Concord (SuAsCo)	Concord River	MA82A-09	Trash	Not caused by pollution, impairment still exists
Concord (SuAsCo)	Eames Brook	MA82A-13	Trash	Not caused by pollution, impairment still exists
Concord (SuAsCo)	River Meadow Brook	MA82A-10	Trash	Not caused by pollution, impairment still exists
Concord (SuAsCo)	Unnamed Tributary	MA82A-22	Trash	Not caused by pollution, impairment still exists
Connecticut	Longmeadow Brook	MA34-21	Trash	Not caused by pollution, impairment still exists
Connecticut	Mill River	MA34-29	Trash	Not caused by pollution, impairment still exists
Housatonic	West Branch Housatonic River	MA21-18	Trash	Not caused by pollution, impairment still exists
Merrimack	Beaver Brook	MA84A-11	Trash	Not caused by pollution, impairment still exists
Merrimack	Black Brook	MA84A-17	Trash	Not caused by pollution, impairment still exists
Merrimack	Little River	MA84A-09	Trash	Not caused by pollution, impairment still exists

Merrimack	Peppermint Brook	MA84A-35	Trash	Not caused by pollution, impairment still exists
Merrimack	Spicket River	MA84A-10	Trash	Not caused by pollution, impairment still exists
Mount Hope Bay (Shore)	Quequechan River	MA61-05	Trash	Not caused by pollution, impairment still exists
North Coastal	Proctor Brook	MA93-39	Trash	Not caused by pollution, impairment still exists
North Coastal	Proctor Brook	MA93-40	Trash	Not caused by pollution, impairment still exists
North Coastal	Unnamed Tributary	MA93-51	Trash	Not caused by pollution, impairment still exists
Quinebaug	Mckinstry Brook	MA41-13	Trash	Not caused by pollution, impairment still exists
Quinebaug	Morse Pond	MA41033	(Aquatic Plants (Macrophytes)*) ¹	Not caused by a pollutant, impairment still exists
Quinebaug	Quinebaug River	MA41-02	Trash	Not caused by pollution, impairment still exists
Quinebaug	Quinebaug River	MA41-09	Trash	Not caused by pollution, impairment still exists
South Coastal	Drinkwater River	MA94-21	Trash	Not caused by pollution, impairment still exists
Taunton	Salisbury Brook	MA62-08	Trash	Not caused by pollution, impairment still exists
Taunton	Salisbury Plain River	MA62-05	Trash	Not caused by pollution, impairment still exists

¹ (“impairment”*) denotes the impairment is defined as pollution, not a pollutant; delisting explanation may note that “applicable WQS [have been] attained” though WQS do not exist for pollution – the assessment methodology indicates the pollution is not present

Category 5 waters with impairments removed

Watershed	Waterbody	AU_ID	Impairment	Explanation
Blackstone	Blackstone River	MA51-03	Ambient Bioassays - Chronic Aquatic Toxicity	Applicable WQS attained; based on new data
Blackstone	Blackstone River	MA51-03	Other Organics	Applicable WQS attained; original basis for listing was incorrect
Blackstone	Dark Brook	MA51-16	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	Hayes Pond	MA51060	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	Kettle Brook	MA51-01	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	Lake Ripple	MA51135	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	Manchaug Pond	MA51091	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	Middle River	MA51-02	Metals	Applicable WQS attained; based on new data
Blackstone	Mill River	MA51-36	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	Mill River	MA51-36	Metals	Applicable WQS attained; original basis for listing was incorrect
Blackstone	Mumford River	MA51-14	(Dewatering*)	Applicable WQS attained, due to restoration activities

Blackstone	Mumford River	MA51-14	Copper	Applicable WQS attained; original basis for listing was incorrect
Blackstone	Mumford River	MA51-14	Lead	Applicable WQS attained; original basis for listing was incorrect
Blackstone	Peters River	MA51-18	Copper	Applicable WQS attained; based on new data
Blackstone	Peters River	MA51-18	Lead	Applicable WQS attained; based on new data
Blackstone	Poor Farm Brook	MA51-17	Sedimentation/ Siltation	Applicable WQS attained; original basis for listing was incorrect
Blackstone	Singletery Brook	MA51-31	(Non-Native Aquatic Plants*)	Applicable WQS attained; original basis for listing was incorrect
Blackstone	Tatnuck Brook	MA51-15	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	Unnamed Tributary	MA51-20	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Blackstone	West River	MA51-11	pH, Low	Applicable WQS attained; based on new data
Blackstone	West River	MA51-12	Cadmium	Applicable WQS attained; based on new data
Blackstone	West River	MA51-12	Chloride	Applicable WQS attained; based on new data
Blackstone	West River	MA51-12	Copper	Applicable WQS attained; based on new data
Blackstone	West River	MA51-12	Lead	Applicable WQS attained; based on new data
Blackstone	West River	MA51-12	Nutrient/Eutro phication Biological Indicators	Applicable WQS attained; based on new data

Blackstone	West River	MA51-12	pH, Low	Applicable WQS attained; based on new data
Blackstone	Woolshop Pond	MA51186	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Mystic	Aberjona River	MA71-01	Arsenic	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Mystic	Blacks Nook	MA71005	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Mystic	Chelsea River	MA71-06	Dissolved Oxygen	Applicable WQS attained; based on new data
Boston Harbor: Mystic	Horn Pond	MA71019	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Mystic	Mystic River	MA71-02	(Fish Passage Barrier*)	Applicable WQS attained; based on new data
Boston Harbor: Mystic	Upper Mystic Lake	MA71043	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Neponset	Bolivar Pond	MA73005	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Neponset	East Branch	MA73-05	(Dewatering*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Neponset	East Branch	MA73-05	Dissolved Oxygen	Applicable WQS attained; original basis for listing was incorrect
Boston Harbor: Neponset	East Branch	MA73-05	Metals	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Neponset	East Branch	MA73-05	Temperature	Applicable WQS attained; based on new data

Boston Harbor: Neponset	Germany Brook	MA73-15	pH, High	Applicable WQS attained; based on new data
Boston Harbor: Neponset	Massapoag Brook	MA73-21	Phosphorus, Total	Applicable WQS attained; reason for recovery unspecified
Boston Harbor: Neponset	Mother Brook	MA73-28	(Dewatering*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Neponset	Neponset Reservoir	MA73034	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Neponset	Neponset River	MA73-01	Metals	Applicable WQS attained; based on new data
Boston Harbor: Neponset	Neponset River	MA73-03	Dissolved Oxygen	Applicable WQS attained; based on new data
Boston Harbor: Neponset	Neponset River	MA73-04	Dissolved Oxygen	Applicable WQS attained; based on new data
Boston Harbor: Neponset	Russell Pond	MA73003	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Boston Harbor: Neponset	Unnamed Tributary	MA73-32	pH, Low	Applicable WQS attained; reason for recovery unspecified
Boston Harbor: Neponset	Unnamed Tributary	MA73-32	Phosphorus, Total	Applicable WQS attained; reason for recovery unspecified
Boston Harbor: Neponset	Unquity Brook	MA73-26	pH, Low	Applicable WQS attained; based on new data
Boston Harbor: Weymouth & Weir	Whitmans Pond	MA74025	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Charles	Beaver Brook	MA72-28	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)

Charles	Charles River	MA72-05	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Charles	Charles River	MA72-07	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Charles	Charles River	MA72-36	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Charles	Unnamed Tributary	MA72-31	Metals	Impairment removed, new impairment substituted (refinement)
Chicopee	Forget-Me-Not Brook	MA36-28	Whole Effluent Toxicity (WET)	Applicable WQS attained; based on new data
Concord (SuAsCo)	Assabet River	MA82B-01	Phosphorus, Total	Applicable WQS attained; based on new data
Concord (SuAsCo)	Assabet River	MA82B-02	Dissolved Oxygen	Applicable WQS attained, due to restoration activities
Concord (SuAsCo)	Assabet River	MA82B-02	Phosphorus, Total	Applicable WQS attained, due to restoration activities
Concord (SuAsCo)	Assabet River	MA82B-03	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Assabet River	MA82B-04	Aquatic Plants (Macrophytes)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Assabet River	MA82B-05	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Assabet River	MA82B-05	Aquatic Plants (Macrophytes)	Applicable WQS attained, due to restoration activities
Concord (SuAsCo)	Assabet River	MA82B-06	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)

Concord (SuAsCo)	Assabet River	MA82B-06	Algae	Applicable WQS attained, due to restoration activities
Concord (SuAsCo)	Assabet River	MA82B-06	Aquatic Plants (Macrophytes)	Applicable WQS attained, due to restoration activities
Concord (SuAsCo)	Assabet River	MA82B-06	Phosphorus, Total	Applicable WQS attained, due to restoration activities
Concord (SuAsCo)	Assabet River	MA82B-06	Temperature	Applicable WQS attained; original basis for listing was incorrect
Concord (SuAsCo)	Assabet River	MA82B-07	Phosphorus, Total	Applicable WQS attained, due to restoration activities
Concord (SuAsCo)	Carding Mill Pond	MA82015	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Dudley Pond	MA82029	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Eames Brook	MA82A-13	(Non-Native Aquatic Plants*)	Data and/or information lacking to determine WQ status; original basis for listing was incorrect
Concord (SuAsCo)	Elizabeth Brook	MA82B-12	Benthic Macroinvertebrates	Applicable WQS attained, according to new assessment method
Concord (SuAsCo)	Farm Pond	MA82035	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Grist Mill Pond	MA82055	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Grist Mill Pond	MA82055	Aquatic Plants (Macrophytes)	Applicable WQS attained, according to new assessment method
Concord (SuAsCo)	Hager Pond	MA82056	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)

Concord (SuAsCo)	Hager Pond	MA82056	Aquatic Plants (Macrophytes)	Applicable WQS attained, according to new assessment method
Concord (SuAsCo)	Heard Pond	MA82058	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Hop Brook	MA82A-05	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Hop Brook	MA82A-05	Aquatic Plants (Macrophytes)	Applicable WQS attained, according to new assessment method
Concord (SuAsCo)	Nashoba Brook	MA82B-14	Fish Bioassessments	Applicable WQS attained, according to new assessment method
Concord (SuAsCo)	Nutting Lake	MA82088	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	River Meadow Brook	MA82A-10	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Sudbury River	MA82A-04	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Concord (SuAsCo)	Waushakum Pond	MA82112	Aquatic Plants (Macrophytes)	Applicable WQS attained; original basis for listing was incorrect
Connecticut	Barton Cove	MA34122	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Connecticut	Forge Pond	MA34024	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Connecticut	Lampson Brook	MA34-06	Dissolved Oxygen	Applicable WQS attained, due to restoration activities
Connecticut	Log Pond Cove	MA34124	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)

Connecticut	Nashawannuck Pond	MA34057	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Connecticut	Oxbow	MA34066	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Connecticut	Porter Lake	MA34073	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Connecticut	Porter Lake West	MA34072	(Non-Native Aquatic Plants*)	Data and/or information lacking to determine WQ status; original basis for listing was incorrect
Connecticut	Stony Brook	MA34-19	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Connecticut	Wilton Brook	MA34-15	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Housatonic	Housatonic River	MA21-04	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Housatonic	Housatonic River	MA21-19	Polychlorinated Biphenyls (PCBs)	Impairment removed, new impairment substituted (refinement)
Housatonic	Lake Garfield	MA21040	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Housatonic	Laurel Lake	MA21057	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Housatonic	West Branch Housatonic River	MA21-18	Combined Biota/Habitat Bioassessments	Applicable WQS attained; reason for recovery unspecified
Housatonic	West Branch Housatonic River	MA21-18	Polychlorinated Biphenyls (PCBs)	Impairment removed, new impairment substituted (refinement)

Merrimack	Deep Brook	MA84A-21	Fish Bioassessments	Impairment removed, new impairment substituted (refinement)
Merrimack	Long Pond	MA84032	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Mount Hope Bay (Shore)	Mount Hope Bay	MA61-06	Temperature	Applicable WQS attained, due to restoration activities
Mount Hope Bay (Shore)	Mount Hope Bay	MA61-07	Temperature	Applicable WQS attained, due to restoration activities
Nashua	Malagasco Brook	MA81-29	Nutrient/Eutrophication Biological Indicators	Applicable WQS attained; based on new data
Nashua	Nashua River	MA81-07	Phosphorus, Total	Applicable WQS attained; original basis for listing was incorrect
Nashua	Nashua River	MA81-09	Phosphorus, Total	Applicable WQS attained; based on new data
North Coastal	Lake Quannapowitt	MA93060	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
North Coastal	Mill River	MA93-31	Total Suspended Solids (TSS)	Applicable WQS attained; original basis for listing was incorrect
North Coastal	Saugus River	MA93-34	Nitrogen, Total	Applicable WQS attained; original basis for listing was incorrect
Parker	Baldpate Pond	MA91001	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Parker	Mill River	MA91-08	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Parker	Mill River	MA91-08	Benthic Macroinvertebrates	Applicable WQS attained; original basis for listing was incorrect

Parker	Pentucket Pond	MA91010	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
South Coastal	Aaron River	MA94-28	(Fish Passage Barrier*)	Applicable WQS attained, due to restoration activities
South Coastal	Bound Brook	MA94-18	(Fish Passage Barrier*)	Applicable WQS attained, due to restoration activities
South Coastal	Drinkwater River	MA94-21	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
South Coastal	Drinkwater River	MA94-21	Dissolved Oxygen	Applicable WQS attained; original basis for listing was incorrect
South Coastal	French Stream	MA94-03	Whole Effluent Toxicity (WET)	Applicable WQS attained; reason for recovery unspecified
South Coastal	Indian Head River	MA94-04	Dissolved Oxygen	Applicable WQS attained; original basis for listing was incorrect
South Coastal	Indian Head River	MA94-04	Phosphorus, Total	Applicable WQS attained; original basis for listing was incorrect
South Coastal	Lily Pond	MA94179	(Fish Passage Barrier*)	Applicable WQS attained, due to restoration activities
South Coastal	Oldham Pond	MA94114	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
South Coastal	Plymouth Harbor	MA94-16	Nutrient/Eutrophication Biological Indicators	Impairment removed, new impairment substituted (refinement)
South Coastal	Russell Millpond	MA94132	(Fish Passage Barrier*)	Applicable WQS attained, due to restoration activities
South Coastal	Wampatuck Pond	MA94168	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)

Taunton	Big Bearhole Pond	MA62011	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Taunton	Island Grove Pond	MA62094	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Taunton	Monponsett Pond, West Basin	MA62119	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Taunton	Rumford River	MA62-63	(Physical substrate habitat alterations*)	Applicable WQS attained; reason for recovery unspecified
Taunton	Rumford River	MA62-63	Sedimentation/ Siltation	Applicable WQS attained; reason for recovery unspecified
Taunton	Stetson Pond	MA62182	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Taunton	Wading River	MA62-47	Dissolved Oxygen	Applicable WQS attained; original basis for listing was incorrect
Taunton	Watson Pond	MA62205	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)
Taunton	Woods Pond	MA62220	(Non-Native Aquatic Plants*)	Impairment removed, new impairment substituted (refinement)

Waters which are not listed on Massachusetts 2018-2020 section 303(d) List

The following section provides a summary of MassDEP’s rationale supporting decisions not to include certain newly identified waters and certain previously listed waters on the Commonwealth’s 2018-2020 303(d) list. In watershed-specific Appendices 6-24 of the IR the Commonwealth has demonstrated, to EPA’s satisfaction, good cause for not listing the following waters, as provided in 40 CFR §130.7(b)(6)(iv).

Category 5 (2016) to Category 2 (2018-2020)

Watershed	Waterbody	AU_ID	Impairment	Impairment Change Summary	Explanation
Chicopee	East Branch Ware River	MA36-01	Dissolved Oxygen	Removed	Applicable WQS attained; reason for recovery unspecified
Chicopee	Ware River	MA36-27	Dissolved Oxygen	Removed	Applicable WQS attained; based on new data
Chicopee	Ware River	MA36-27	Temperature	Removed	Applicable WQS attained; original basis for listing was incorrect
Housatonic	East Branch Housatonic River	MA21-01	PCBs in Fish Tissue	Removed	Applicable WQS attained; original basis for listing was incorrect

Category 5 (2016) to Category 3 (2018-2020)

MA62078 was newly defined as an AU in the 2016 cycle when Rumford River AU MA62-39 was split into two river segments (MA62-62 and MA62-63) and one lake segment (Glue Factory Pond, MA 62078). The original listings for MA62-39 were incorrectly carried forward to the new lake segment. Appendix 24 of the IR submission states that no recent data is available to assess this segment.

Watershed	Waterbody	AU_ID	Impairment	Impairment Change Summary	Explanation
Taunton	Glue Factory Pond	MA62078	(Physical substrate habitat alterations*)	Removed	Data and/or information lacking to determine WQ status; original basis for listing was incorrect ²
Taunton	Glue Factory Pond	MA62078	Benthic Macroinvertebrates	Removed	Data and/or information lacking to determine WQ status; original basis for listing was incorrect ³

² Administrative error correction to final MassDEP submission: delisting explanation changed which had stated in error that WQS had been attained in this unassessed AU. EPA spoke with MassDEP on February 2nd, 2022, which concurred with this correction.

³ Id.

Taunton	Glue Factory Pond	MA62078	Fish Bioassessments	Removed	Data and/or information lacking to determine WQ status; original basis for listing was incorrect ⁴
Taunton	Glue Factory Pond	MA62078	Sedimentation/Siltation	Removed	Data and/or information lacking to determine WQ status; original basis for listing was incorrect ⁵

Category 5 (2016) to Category 4-A (2018-2020)

Watershed	Waterbody	AU_ID	Impairment	Impairment Change Summary	Explanation
Boston Harbor: Mystic	Unnamed Tributary	MA71-13	Escherichia Coli (E. Coli)	Changed	TMDL approved or established by EPA (4a)
Boston Harbor: Mystic	Winn Brook	MA71-09	Escherichia Coli (E. Coli)	Changed	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Mill River	MA74-04	Escherichia Coli (E. Coli)	Changed	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Mill River	MA74-04	Fecal Coliform	Changed	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Old Swamp River	MA74-03	Escherichia Coli (E. Coli)	Changed	TMDL approved or established by EPA (4a)
Boston Harbor: Weymouth & Weir	Old Swamp River	MA74-03	Fecal Coliform	Changed	TMDL approved or established by EPA (4a)
Cape Cod	Barnstable Harbor	MA96-01	Estuarine Bioassessments	Removed	Applicable WQS attained; original basis for listing was incorrect
Cape Cod	Bass River	MA96-12	Estuarine Bioassessments	Changed	TMDL approved or established by EPA (4a)
Cape Cod	Swan Pond River	MA96-14	Estuarine Bioassessments	Changed	TMDL approved or established by EPA (4a)
Cape Cod	Waquoit Bay	MA96-21	Dissolved Oxygen	Changed	TMDL approved or established by EPA (4a)

⁴ Id.

⁵ Id.

Cape Cod	Waquoit Bay	MA96-21	Estuarine Bioassessments	Changed	TMDL approved or established by EPA (4a)
Charles	Stop River	MA72-10	Temperature	Removed	Applicable WQS attained, according to new assessment method

Category 5 (2016) to Category 4-C (2018-2020)

During the 2016 reporting cycle the Rumford River AU MA62-39 (retired) was split into two new AUs – MA62-62 and MA62-63. The original listings for the impairments in the old AU came from the July 2001 MassDEP survey as reported on during the 2006 IR reporting cycle. Subsequent surveys indicated good habitat quality supportive of biota in the upper portion of old AU MA62-39, now new AU MA62-62. The below impairments were incorrectly carried forward with the new AU, despite data indicating this portion of AU was not impaired. Impacts to the benthic macroinvertebrate community in the lower portion of old AUMA62-39 are documented appropriately in new AU MA62-63. An impairment for non-native aquatic plants is being retained for MA62-62 due to the presence of non-native aquatic macrophyte *Myriophyllum heterophyllum* in the Vandys Pond impoundment of this Rumford River AU. Due to the pollution-related impairment remaining in this AU, it is being moved to category 4C.

Watershed	Waterbody	AU_ID	Impairment	Impairment Change Summary	Explanation
Taunton	Rumford River	MA62-62	(Physical substrate habitat alterations*)	Removed	Applicable WQS attained; original basis for listing was incorrect
Taunton	Rumford River	MA62-62	Benthic Macroinvertebrates	Removed	Applicable WQS attained; original basis for listing was incorrect
Taunton	Rumford River	MA62-62	Fish Bioassessments	Removed	Applicable WQS attained; original basis for listing was incorrect
Taunton	Rumford River	MA62-62	Sedimentation /Siltation	Removed	Applicable WQS attained; original basis for listing was incorrect

EPA approves the Commonwealth’s section 303(d) list without the above waterbodies because the removal of the relevant listings results in the recategorization of the above-listed waters to a category other than 5. This is consistent with EPA’s regulations and EPA’s Guidance for Assessment, Listing and Reporting Requirements.

Other Changes Noted in MA 2018-2020 IR

Waterbody Segments in Category 4

EPA reviews the Category 4 list to ensure that waters are categorized appropriately and do not belong in Category 5. Five waters are being removed from Category 4 and placed in Category 2 or 3 for the 2018-2020 cycle. Data supporting these decisions are provided in the watershed-specific appendices to the Integrated Report.

Watershed	Waterbody	AU_ID	2016 AU Category	2018-20 AU Category	Impairment	Impairment Change Summary	Explanation
Concord (SuAsCo)	Meadow Pond	MA82129	4c	3	(Non-Native Aquatic Plants*)	Removed	Data and/or information lacking to determine WQ status; original basis for listing was incorrect
Housatonic	Karner Brook	MA21-38	4c	2	(Dewatering*)	Removed	Applicable WQS attained; original basis for listing was incorrect ⁶
Housatonic	Upper Goose Pond	MA21110	4c	3	(Eurasian Water Milfoil, Myriophyllum Spicatum*)	Removed	Data and/or information lacking to determine WQ status; original basis for listing was incorrect ⁷

⁶ The original Karner Brook AU (MA21-16, retired) was split into two in the 2016 reporting cycle due to a classification difference of waters within the AU (Class A PWS only applies to this upper portion of the brook now MA21-38). The low flow conditions associated with the water withdrawals in the lower AU do not apply to this upper segment but was incorrectly carried forward in the resegmentation. Original submission from MassDEP cited a change in WQS as the delisting explanation, but that was determined to be in error.

⁷ Administrative error correction to final MassDEP submission: delisting explanation changed which had stated in error that WQS had been attained in this unassessed AU. EPA spoke with MassDEP on February 2nd, 2022, which concurred with this correction.

North Coastal	Cedar Pond	MA93013	4c	3	(Non-Native Aquatic Plants*)	Removed	Data and/or information lacking to determine WQ status; original basis for listing was incorrect ⁸
South Coastal	Eel River	MA94-37	4c	2	(Fish Passage Barrier*)	Removed	Applicable WQS attained, due to restoration activities
South Coastal	Eel River	MA94-37	4c	2	(Non-Native Aquatic Plants*)	Removed	Applicable WQS attained; original basis for listing was incorrect

Delisting of historic impairments transferred to new AUs

Watershed	Waterbody	AU_ID	2018-20 AU Category	Impairment	Impairment Change Summary	Explanation
South Coastal	Beaver Dam Brook	MA94-65	3	(Non-Native Aquatic Plants*)	Removed	Historic impairment from former AU (MA94006) transferred to this AU. Applicable WQS attained, due to restoration activities. ⁹
Taunton	Unnamed Tributary	MA62-70	4c	(Non-Native Aquatic Plants*)	Removed	Historic impairment from former AU (MA62097) transferred to this AU. Impairment removed, new impairment substituted (refinement).

⁸ Id.

⁹ Former AU MA94006 was impaired for non-native aquatic plants; this historical impairment was transferred to new AU MA94-65 (Beaver Dam Brook) after the Beaver Dam Pond dam was removed and the restoration of Beaver Dam Brook was undertaken during the Tidmarsh Farms Restoration Project in 2016. Most recent surveys indicate there was no documented occurrence of *Cabomba caroliniana* at the restoration site, so this impairment is being removed. However, the AU will remain in category 3 as the brook is in a recovery phase and therefore was not assessed in the 2018-2020 cycle.

Priority Ranking

As described in its methodology, Massachusetts established a priority ranking for listed waters by considering: 1) the presence of public health issues, 2) natural/outstanding resource waters, 3) threat to federally threatened or endangered species, 4) public interest, 5) available resources, 6) administrative or legal factors (i.e., NPDES program support or court order), and 7) the likelihood of implementation after the TMDL has been completed.

Individual priority rankings for listed waters are presented as the date shown on the section 303(d) list which indicates when the TMDL is expected to be completed. EPA finds that the waterbody prioritization and targeting method used by Massachusetts is reasonable and sufficient for purposes of section 303(d). The Commonwealth properly took into account the severity of pollution and the uses to be made of listed waters, as well as relevant factors described above.

Water bodies on tribal lands

EPA's approval of Massachusetts' 2018/2020 Section 303(d) list extends to all waterbodies on the list with the exception of those waters, if any, that are within Indian Country, as defined in 18 U.S.C. Section 1151. EPA is taking no action to approve or disapprove the State's list with respect to waters within Indian country at this time. EPA, or any eligible Indian Tribe, as appropriate, will retain responsibilities under Section 303(d) for those waters. There are two Federally recognized Indian Tribes in Massachusetts, the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts.

Waters impaired by nonpoint sources of pollution

The Commonwealth properly listed waters with nonpoint sources causing or expected to cause impairment, consistent with Section 303(d) and EPA guidance. Section 303(d) lists are to include all WQLSs still needing TMDLs, regardless of whether the source of the impairment is a point and/or nonpoint source. EPA's long-standing interpretation is that section 303(d) applies to waters impacted by point and/or nonpoint sources. In 'Pronsolino v. Marcus,' the District Court for Northern District of California held that section 303(d) of the Clean Water Act authorizes EPA to identify and establish total maximum daily loads for waters impaired by nonpoint sources. Pronsolino v. Marcus, 91 F. Supp. 2d 1337, 1347 (N.D.Ca. 2000). This decision was affirmed by the 9th Circuit court of appeals in Pronsolino v. Nastri, 291 F.3d 1123 (9th Cir. 2002). See also EPA's Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act, EPA Office of Water, July 29, 2005.