



Department of Environmental Protection

Coastal and Marine Dissolved Oxygen (DO) Criteria Review May 2019 Stakeholder Outreach Meetings

The descriptions of the current SWQS regulation and the summary of potential SWQS regulation revisions contained in this document are subject to change at any time, without notice. The proposed revisions may or may not be adopted into law, and may change prior to adoption; they should not be and may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable at law or in equity, by any person in any administrative proceeding or other litigation with the Department.

Main Points

- MassDEP is still in the process of our coastal and marine DO criteria review and we are several years from formally adopting changes into our Surface Water Quality Standards, 314 CMR 4.00.
- The implications for NPDES permits as a result of potential changes to coastal and marine DO criteria are still being reviewed by the Department.
- MassDEP intends to keep stakeholders informed as this review continues to unfold.

Long Term Implications

- The existing coastal and marine DO criteria (6.0 mg/L for Class SA and 5.0 mg/L for Class SB surface waters) are now proposed as chronic criteria. Additionally, we are proposing acute criteria magnitudes (4.3 mg/L for Class SA and 3.3 mg/L for Class SB surface waters).
- The addition of the acute criteria magnitudes, as well as proposed frequency and duration components, will likely change how the criteria are applied.
- MassDEP is reviewing areas that may require special geographic designations and specific DO criteria for waters with endangered species (e.g., sturgeon), which may include both marine and fresh waters.

Short Term Implications

- Coastal waters – All discharges to coastal waters will likely be reviewed during the next permit renewal cycle to determine whether they have reasonable potential to cause or contribute to nutrient-related impairments.
- Fresh waters – Discharges to freshwaters that are upstream of coastal waters also are likely to be reviewed to determine reasonable potential to cause or contribute to a downstream nutrient-related impairment.
- All waters – Where individual dischargers are found to have reasonable potential to cause or contribute to nutrient-related impairments, permit limits for nutrients may be included in the next permit renewal cycle. Nutrient permit limits may be needed not only to address existing impairments, but also to prevent future impairments.