

COMMENTS ON PROPOSED REVISIONS TO 314 CMR 4.00
SURFACE WATER QUALITY STANDARDS

Because so many watershed associations and environmental organizations are commenting on these proposed revisions, we will keep our comments brief. In addition to the concerns we raised at the Public Hearing, we would stress the following:

1. We believe that it is contrary to the intent of the Clean Waters Act that Massachusetts surface state water quality standards apply only to federally permitted discharges. We simply don't understand how the Department can say that upland point and non-point source discharges and run-off are adequately regulated. The DEP Stormwater Policy, for example, states that it is applicable only to wetland resource areas. TMDLs have only been issued for a limited number of pollutants and even these don't apply to all watersheds. Furthermore, one of the most significant factors in determining surface water quality is water quantity. Not only does the Water Management Act not deal with water quantity issues such as dams, it also doesn't deal with myriad small quantity water withdrawals (or large exempt withdrawals) nor does it make streamflow a major factor in determining the size of permitted withdrawals.
2. The goal of the Clean Waters Act is to reach attainment of all designated uses without impairment by any pollutant. To achieve this, the Department should set numeric criteria for nutrients, which are destroying so much habitat and so many recreational opportunities, especially in our lakes and ponds. The Department should also begin efforts to develop (and should set a schedule for issuing) water quality standards for all other pollutants for which there are no standards now.
3. While far preferable to current regulations, we are still concerned about the proposed rules on cold water fisheries. Unless those cold water fisheries that are identified by the MA Division of Fisheries and Wildlife [DFW] but which don't meet the cold water fisheries criteria of the surface water quality standards are listed in the regulations, conservation commissions and other regulatory authorities will not know of their existence and therefore will not protect and maintain them as existing uses. At a minimum, the regulations should contain a reference to the list kept by DFW, and permits should not be issued unless that list is first checked.

Thank you very much for your consideration of these comments.

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