



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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July 29, 2019

The Honorable Thomas C. Hoye, Jr., Mayor
City of Taunton
City Hall
141 Oak Street
Taunton, MA 02780

Dear Mayor Hoye,

I am writing in response to your May 21, 2019 letter regarding the City of Taunton's NPDES permit modification requests related to its nitrogen limit and compliance schedule. As you are aware, EPA is the NPDES permitting authority in Massachusetts, so while MassDEP works collaboratively with EPA on permitting decisions, the final decision on any permit modifications lies with EPA. As MassDEP is responsible for establishing water quality standards (WQS) and conducting water quality assessments, we wish to respond to points in your letter related to those topics.

MassDEP's review of its marine dissolved oxygen (DO) criteria is an ongoing process that includes consideration of the magnitude, duration, and frequency of chronic and acute criteria. The marine DO magnitude values for SB waters (5.0 mg/L chronic and 3.3 mg/L acute) that were presented at our recent stakeholder outreach meetings are still preliminary at this time. Multiple steps remain before these criteria will become final, including completion of MassDEP's contractor's report, review and finalization of the report, proposing changes to the water quality standards regulations through a public process, promulgation of final WQS regulation changes, and EPA's approval of the revised WQS. This process is expected to take a minimum of three years. Thus, it would be premature to use these preliminary criteria for decisions related to water quality assessment and permit limit development at this time.

While the criteria cannot be used for any assessment decisions at this time, they can be compared to water quality monitoring data for informational purposes. While your letter states that Taunton's 2018 data (based on weekly grab samples) for the Taunton Estuary indicate there are no DO criteria exceedances, MassDEP's draft continuous monitoring data from its Taunton buoy show different results. When comparing MassDEP's 2017 and 2018 draft Taunton buoy data to the preliminary chronic DO criterion, the 7-day rolling average DO concentration would exceed the chronic criterion 31 percent

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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of the time in the 2017 index period (June 1 to September 15), and 23 percent of the time in the 2018 index period. A comparison of the 2017 draft Taunton buoy data to the preliminary acute criterion shows the 24-hour average DO concentration would exceed the criteria 27 of the 107 days in the index period (25 percent of the time). The draft data demonstrate a significant number of exceedances of the preliminary chronic and acute DO criteria in magnitude, duration, and frequency. Please note the presentation from these meetings, which includes the data described above, is available on MassDEP's website at: <https://www.mass.gov/guides/watershed-planning-program-surface-water-quality-standards-review-and-development-activities#-coastal-and-marine-criteria->.

As MassDEP progresses through its marine DO criteria review process, we will continue to keep Taunton and other stakeholders updated on our work. Please do not hesitate to reach out to me if you would like additional information on our criteria review process or clarification on the information shared at the stakeholder outreach meetings.

Sincerely,



Stephanie Cooper
Deputy Commissioner for Policy and Planning

Cc: Ken Moraff, EPA Region 1
Ellen Weitzler, EPA Region 1
Ralph Abele, EPA Region 1
Samir Bukhari, EPA Region 1