

Regulation Summary
314 CMR 4.00 –Surface Water Quality Standards – Table 28

MassDEP has finalized amendments to its Surface Water Quality Standards. Limited changes were made to the final regulation based on public comments received. **The final regulation is materially consistent with the draft package proposed for public comment.**

Pursuant to M.G.L. c. 21, section 27 and 314 CMR 4.05, MassDEP revised the site specific copper criterion for twelve surface water segments and site specific zinc criteria for one segment. The current criteria for these metals, found at 314 CMR 4.05(5)(e), which incorporate The National Recommended Water Quality Criteria, 2002, EPA822-R-02-047, November 2002, are currently reflected in facility permits, and are overly stringent for the identified waters. Using water quality data from each segment and a sound scientific approach, site specific numerical limits for copper and zinc were developed for each of the twelve segments.

The site specific numerical limits have been approved by EPA Region 1. The final criteria, while still protective, are based on water quality conditions of the affected waters. Designated uses of the waters will continue to be protected once these limits have been adopted, and will be applied to individual discharges through adjusted permit limits. The table in the regulations lists the river name, site specific criteria and geographic markers.

These changes will make it easier and less costly for the 12 surface water discharge / NPDES permittees (made up of six public wastewater treatment facilities, two private schools, two industrial facilities, one non-industrial commercial business and one residential facility) who discharge zinc or copper to the specified water bodies to treat their wastewater and to comply with permit effluent limitations and the Massachusetts Surface Water Quality Standards. MassDEP has discussed the revisions with the affected permittees and EPA and has received considerable support for these changes. Since the criteria are based on site specific data, they are more appropriate than the recommended national criteria.

The draft regulations were filed and publicly available on March 1, 2013. The comment period concluded at the end of May. There were no significant public comments received on the proposed changes to these regulations. A few questions were raised about the methodology used in developing the site specific numbers, and the scope of their applicability, which have been addressed in the response to comments document. Some additional clarifying language has been added to the regulation to identify specifically where the new criteria apply.