



Andrew Gottlieb  
Executive Director

February 9, 2026

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Section Chief, Surface Water Quality Standards  
Division of Watershed Management, Watershed Planning Program  
Massachusetts Department of Environmental Protection  
8 New Bond Street, Worcester, MA 01606

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**RE: Comments on proposed amendments to 314 CMR 4.00, Massachusetts Surface Water Quality Standards by the Massachusetts Department of Environmental Protection**

Taryn Wilson  
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Dear Ms. Mayor,

Robert Ciolek

The Association to Preserve Cape Cod (APCC) is pleased to submit the following comments on the proposed amendments to 314 CMR 4.00, the Massachusetts Surface Water Quality Standards (MA SWQS or the Standards), by the Massachusetts Department of Environmental Protection (MassDEP) in their undertaking of the triennial review process as required by the Clean Water Act. We support the proposed amendments and recommend additional amendments as described below.

Thomas A. Cohn

John Cumbler

Jamie Demas

Betsy Gladfelter

Founded in 1968, APCC is the Cape region’s leading nonprofit environmental advocacy and education organization, working for the adoption of laws, policies and programs that protect, preserve and restore Cape Cod’s natural resources. APCC focuses our efforts on the protection of groundwater, surface water, and wetland resources, preservation of open space, the promotion of responsible, planned growth and the achievement of an environmental ethic. APCC is committed to ensuring that the goals of the Clean Water Act—addressing water pollution “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”—are properly upheld in the MA SWQS regulation review process.

Pat Hughes

Steve Hurley

Molly Karlson

Steven Koppel

Rick O'Connor

Patrick Otton

Kris Ramsay

We appreciate the extensive time and energy invested by the Massachusetts Department of Environmental Protection (MassDEP) Watershed Protection Program (WPP) staff in revising the Standards. These Standards are an essential component of the Clean Water Act framework and it is critical that they establish the appropriate and adequately protective criteria necessary to safeguard the designated uses of waterbodies in Massachusetts. The benefits of better water quality are in everyone’s interest.

Dottie Smith

Becca Solomont

Marcie Truesdale

482 Main Street | Dennis, MA 02638  
Tel: 508-619-3185 | info@apcc.org | www.apcc.org



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Overall, we want to acknowledge that the proposed changes improve the Standards, and we support MassDEP in making these recommendations. The suggested changes increase protections for recreation, eliminate classifications that happily no longer apply to state waters, and revise or qualify other classifications and criteria to make regulations clearer. APCC appreciates that these changes streamline the regulations and make aquatic recreation activities safer for the public.

However, the draft regulations should be strengthened in several important ways. **We urge DEP to incorporate the following recommendations.**

The MA SWQS do not properly consider water quantity. Water quantity is an important factor in water quality, as low stream, river, or lake and pond levels can decrease water quality by increasing pollutant concentrations and the risk of cyanobacterial blooms. Explicitly including water quantity in the SWQS will ensure that water levels across the state will be maintained for proper water quality and public health. Many other states, including our neighbors Rhode Island, Connecticut, and New Hampshire, have language in their state water quality standards that mandate sufficient water quantity to maintain water quality. **Massachusetts should have the same language, and we urge MassDEP to include language to that effect in the SWQS.**

Numerous EPA nutrient criteria have been omitted from this iteration of the SWQS review, as have updates to the Cold Water Designations list. Three nutrient criteria already approved by the EPA were not included in the last Triennial Review process in 2021, and since then the EPA has produced further criteria. To properly protect water quality in Massachusetts, **we urge MassDEP to include the EPA approved nutrient criteria in this round of updates to the SWQS, as well as to add further Coldwater Fisheries Resources to the SWQS-designated list from the list provided by Division of Fisheries and Wildlife.**

**APCC recommends that MassDEP include language or further data in the SWQS to better align the Standards with other regulations.** For example, in Table 28: Site-specific Criteria, we recommend adding another column to include TMDL target threshold concentrations, if applicable. Also missing are flows used for determining and defining severely low hydrologic conditions. The current definition of Coldwater Fisheries Resources does not match the definition in the Wetlands Protection Act. To ensure regulatory consistency and avoid confusion, MassDEP should make updates to the SWQS accordingly.

On behalf of APCC, thank you for considering these comments and suggestions.

Sincerely,



Andrew Gottlieb  
Executive Director

482 Main Street | Dennis, MA 02638  
Tel: 508-619-3185 | [info@apcc.org](mailto:info@apcc.org) | [www.apcc.org](http://www.apcc.org)