



CHARLES RIVER
conservancy

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Anna Mayor
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

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

February 6, 2026

Dear Ms. Mayor,

The Charles River Conservancy 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.

Rooted in our belief that everyone deserves a core memory on the Charles, the Charles River Conservancy creates inclusive, human-scaled experiences where clean water supports joy, health, and belonging. Our annual sanctioned public river swim, [City Splash](#), remains a visibly iconic encapsulation of water-quality improvement, progress, and success in the heart of Boston. As an organization dedicated to parkland stewardship in partnership with the Department of Conservation and Recreation since 2000, we wish to advance the shared vision of a living, resilient river system that contributes to Massachusetts' broader [climate](#) and [biodiversity](#) goals. The Charles River Conservancy 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”¹— are properly upheld in the MA SWQS regulation review process.

We are appreciative of the extensive time and energy invested by the Massachusetts Department of Environmental Protection (MassDEP) Watershed Protection

¹ Clean Water Act, 33 U.S.C. §1251(a)

Program (WPP) staff in making revisions to the Standards. These Standards are an essential component of the Clean Water Act framework and it is critical that the Standards 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.

We would primarily like to acknowledge that the proposed changes improve the Standards, and 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. The Charles River Conservancy 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 that follow.**

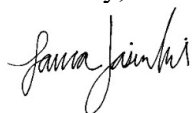
First, the MA SWQS do not properly consider water quantity. Water quantity is an important factor in water quality, as low streams, rivers, or lake and pond levels can decrease water quality by increasing pollutant concentrations and the risk of cyanobacterial blooms. Explicitly including water quantity 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 of Rhode Island, Connecticut, and New Hampshire have language in their state water quality standards that mandate sufficient water quantity to maintain water quality². **Massachusetts should have the same language, and we urge MassDEP to include such in the SWQS to that effect.**

Secondly, there are numerous EPA nutrient criteria that have been omitted from this iteration of the SWQS review, as well as no updates to the Cold Water designations list. There are three nutrient criteria already approved by the EPA that were not included in the last Triennial Review process of 2021³, 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 add further Coldwater Fisheries Resources to the SWQS-designated list from the list provided by Division of Fisheries and Wildlife.**

Lastly, we recommend that EPA include language or further data in the SWQS to better align the Standards with other regulations. The Standards do not include data such as TMDL target threshold concentrations along with their site-specific criteria or flows used for determining for severe hydrologic conditions, and the current definition of Coldwater Fisheries Resources does not match the Wetlands Protection Act. To ensure regulatory consistency and avoid confusion, MassDEP should make updates to the SWQS accordingly.

On behalf of the Charles River Conservancy, thank you for considering our comments and suggestions.

Sincerely,



Laura Jasinski
Executive Director, Charles River Conservancy
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² Environmental Protection Agency–United States Geological Survey (2016). *Final EPA-USGS Technical Report: Protecting Aquatic Life from Effects of Hydrologic Alteration* – EPA Report 822-R-16-007, USGS Scientific Investigations Report 2016-5164. Pp 41-42.

³ Massachusetts Department of Environmental Protection (2021). *Summary of Final Revisions to the Massachusetts Surface Water Quality Standards and Response to Comments*.