



March 28, 2017

Deborah Szaro, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 1  
1 Congress St. Suite 1100  
Boston, MA 02114-2023

**Re: EPA Approval for Westport Total Maximum Daily Load**

Dear Acting Administrator Szaro,

We are writing to urge the immediate release of an approved Total Maximum Daily Load (TMDL) for the Westport River in southeastern Massachusetts by the US Environmental Protection Agency ("USEPA") as required under the federal Clean Water Act. It is our understanding that a draft TMDL for this nutrient impaired waterbody was submitted to your office for review February 10, 2017, by the Massachusetts Department of Environmental Protection ("MassDEP").

The Buzzards Bay Coalition, ("Coalition") is a nonprofit membership organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its more than 30 harbors and coves including the Westport River. Representing more than 8,000 individuals, families, organizations, and businesses, the Coalition seeks to improve the health of Buzzards Bay through research, education, conservation and advocacy.

As you know, the Clean Water Act requires each state to identify those waters for which applicable water quality standards are not met. 33 USC §1313 (d)(1)(A). Pursuant to this section, the Commonwealth identified the Westport River in 2002 as impaired for nutrients. The EPA subsequently approved that listing in its approval of the Commonwealth's 2002 list of impaired waters under section 303(d).

The Clean Water Act requires states to establish TMDLs for the pollutant(s) impairing "303(d) listed" waterbodies. 33 USC §1313 (d)(1)(C). Nearly 15 years after the original listing of the Westport River, the MassDEP established a TMDL and submitted it to EPA. **Once a state submits a TMDL to EPA, the agency is compelled to either approve or disapprove of the submittal within 30 days. 33 USC §1313(d)(2).** It is our understanding that the MassDEP submitted the TMDL to your office in on February 10, 2017, therefore, your office had 30 days to approve or disapprove the TMDL. That period expired on March 12, 2017.


[www.savebuzzardsbay.org](http://www.savebuzzardsbay.org)

114 Front Street, New Bedford, Massachusetts 02740 | Tel: 508-999-6363 Fax: 508-984-7913  
21 Luscombe Avenue, Woods Hole, Massachusetts 02543 | Tel: 508-540-6222



**The USEPA's inaction on this TMDL is in violation of the Clean Water Act.** The Coalition requests that you issue the nutrient TMDL for the Westport River immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read "Korrin N. Petersen".

Korrin N. Petersen, Esq.  
Senior Attorney  
(508) 999-6363 ext 206  
[petersen@savebuzzardsbay.org](mailto:petersen@savebuzzardsbay.org)

Cc: Matthew Beaton, Secretary  
MA Executive Office of Energy and Environment

Martin Suuberg, Commissioner  
MA Department of Environmental Protection

Senator Rodrigues  
Representative Schmid

Town of Westport