

2022 303(d) List Response to Comments

RIDEM released the draft 2022 303(d) list with an announcement that was sent to individuals and organizations via email on January 12, 2022. A press release was issued January 18, 2022 announcing the opening of the public comment period and a virtual public workshop to present the 2022 Draft Integrated Lists including the 303(d) List. On January 24, 2022, over 50 people attended the virtual public workshop conducted via ZOOM, with representation from governmental and non-governmental organizations and the general public. The public comment period ended on February 18, 2022. The following is the RIDEM response to the three emails received during the comment period and questions from the public meeting.

Jim Latimer
President, Locustville Pond Improvement Association
Received by email January 18, 2022

COMMENT

I note that Locustville Pond is not included in the current draft 2022 listing of 303d waters of RI (only Brush Brook). I believe that this might be in error. In the 2020 303d list, Locustville Pond was listed as not supporting use for: non-native aquatic plants AND mercury.

RESPONSE

Locustville Pond is appropriately listed as a Category 4A water. Category 4 waters are waters that are impaired but a Total Maximum Daily Load (TMDL) is not required. In the case of Locustville Pond, a TMDL has already been completed which addresses the Mercury in Fish Tissue impairment. A TMDL is not required for non-native aquatic plants because the impairment is not caused by a pollutant. For this assessment, RIDEM reviewed fish tissue mercury data collected in 2019 from Locustville Pond. The fish tissue data confirmed the mercury in fish tissue impairment. Of the 24 fish collected in 2019, 18 were higher than the EPA guidance of 0.3 ppm Hg wet weight. As described in the Rhode Island Consolidated Assessment and Listing Methodology (CALM), waterbodies with greater than 10% of fish exceeding EPA's guidance are considered impaired.

Alyse Oziolor
Principal Planner, Town of Westerly
Received by email January 26, 2022

COMMENT

I believe there may be a typo on page 18, under the title Dissolved Zinc for Woonasquatucket River, the first paragraph, 2nd to last sentence begins discussion “After lead is removed as an impairment in 2022”. I believe that should say “After zinc is removed.” Unless it is also impaired for lead and is also being removed this year, though I don’t see any documentation of that. Grammatical error on page 12, under the title Dissolved Lead for Maidford River, first paragraph, last sentence, parentheses are opened after “Aquatic Life use” but never closed due to “fecal coliform” subsequently being in parentheses.

RESPONSE

The identified typographical errors have been corrected.

Mike Jarbeau
Narragansett Baykeeper, Save The Bay (STB)
Received by email February 18, 2022

COMMENT

We continue to support additional resources and staff to expedite necessary assessments, many of which are long overdue. We are pleased that the Maidford River, Paradise Brook and Melville Pond (Portsmouth) are slated for TMDL development in 2023. These TMDLs will support ongoing island-wide efforts to reduce phosphorus loads. However, it is concerning to see important, chronically-impaired waters including the Upper Bay, Providence River, Seekonk River, and Greenwich Bay continue to get pushed back in the state’s TMDL schedule. It is incumbent on DEM to seek additional resources so that the TMDL schedule does not extend to 2035. TMDLs are critically important to providing the impetus for additional regulations, policies, and permit limits that will help achieve Clean Water Act goals.

RESPONSE

RIDEM acknowledges the support of STB for additional resources and staff to expedite necessary assessments and its support for completion of the upcoming TMDL developments for Maidford River, Paradise Brook, and Melville Ponds. RIDEM strives to achieve timely completion of TMDLs. Outside of the TMDL process, RIDEM continues to pursue actions that will benefit and improve waters listed as impaired and protect waters that are not impaired. RIDEM supports clean water improvements and protection through permit development and enforcement, monitoring, various funding mechanisms, and other regulatory and non-regulatory actions.

With respect to the estuarine waters noted above, RIDEM’s current focus is on continued monitoring to characterize the water quality improvements that have

been achieved from the recent Wastewater Treatment Facility (WWTF) upgrades and determine the need for further reductions. In addition, DEM is collaborating with EPA and others on their various water quality modeling efforts involving Narragansett Bay to determine their utility towards evaluating the need for further reductions. These efforts will help identify the need to complete a TMDL for Narragansett Bay in the future.

COMMENT

It is reassuring to see that wastewater treatment facility upgrades are having a tangible effect on water quality. Many communities have invested significantly in wastewater and stormwater technology in recent years. Save The Bay supports the continued implementation of strict limits that leverage current technology. Of particular concern is the fact that the Narragansett Bay Commission's Fields Point and Bucklin Point RIPDES permits expire in December of 2022. Limits in the updated permits will have a major impact on Bay health during the next decade. We look forward to DEM's careful analysis of their discharges and effect on Narragansett Bay.

RESPONSE

RIDEM acknowledges the significant time and resources, both manpower and financial, that have led to improvements in Rhode Island's waters. RIDEM will be evaluating the need for updated permit limits when it reissues the above-mentioned Rhode Island Pollution Discharge Elimination System (RIPDES) permits.

Public Meeting Questions

Eliza Moore

Narragansett Bay Commission (NBC)

- What is the timeline for Narragansett Bay Total Nitrogen TMDL?

RESPONSE – It is scheduled for 2026. RIDEM continues to evaluate the need for the TMDL given the upgrades made to wastewater treatment facilities including but not limited to those operated by the NBC.

Dennis Bowman

President, Friends of Green Hill Pond

- Why is Greenhill Pond a Category 5 and not a Category 4A given the approved TMDL.

RESPONSE – Greenhill Pond has a dissolved oxygen impairment that requires TMDL development, which places the waterbody appropriately in Category 5. The 2006 TMDL was for bacteria to address the shellfish use impairment.

- How does DOT's program to reduce pollutants align with DEM?

RESPONSE – The Rhode Island Department of Transportation (RIDOT) is required to obtain and operate under a Municipal Separate Storm Sewer System (MS4) permit issued by RIDEM pursuant to its delegated authority to implement the National Pollutant Discharge Elimination System (NPDES) in Rhode Island. The MS4 program requires RIDOT to establish a stormwater management program aimed at reducing pollutants that enter drains and storm sewer systems. RIDEM and RIDOT coordinate on activities such as mapping of storm drainage systems and development of stormwater control plans on a prioritized basis as required by a Consent Decree with the USEPA. RIDEM further collaborates with the RIDOT Stormwater Program on implementation projects where RIDOT resources and RIDEM grant funds have been aligned to support the design and installation of stormwater retrofit projects with an emphasis on “green infrastructure” and “nature-based solutions”.