STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

To: Board of Environmental Protection

From: Brian Kavanah, Bureau of Water Quality

Date: September 25, 2019

Re: Chapter 584: Surface Water Quality Criteria for Toxic Pollutants

The Department is proposing to amend the existing 06-096 C.M.R. Chapter 585: Surface Water Quality Criteria for Toxic Pollutants. This rule establishes ambient water quality criteria for toxic pollutants in the surface waters of the State and sets forth procedures that may be used to determine alternative statewide criteria or site-specific criteria adopted as part of a licensing proceeding.

The purpose of the rulemaking proposal is to institute water effect ratios (WERs) for the Androscoggin and St. Croix rivers, as well as promulgate new ambient water quality criteria (AWQC) for copper in the Little Androscoggin River based on the Biota Ligand Model (BLM), and introduce carbaryl in the non-priority pollutant list. The proposal also updates AWQC for human health using methodology from the U.S. Environmental Protection Agency (USEPA) Human Health Ambient Water Quality Criteria 2015 update. And finally, the proposal includes Human Health Criteria based on updates to 38 M.R.S. §466, sub-§10-A for the designated use of sustenance fishing. The proposal does not update ambient water quality criteria for ammonia and aluminum at this time as the Department requires additional information.

Regulatory Framework:

The amendments regarding human health criteria to protect sustenance fishing were authorized by Public Law 2019, Chapter 463, which amended 38 M.R.S. §466, sub-§10-A and designated a number of surface water bodies to be protected. General statutory authority for Chapter 584 is provided by 38 M.R.S. §§ 341-H, 420, and 464(5).

Requested Action:

The proposal is a routine technical rulemaking. The Department recommends that the proposed amendments be posted to a public hearing before the Board.

Estimated time of agenda item:

20 minutes

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