

MEMORANDUM OF AGREEMENT

WATER QUALITY CERTIFICATION REVIEWS

The Maine Department of Environmental Protection and the Land Use Regulation Commission of the Maine Department of Conservation, pursuant to Executive Order No. 3 FY 96/97 dated December 17, 1996, agree as follows:

1. In accordance with Executive Order No. 3 FY 96/97, the Land Use Regulation Commission (LURC) is the agency designated to certify compliance with applicable water quality standards for all activities located wholly within areas of LURC's regulatory jurisdiction under Title 12, MRSA, Chapter 206-A and subject to LURC permitting review and approval under the Land Use Regulation Law or the Maine Waterway Development and Conservation Act. As such, LURC will be responsible for the issuance, denial or waiver of water quality certification under Section 401 of the federal Clean Water Act for all activities for which it is the certifying agency.
2. In accordance with Executive Order No. 3 FY 96/97, the Department of Environmental Protection (DEP) is the agency designated to certify compliance with applicable water quality standards for all activities within the state not subject to LURC permitting and approval under the Land Use Regulation Law or the Maine Waterway Development and Conservation Act, including, but not limited to, the licensing and relicensing of all existing hydropower projects. As such, DEP will be responsible for the issuance, denial or waiver of water quality certification under Section 401 of the federal Clean Water Act for all activities for which it is the certifying agency.
3. For all activities for which LURC is the certifying agency:
 - A. LURC shall forward two copies of the project application, along with a request for review comments, to the DEP Bureau of Land and Water Quality, for distribution as follows: (1) one copy to the Division of Environmental Assessment; and (2) one copy to either the Division of Water Resource Regulation (for hydropower projects) or the Division of Land Resource Regulation (for all non-hydropower projects);
 - B. DEP shall comment to LURC in a timely fashion regarding the impacts of the proposed activity on water quality, including impacts on designated uses and narrative and numeric criteria, and the consistency of the activity with applicable water quality standards;