



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

September 18, 2006

David P. Littell, Commissioner
Maine Department of Environmental Protection
#17 State House Station
Augusta, Maine 04333-0017

Re: Review and Action on Water Quality Standards Revisions

Dear Commissioner Littell:

By letter of January 11, 2006, the Maine Department of Environmental Protection, Bureau of Land and Water Quality (DEP) submitted revisions to its surface water quality standards for EPA review. The revisions, some by statute and some by rule, were adopted and became effective in 2004 and 2005, and were certified on November 23, 2005 by Maine's Assistant Attorney General in the Natural Resources Division as having been duly adopted pursuant to state law. By letters of April 17, 2006 and July 7, 2006 the Environmental Protection Agency (EPA) approved certain revisions and identified other portions of the submittal that were still under review. Of the items still under review at that time, EPA has completed its review of footnote J associated with Maine's human health criteria for dioxin in DEP Rule Chapter 584.

Pursuant to Section 303(c)(3) of the Clean Water Act (CWA) and 40 CFR Part 131, I hereby approve footnote J associated with Maine's human health criteria for dioxin in DEP Rule Chapter 584, Appendix A, Table 1.

By letter of August 17, 2006 DEP provided clarification of the intent of dioxin footnote J which reads: "These values are not applicable to bleached kraft pulp mills. See 38 M.S.R.A., section 420(2)(I)." 38 M.S.R.A. §420(2)(I) provides in part that "After December 31, 2002, a mill may not discharge dioxin into its receiving waters." In its clarification DEP stated that: "The ambient criteria for dioxin found in Chapter 584 applies to all waters of the State, and footnote J is not intended to suggest otherwise." DEP further stated: "For the purpose of regulating bleached kraft pulp mills, the State of Maine applies the no discharge standard in 38 M.S.R.A. §420(2)(I)."

EPA has determined that approval of footnote J is consistent with the CWA and 40 CFR Part 131 because the dioxin criteria are applicable to all waters of the State, and because the discharge prohibition is more stringent than regulation based on the ambient criteria.

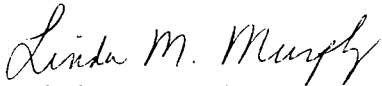
EPA's approval of Maine's surface water quality standards revisions does not extend to waters that are within Indian territories and lands. EPA is taking no action to approve or disapprove the

State's revisions with respect to those waters at this time. EPA will retain responsibility under Sections 303(c) and 303(d) of the Clean Water Act for those waters.

We are still reviewing the additional legislative and rule chapters referred to in DEP's January 11, 2006 memorandum upon which EPA has not yet taken action. Therefore we are not taking action at this time with respect to the revisions to Legislative Chapter 409 (L.D. 1450) that extended the applicability of the bacteria criteria for Class B and Class C waters to include bacteria of domestic animal origin, or Legislative Chapter 182 (L.D. 1304) "An Act Concerning Invasive Species and Water Quality Standards."

We look forward to continued cooperation with Maine in the development, review, and approval of water quality standards pursuant to our responsibilities under the Clean Water Act. Please contact me or either Bill Beckwith (617-918-1544) or Jennie Bridge (617-918-1685) of my staff if you have any questions.

Sincerely,



Linda M. Murphy, Director
Office of Ecosystem Protection

cc (electronically):

- Andrew Fisk, DEP
- Susan Davies, DEP
- Dave Courtemanch, DEP
- Vernon Lang, USF&WS
- Mary Colligan, NOAAF
- Peter Colossi, NOAAF
- Gregory Stapleton, EPA SSB