

Notes for the January 22, 2021 meeting about the proposed nutrient criteria for Class AA, A, B, and C waters (Chapter 583)

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Participants

Name	Organization
Amanda Smith	Bangor
Andrea Dickinson	
Andre Gendreau	Grande Isle
Andrew Martin	Twin Rivers Paper
Annaleis Hafford	Whitneyville
Barry Mower	Maine DEP
Beth Connors	Maine DEP
Bill Littlefield	Dover-Foxcroft
Billy Seavey Jr.	Woodland Pulp, LLC
Brian Kavahan	Maine DEP
Cindy Dionne	Maine DEP
Clarissa Trasko	Maine DEP
Cody Smith	
Curtis Bohlen	Casco Bay Estuary Partnership
Dan Arsenault	US EPA
David Courtemanch	The Nature Conservancy
Denise Buckley	
Dennis Roy	Milo WD
Don Buzzel	North Berwick
Don Witherill	Maine DEP
Eric Carrier	
Francis Brautigam	ME IF&W Augusta
Frank Ruksznis	Guilford-Sangerville
Gordon Lane	SD Warren - Westbrook
Greg Sherman	Maine Municipal Association
Gregg Wood	Maine DEP
Heinz Grossman	Wilton
Hugh Kirkpatrick	Caribou U.D.
James Crowley	Maine DEP
Jeff Saucier	McCain Foods
Jonathan Atkins	
Judy Bruenjes	Maine DEP

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Julie-Marie Bickford	Maine Dairy Industry Association (MDIA)
Kathy Hoppe	Maine DEP - Presque Isle
Louise Grant	Paris Utility District
Mark Madore	Madawaska
Mathew Hovey	
Mike Tibbetts	Berwick S. D.
Nancy Gallinaro	City of Portland
Nate Gustafson	
Nick Bennett	NRCM
Oliver Cox	
Paul Morin	Sabattus S. D.
Penny Lowe	Paris Utility District
Phyllis Rand	Greater Augusta Utility District
Rebecca Graham	Maine Municipal Association
Rick Holmes	Dansforth
Robert Mohlar	Maine DEP
Ron Taylor	Limerick S. D.
Sarah Giroux	Jackman U. D.
Sean Bernard	Maine DEP - Presque Isle
Sterling Pierce	Maine DEP
Steve Millett	Farmington
Stuart Rose	Maine DEP
Susanne Meidel	Maine DEP
Tanesha Pottle	
Tim Wade	Greater Augusta Utility District
Toby Stover	U.S. EPA Region 1
Todd Langevin	Maine IF&W - Hatcheries
Tom Danielson	Maine DEP
Tom Gordon	
Tony Jenkins	Natural Resource Conservation Service

Brian Kavanah and Don Witherill of Maine DEP opened the meeting and provided a quick introduction to [Chapter 583](#). Chapter 583 is a water quality rule that would add nutrient criteria to water quality standards for Class AA, A, B, and C waters of the State of Maine. Tom Danielson of Maine DEP gave a presentation about the nutrient criteria, a decision framework for determining attainment of nutrient criteria a process for setting site-specific values. Tom also talked about some implementation issues that are not part of Chapter 583 but could be influenced by the draft rule if it was adopted. Gregg Wood of Maine DEP talked about potential impacts that Chapter 583 would have on wastewater discharge permits.

Questions about Chapter 583

Q. Will Chapter 583 include sampling orthophosphate?

A. Chapter 583 focuses on total phosphorus, but water quality studies could include orthophosphate to help estimate the portion of phosphorus that is more easily utilized by algae.

Q. What assumptions were included in cost estimates and how many samples were included in studies to determine if a site-specific total phosphorus value is appropriate?

A. The cost analysis example in the presentation assumed monthly samples but some studies may require more frequent sample collection.

Q. What is the timeline for the rulemaking?

A. The start of the Chapter 583 rulemaking has not been scheduled yet. The rulemaking will be through the Board of Environmental Protection and generally takes approximately six months.

Q. Could you explain why some TP and environmental values are based on the 75th percentile and others are based on the 90th percentile of available data?

A. The U.S. Environmental Protection Agency recommends the 75th percentile. The Department followed this guidance and used the 75th percentile, except for data collected from minimally disturbed reference sites (>95% of upstream watershed consisting of forest and wetlands). For minimally disturbed reference sites, the Department used the 90th percentile because it did not want to settle on a value that approximately 25% of the State's best streams and rivers would not attain.

Q. Will the Department continue to focus water quality monitoring in different regions of the state on a 5-year rotating schedule?

A. Yes, no change anticipated.

Discharge Permit Issues

Comment. Many participants expressed support for using August median flow, instead of 7Q10 flow, in calculations to determine reasonable potential.

Q. When would the Department start using the TP values in Chapter 583 to determine reasonable potential?

A. The Department determines if a discharge would have a reasonable potential of causing water quality to not attain water quality standards. If Chapter 583 is adopted, then the Department would start using the TP values in Chapter 583 in reasonable potential analysis when issuing a new permit or renewing an existing permit.

Q. How will DEP support costs if upgrades to treatment infrastructure is required?

A. The Department acknowledges that some potential treatment upgrades could be expensive. The Department will work with facilities with compliance schedules, develop financial plans, and find assistance through the State Revolving Fund (SRF) program and other grants.

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Q. Would districts that are not permitted to discharge during the summer months still be subject to this rule?

A. Yes, they are subject to the rule, but the reasonable potential calculation would take into account the lack of summer discharge.

Q. What will be the impact to systems like schools who chlorinate their effluent and discharge to small streams? Will existing permits change?

A. Chapter 583 would not change these permits.

Comment. The Houlton Water Company has over 20 years of experience with managing the discharge of phosphorus to the Meduxnekeag River. License limits were imposed and reducing P levels required a fairly expensive nutrient treatment system, but water quality in the river as improved a lot.

Q. The St. John River receives wastewater effluent from Canada. How will that factor into P limits for U.S. facilities?

A. The Department will evaluate the P concentration coming from upstream when determining the impacts of an individual discharge in the United States.

Q. How will currently unregulated private industrial/commercial (even residential) stormwater dischargers be addressed?

A. The proposed rule does not change how stormwater is regulated. If stormwater is contributing of nutrient enrichment, then the Department would certainly consider that and try to reduce the discharge of nutrients.