



## Submission Guidelines

### Proposals for Changes to Maine Water Quality Standards Under Triennial Review

#### **Introduction**

Maine's Water Quality Standards (WQS) are one of the principal foundations for the protection of water quality in Maine in accordance with federal and state clean water laws. Maine's Water Classification Program, and the WQS contained therein, is designed to restore and maintain the chemical, physical and biological integrity of the State's waters and to preserve certain pristine state waters. A listing of existing WQS may be found on the [Water Quality Standards](#) web page maintained by the Maine Department of Environmental Protection (MEDEP).

The federal Clean Water Act (§ 303(c)(1); [40 CFR Part 131.20](#)) requires that states periodically, but at least once every 3 years, hold public hearings for the purpose of reviewing water quality standards and, as appropriate, modifying and developing standards. Maine Statute contains similar language in [38 M.R.S. § 464.3.B.](#), which states that the Board of Environmental Protection shall, from time to time, but at least once every 3 years, hold public hearings for the purpose of reviewing the water quality classification system and related standards and, as appropriate, recommending changes in the standards to the Legislature. This process, known as the Triennial Review, requires consultation with the public and interested state and federal agencies.

The Department is now embarking on a Triennial Review, which is expected to extend into 2022 for any required legislation. A tentative timetable is provided below. You are invited to submit proposals to the Department for changes to existing WQS, including the water quality classification of specific surface waters. Proposals for new standards may also be submitted. Please note submission guidelines as detailed below. **Proposals are due by the close of business on Tuesday, March 31, 2020.**

In addition to proposals for changes to any WQS, MEDEP also invites comments on the 2018 update to recreational water quality criteria for bacteria for fresh and estuarine and marine waters as specified in 38 M.R.S. §§ [465](#), [465-A](#) and [465-B](#). Specifically, MEDEP invites comments on the seasonal applicability of criteria. For Classes B, C, SB and SC, the seasonality was extended from historically May 15 to September 30, to April 15 to October 31. The Department also welcomes comments on other aspects of the existing criteria, such as the magnitude or duration (over any 90-day period).

### **Tentative Timetable**

*Note that the timetable is highly dependent on the number and difficulty of proposed changes received, and as a result may shift significantly.*

<b>Expected Timeframe</b>	<b>Step</b>
Jan - Mar 2020	<ul style="list-style-type: none"><li>• Solicit public input</li></ul>
Spring - Summer 2020	<ul style="list-style-type: none"><li>• MEDEP review of proposals</li><li>• Hold stakeholder group meetings as needed</li><li>• Develop 1st set of draft updates</li></ul>
Fall 2020	<ul style="list-style-type: none"><li>• Conduct public review of proposed updates (public comment period, 2-3 public meetings around Maine)</li></ul>
Winter 2020/2021	<ul style="list-style-type: none"><li>• Develop 2nd set of draft updates</li></ul>
Spring 2021	<ul style="list-style-type: none"><li>• Board of Environmental Protection (BEP) conducts public review of proposed updates (public comment period, 1 public hearing)</li><li>• BEP final vote on updated proposal</li></ul>
Spring – Summer 2021	<ul style="list-style-type: none"><li>• Develop 3rd set of draft updates</li></ul>
Summer 2021	<ul style="list-style-type: none"><li>• BEP vote</li></ul>
Winter/Spring 2021/2022	<ul style="list-style-type: none"><li>• Legislative phase</li></ul>
Summer/Fall 2022	<ul style="list-style-type: none"><li>• Submit approved updates to EPA</li></ul>

### **Submit Questions and Proposals to:**

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Subject: "WQS change proposal"

### **Submission Guidelines**

#### **Information to be Submitted with Proposals for Water Quality Standard Changes**

1. Citation for standard or rule to be changed.
  - Appendix A provides a summary of the statutory uses and criteria that apply to each waterbody type.
2. Details of proposed change in standard or rule
  - Clearly identify proposed changes, for example by using strike-out formatting for deleted language and underlining for new language
3. Provide a statement that justifies why the standard or rule should be changed as proposed.

4. State how the proposed change will affect stakeholders, for example holders of wastewater or stormwater discharge permits or holders of land-development permits; municipalities; or the general public.

### **Information to be Submitted with Proposals for New Water Quality Standards**

1. Details of proposed new standard - provide as much detail as possible.
2. Provide a statement that describes why a new standard is needed.
3. State how the new standard may affect stakeholders, for example holders of wastewater or stormwater discharge permits or holders of land-development permits; municipalities; or the general public.

### **Information to be Submitted with Re-Classification Proposals**

1. Waterbody name, town.
2. Location of proposed change in classification
  - Provide features easily identified on a DeLorme Atlas map or include Geographic Information System (GIS) coordinates; if possible, submit a map with the proposed area clearly marked.
  - Provide the exact geographic limits of the proposed change.
3. Write a brief statement that describes why the waterbody should be considered for a classification change.
  - For Class AA and SA proposals, identify the waterbody's qualifications for "Outstanding ecological, social, scenic, economic or recreational importance".
4. State how the proposed change will affect other users of the waterbody, for example holders of wastewater or stormwater discharge permits or holders of land-development permits.
5. Provide water quality data if available (including source of data) that documents the attainment status of the candidate waterbody relative to the designated uses and criteria of the proposed classification.
6. Provide a summary of known human activities in the watershed of the proposed re-classification that might jeopardize attainment of standards of the proposed classification, for example land-use altering activities, landfills, hazardous waste sites, wastewater discharges, etc.

### **What do you need to know for re-classification proposals?**

- All water quality classifications for Maine waterbodies are designed to attain the Interim Goals of the U.S. Clean Water Act or higher. Appendix A provides a summary of the uses and criteria that apply to each water quality classification of rivers and streams, and estuarine and marine waters. By state law, all of Maine's lakes and ponds are assigned to Class GPA so there are no classification options.

- Maine's Water Quality Classification System is goal-based.  
*When proposing an upgrade in classification, recommend waters that either presently attain, or with reasonable application of improved treatment or Best Management Practices (BMPs) could reasonably be expected to attain, the standards and criteria of a higher proposed class.*
- In Classes AA, A and SA Maine law places significant restrictions on human activities that might pose a risk of degradation of water quality. More allowances for human activities are permitted in Classes B, C, SB and SC. For example, Class AA prohibits wastewater discharge and hydropower while Class B allows these activities.  
*When proposing a waterbody for upgrade in classification consider the interests and activities of other users of the resource and how the proposed change in classification may affect them.*
- If you are proposing a downgrade for a waterbody or waterbody segment, be aware that downgrades are only approved by the Department and the U.S. Environmental Protection Agency when it can be proven that it is impossible for the waterbody to attain its assigned standards and criteria.

## Appendix A

### Designated Uses and Criteria for Maine River and Stream Classifications

**Note:** See [38 M.R.S. Article 4-A §464](#) Classification of Maine waters and [38 M.R.S. Article 4-A §465](#) Standards for classification of fresh surface waters for complete text.

Class	Designated Uses*	Dissolved Oxygen Numeric Criteria	Bacteria ( <i>E. coli</i> ) Numeric Criteria	Habitat Narrative Criteria	Aquatic Life (Biological) Narrative Criteria**
Class AA	Habitat for fish and other aquatic life Drinking water after disinfection Fishing* Agriculture Recreation in/on the water Navigation	As naturally occurs	As naturally occurs but may not exceed geometric mean of 64/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval	Free flowing and natural	No direct discharge of pollutants***; as naturally occurs**
Class A	Habitat for fish and other aquatic life Drinking water after disinfection Fishing* Agriculture Recreation in/on the water Navigation Hydropower unless prohibited by 12 M.R.S. § 403 Industrial process/cooling water	7 ppm or 75% saturation From 10/1 to 5/14, 7-day mean concentration not less than 9.5 ppm and 1-day minimum concentration not less than 8.0 ppm in identified fish spawning areas	As naturally occurs but may not exceed geometric mean of 64/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval	Natural	As naturally occurs**
Class B	Habitat for fish and other aquatic life Drinking water after treatment Fishing* Agriculture Recreation in/on the water Navigation Hydropower unless prohibited by 12 M.R.S. § 403 Industrial process/cooling water	7 ppm or 75% saturation From 10/1 to 5/14, 7-day mean concentration not less than 9.5 ppm and 1-day minimum concentration not less than 8.0 ppm in identified fish spawning areas	May not exceed geometric mean of 64/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval from 4/15 to 10/31	Unimpaired	Discharges may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all indigenous aquatic species without detrimental changes to the resident biological community.**
Class C	Habitat for fish and other aquatic Life Drinking water after treatment Fishing* Agriculture Recreation in/on the water Navigation Hydropower unless prohibited by 12 M.R.S. § 403 Industrial process/cooling water	5 ppm or 60% saturation but must maintain WQ sufficient for spawning in identified fish spawning areas 6.5 ppm (monthly average) at 22° and 24°C	May not exceed geometric mean of 100/100 ml over 90-day interval or 236/100 ml in more than 10% of samples in any 90-day interval from 4/15 to 10/31		Discharges may cause some changes to aquatic life, but the receiving waters must be of sufficient quality to support all species of indigenous fish and maintain the structure and function of the resident biological community.**

\* [38 M.R.S. Article 4-A §§466.10-A](#) and [466-A](#) establish a sustenance fishing use as a subcategory of the applicable Fishing designated use. The sustenance fishing subcategory is applicable to certain waters as specified in [38 M.R.S. Article 4-A §§467](#) and [468](#).

\*\* Numeric biocriteria in Maine rule [Chapter 579](#), Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams.

\*\*\* Limited exceptions apply.

## Designated Uses and Criteria for Maine's Lake and Pond Classification

**Note:** See [38 M.R.S. Article 4-A §464](#) Classification of Maine waters and [38 M.R.S. Article 4-A §465-A](#) Standards for classification of lakes and ponds for complete text.

Class	Designated Uses*	Bacteria ( <i>E. coli</i> ) Numeric Criteria	Habitat Narrative Criteria	Aquatic Life (Biological) Narrative Criteria
Class GPA	Habitat for fish and other aquatic life Drinking water after disinfection Fishing* Agriculture Recreation in/on the water Navigation Hydropower Industrial process/cooling water	May not exceed geometric mean of 29/100 ml over 90-day interval or 194/100 ml in more than 10% of samples in any 90-day interval	Natural	No direct discharge of pollutants**; as naturally occurs Stable or improving trophic state Free from culturally induced algal blooms Shoreline and watershed activities must not cause trophic degradation

\* [38 M.R.S. Article 4-A §§466.10-A](#) and [466-A](#) establish a sustenance fishing use as a subcategory of the applicable Fishing designated use. The sustenance fishing subcategory is applicable to certain waters as specified in [38 M.R.S. Article 4-A §§465-A](#) and [467](#).

\*\* Limited exceptions apply.

## Designated Uses and Criteria for Maine Estuarine and Marine Classifications

**Note:** See [38 MRS Article 4-A §465-B](#) Standards for classification of estuarine and marine waters for complete text.

Class	Designated Uses*	Dissolved Oxygen Numeric Criteria	Bacteria Numeric Criteria	Habitat Narrative Criteria	Estuarine and Marine Life Narrative Criteria
Class SA	Habitat for fish and other estuarine and marine life Recreation in/on the water Fishing* Aquaculture Shellfish propagation and harvesting Navigation	As naturally occurs	As naturally occurs but enterococcus may not exceed geometric mean of 8/100 ml in any 90-day interval or 54/100 ml in more than 10% of samples in any 90-day interval.	Free flowing and natural	As naturally occurs; no direct discharge of pollutants**
Class SB	Habitat for fish and other estuarine and marine life Recreation in/on the water Fishing* Aquaculture Shellfish propagation and harvesting Navigation Industrial process/cooling water Hydropower	Not less than 85% of saturation	Enterococcus may not exceed geometric mean of 8/100 ml in any 90-day interval or 54/100 ml in more than 10% of samples in any 90-day interval from 4/15 to 10/31. Not to exceed criteria of National Shellfish Sanitation Program for shellfish harvesting.	Unimpaired	Discharges may not cause adverse impact to estuarine and marine life in that the receiving waters must be of sufficient quality to support all indigenous estuarine and marine species without detrimental changes in the resident biological community. Discharge not to cause closure of shellfish areas.
Class SC	Habitat for fish and other estuarine and marine life Recreation in/on the water Fishing* Aquaculture Shellfish propagation and restricted harvesting Navigation Industrial process/cooling water Hydropower	Not less than 70% of saturation	Enterococcus may not exceed geometric mean of 14/100 ml in any 90-day interval or 94/100 ml in more than 10% of samples in any 90-day interval from 4/15 to 10/31. Not to exceed criteria of National Shellfish Sanitation Program for restricted shellfish harvesting.		Discharges may cause some changes to estuarine and marine life but the receiving waters must be of sufficient quality to support all species of indigenous fish and maintain the structure and function of the resident biological community.

\* [38 M.R.S. Article 4-A §§466.10-A](#) and [466-A](#) establish a sustenance fishing use as a subcategory of the applicable Fishing designated use. The sustenance fishing subcategory is applicable to certain waters as specified in [38 M.R.S. Article 4-A §469](#).

\*\* Limited exceptions apply.