



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

January 25, 2005

Dawn Gallagher, Commissioner
Maine Department of Environmental Protection
#17 State House Station
Augusta, Maine 04333-0017

SUBJECT: EPA Review of 2004-submitted Water Quality Standard Revisions

Dear Commissioner Gallagher:

This is in response to your May 14, 2004 request for Environmental Protection Agency (EPA) approval of statutory and regulatory amendments of the surface water quality standards administered by the Maine Department of Environmental Protection (DEP), Bureau of Land & Water Quality. These amendments were certified by Maine's Assistant Attorney General in the Natural Resources Division as having been duly adopted pursuant to State law. EPA has completed its review of these amendments as required by §303(c) of the Clean Water Act, 33 U.S.C. §1313(c). I am pleased to approve most of the changes as described further below.

I congratulate you and your staff for a very impressive effort, particularly with regard to the adoption of Chapter 579 of DEP's Rules: Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams. Adoption of this rule is a noteworthy event in DEP's long history as a national leader in the development and implementation of biological criteria. This quantitative methodology for interpreting Maine's narrative biological criteria and aquatic life uses for rivers and streams will strengthen Maine's ability to protect its waters and further progress towards achieving the goals and objective of the Clean Water Act.

Pursuant to §303(c)(2) of the Clean Water Act and 40 C.F.R. Part 131, and based on my determination that the approved revisions are consistent with the requirements of §303 of the Act, I hereby approve the following revised standards:

- ▶ **Legislative Chapter 418 [specifically, §420 (1-B)(A), (C), (D), and (E)]**, which establishes mercury ambient water quality criteria to protect aquatic life, and criteria for human health protection based on a concentration in fish tissue, that are consistent with EPA's current Clean Water Act §304(a) criteria guidance.
- ▶ **Legislative Chapter 551, §6**, which reverses an earlier change to statute and ensures that a hearing will be held at least once every three years for the purpose of reviewing Maine's water quality standards, and revising them as appropriate, consistent with 40 C.F.R. §131.20.

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